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Rules and Regulations

Federal Register
Vol. 65, No. 33
Thursday, February 17, 2000

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 99–102–1]

Ports Designated for Exportation of Horses; Dayton, OH

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the ''Inspection and Handling of Livestock for Exportation'' regulations by adding Dayton International Airport in Dayton, OH, as a port of embarkation and Instone Air Services, Inc., as the export inspection facility for equines for that port. This action will update the regulations by adding a port of embarkation and an export inspection facility through which horses may be processed for export.

DATES: This rule will be effective on April 17, 2000, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before March 20, 2000. If adverse comment is received, we will publish a timely withdrawal of this rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to: Docket No. 99–102–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–102–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Morley Cook, Senior Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–6479.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, ''Inspection and Handling of Livestock for Exportation'' (referred to below as the regulations), prescribe conditions for exporting animals from the United States. The regulations state, among other things, that all animals, except animals exported by land to Canada or Mexico, must be exported through designated ports of embarkation, unless the exporter can show that the animals would suffer undue hardship if they were required to be moved to a designated port of embarkation.

Paragraph (a) of § 91.14 contains a list of designated ports of embarkation and export inspection facilities. To receive designation as a port of embarkation, a port must have an export inspection facility available for inspecting, holding, feeding, and watering animals prior to exportation. The facility must meet requirements in § 91.14(c) concerning its physical construction and size, inspection implements, cleaning and disinfection, feed and water, access by inspectors, animal handling arrangements, testing and treatment of animals, location, disposal of animal wastes, lighting, office and restroom facilities, and walkways.

Instone Air Services, Inc., operates a facility at Dayton International Airport in Dayton, OH, that has served as an export inspection facility for equines on a case-by-case basis since February 1, 1999. The company has requested that we approve its facility as a permanent export inspection facility, enabling it to contract for shipments of equines without first having to ask for permission from the Animal and Plant Health Inspection Service (APHIS). Instone Air Services, Inc., built its facility specifically for moving horses to and from Canada. The facility has passed an APHIS inspection and meets all the requirements for use as an export inspection facility for equines. It can be supported by the two APHIS veterinary medical officers (VMO's) in our Ohio/West Virginia area office and, if need be, can also be supported by a VMO from the Eastern Region. The number of equines moved through the Instone Air Services, Inc., facility has increased to the extent that the facility could function effectively and efficiently on a permanent basis. Therefore, we are amending the regulations by adding Dayton International Airport to the list of ports of embarkation in § 91.14(a) and by adding Instone Air Services, Inc., as the export inspection facility for equines for that port.

This rule will amend § 91.14(a) in accordance with the procedures explained below under **DATES**.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the **Federal Register** unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the **Federal Register**.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final

rule will become effective 60 days following its publication. We will publish a document to this effect in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are amending the regulations by adding Dayton International Airport to the list of ports of embarkation in § 91.14(a) and by adding Instone Air Services, Inc., as the export inspection facility for equines for that port. Dayton International Airport and the Instone Air Services, Inc., facility in Dayton, OH, are already being used as a port of embarkation and an export inspection facility, respectively, for equines on a case-by-case basis under the regulations in § 91.14(c). Adding them to the list of permanent facilities appears warranted because the number of equines exported from Dayton International Airport has increased to the point that the Instone Air Services, Inc., facility could function effectively and efficiently on a permanent basis.

The following analysis addresses the economic effect the direct final rule will have on small entities, as required by the Regulatory Flexibility Act.

Affected entities include horse farms, operators of racing stables, and horse race trainers that use the export inspection facility. These entities will benefit from this rule due to an increase in transportation alternatives and a decrease in transportation costs. Horse farms with annual revenue less than $500,000, and operators of racing stables and horse race trainers with annual revenue of less than $5 million, are considered small entities by the Small Business Administration. At least some of the affected entities are considered small entities, but we do not know how many there are or to what extent they will benefit from this rule.

Affected entities also include Instone Air Services, Inc., which has been operating an export inspection facility authorized to process equines for export on a case-by-case basis since February 1, 1999, and Emory Worldwide Airline, the carrier that has been transporting horses to and from Dayton International Airport for the past year. In 1999, Instone Air Services, Inc., arranged for the direct shipment of 10 horses to Canadian destinations on 5 Emory Worldwide Airline flights out of Dayton, OH. Another three horses were shipped by air from Dayton, OH, to Rochester, NY, and then moved by surface transportation across the border to Canada. All 13 horses also returned to the United States through Dayton, OH. Instone Air Services, Inc., is projecting a small increase in business for 2000; this rule will enable the company to handle the increase more efficiently. Instone Air Services, Inc., is considered a small entity; Emory Worldwide Airline is not. However, both are expected to benefit by this rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 91 as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 136, 136a, 612, 613, 614, and 618; 46 U.S.C. 466a and 466b; 49 U.S.C. 1509(d); 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 91.14, paragraph (a)(13) is revised to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(13) *Ohio.*

(i) Dayton International Airport.

(A) Instone Air Services, Inc., (equines only), 1 Emory Plaza, Dayton International Airport, Vandalia, OH 45377, (970) 382–0002.

(B) [Reserved].

(ii) Wilmington—airport only.

(A) Airborne Express Animal Export Facility, 145 Hunter Drive, Wilmington, OH 96701, (513) 382–5591.

(B) [Reserved].

* * * * *

Done in Washington, DC, this 11th day of February 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–3833 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 98–096–2]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by establishing new program classifications and providing new or modified sampling and testing procedures for Plan participants and participating flocks. These changes were voted on and approved by the voting delegates at the Plan's 1998 National Plan Conference. These changes will keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

EFFECTIVE DATE: March 20, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 200, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as

''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers must qualify as ''U.S. Pullorum-Typhoid Clean'' before participating in any other Plan program. Also, the regulations in 9 CFR part 82, subpart C, which provide for certain testing, restrictions on movement, and other restrictions on certain chickens, eggs, and other articles due to the presence of *Salmonella enteritidis,* require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified ''U.S. S. Enteritidis Monitored'' under the Plan or have met equivalent requirements for *S. enteritidis* control, in accordance with 9 CFR 145.23(d), under official supervision.

The Plan identifies States, flocks, hatcheries, and dealers that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145 and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

On August 10, 1999, we published in the **Federal Register** (64 FR 43301–43314, Docket No. 98–096–1) a proposal to amend the regulations to:

1. Establish two new classifications: ''U.S. Avian Influenza Clean'' for primary and multiplier egg- and meat-type breeding chicken flocks and ''U.S. Mycoplasma Meleagridis Clean State, Turkeys.''

2. Identify the agar gel immunodiffusion (AGID) test and the enzyme-linked immunosorbent assay (ELISA) as official tests for avian influenza in the Plan.

3. Allow the use of Food and Drug Administration (FDA) approved feed sanitizing agents or salmonella control products in certain chicken and turkey breeding flocks.

4. Eliminate references to *Salmonella typhimurium* throughout the regulations.

5. Add the colony lift assay for group D salmonella and eliminate the referral of all group D salmonella to APHIS' National Veterinary Services Laboratories (NVSL) in the laboratory protocol for isolation and identification of salmonella in breeding turkeys.

6. Make several changes to the duties of the General Conference Committee of the NPIP.

7. Establish technical protocol for culturing chick meconium.

8. Provide for the use of either chick papers or meconium as testing samples in the ''U.S. Salmonella Monitored'' program of meat-type breeding chickens.

9. Amend the procedure for determining the status of a flock reacting to tests for *Mycoplasma gallisepticum, M. synoviae,* and *M. meleagridis.*

10. Provide for the participation of emu, rhea, and cassowary breeding flocks in the provisions of the Plan.

11. Remove exceptions to the requirements for pullorum typhoid clean States that pertain to turkey hatcheries or supply flocks.

12. Add or amend several definitions.

We solicited comments concerning our proposal for 60 days ending on October 12, 1999. We received one comment by that date. The comment was from a retired State animal health official. The commenter suggested that the 35 °C plate incubation temperature called for in paragraph (f) of proposed § 147.18, ''Chick meconium testing procedure for salmonella,'' be changed to 37 °C, which is the temperature used for the incubation of plates in the procedure set forth in the current regulations in paragraph (a) of § 147.11, ''Laboratory procedure recommended for the bacteriological examination of salmonella.'' We agree that the incubation temperature in §§ 147.11(a) and 147.18(f) should be consistent and have made the commenter's suggested change in § 147.18(f) of this final rule.

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

Executive Order 12866 and Regulatory Flexibility Act

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

The changes contained in this document are based on the recommendations of representatives of member States, hatcheries, dealers, flockowners, and breeders who took part in the Plan's 1998 National Plan Conference. This rule amends the Plan and its auxiliary provisions by establishing new program classifications and providing new or modified sampling and testing procedures for Plan participants and participating flocks. These changes, which were voted on and approved by the voting delegates at the Plan's 1998 National Plan Conference, will keep the provisions of the Plan current with changes in the poultry industry and provide for the use of new sampling and testing procedures.

The Plan serves as a ''seal of approval'' for egg and poultry producers in the sense that tests and procedures recommended by the Plan are considered optimal for the industry. In all cases, the changes made by this rule have been generated by the industry itself with the goal of reducing disease risk and increasing product marketability. Because participation in the Plan is voluntary, individuals are likely to remain in the program as long as the costs of implementing the program are lower than the added benefits they receive from the program.

Assuming they wished to voluntarily remain in the program, the cost to comply with this rule's protocols, tests, classification schemes, etc. will be borne primarily by the approximately 12 primary breeders in NPIP. However, the net economic effect of the changes on those breeders is expected to be positive over the long term. This is because the breeders' compliance costs should be more than offset by the expected benefits resulting from compliance (i.e., increased U.S. poultry exports). U.S. exports are expected to increase because, by serving to reduce disease risk, the protocols and procedures should make domestic poultry more marketable in foreign markets. That the net economic effect of the changes on the poultry industry is expected to be positive is evidenced by the fact that it was the NPIP's industry participants who initiated the changes.

The precise dollar amount of the costs that the breeders will incur to comply with this rule is not available. However, those costs are not expected to be significant, especially since many of the changes are no more than technical corrections to the provisions of the Plan or are intended to bring those provisions into conformity with current developments in the scientific community. In 1997, the dollar value of U.S. exports of meat and edible offal of poultry (fresh, chilled, and frozen) totaled $2.2 billion (World Trade Atlas, September 1998 edition). Even if exports increase by only 1 percent as a result of this rule, the benefit would be $22 million.

In any event, the breeder participants in NPIP always have the option of withdrawing from the Plan, in which case they would not be subject to this rule. As indicated above, industry participation in the NPIP is voluntary.

Economic Effects on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small entities (i.e., small businesses, organizations, and governmental jurisdictions). This rule is not expected to have a significant economic effect on a substantial number of small entities, if for no other reason than few, if any, of those entities most affected by its provisions—NPIP-participating breeders and producers—are small in size. The U.S. Small Business Administration's small entity threshold for almost all standard industrial classification categories for poultry and egg producers is annual revenues of $0.5 million or less. We believe that most, if not all, breeders and producers participating in the Plan generate annual revenues in excess $0.5 million.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0007.

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR parts 145 and 147 as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 145.1 is amended as follows:

a. The definition of *authorized laboratory* is revised to read as set forth below.

b. The definition of *baby poultry* is revised to read as set forth below.

c. A new definition of *independent flock* is added, in alphabetical order, to read as set forth below.

d. The definition of *poultry* is amended by adding the words ''emus, rheas, cassowaries,'' immediately after the word ''ostriches,''.

e. The definition of *S. typhimurium infection or typhimurium* is removed.

§ 145.1 Definitions.

* * * * *

Authorized laboratory. A laboratory designated by an Official State Agency, subject to review by the Service, to perform the blood testing and bacteriological examinations provided for in this part. The Service's review will include, but will not necessarily be limited to, checking records, laboratory protocol, check-test proficiency, periodic duplicate samples, and peer review. A satisfactory review will result in the authorized laboratory being recognized by the Service as a nationally approved laboratory qualified to perform the blood testing and bacteriological examinations provided for in this part.

Baby poultry. Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.).

* * * * *

Independent flock. A flock that produces hatching eggs and that has no ownership affiliation with a specific hatchery.

* * * * *

§ 145.3 [Amended]

3. In § 145.3, the introductory text of paragraph (c) is amended by adding the words ''emus, rheas, cassowaries,'' immediately after the word ''ostriches,''.

4. In § 145.6, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 145.6 Specific provisions for participating hatcheries.

* * * * *

(e) Any nutritive material provided to baby poultry must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

* * * * *

5. In § 145.10, new paragraphs (r) and (s) are added to read as follows:

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(r) *U.S. Avian Influenza Clean.* (See §§ 145.23(h) and 145.33(l).)

BILLING CODE 3410–34–P

FIGURE 19

(s) *U.S. M. Meleagridis Clean State, Turkeys.* (See § 145.44(e).)

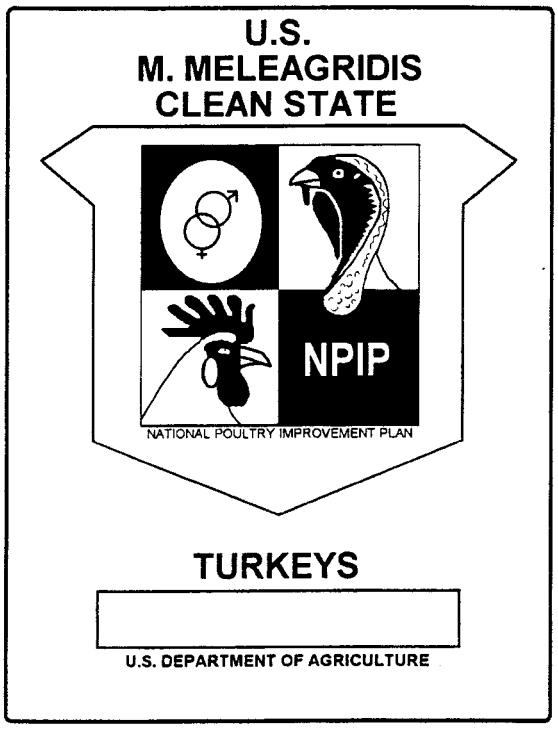

FIGURE 20

BILLING CODE 3410–34–C

6. Section 145.14 is amended as follows:

a. In the introductory text, at the end of the first sentence, the words ''and ostriches blood tested under subpart F must be more than 12 months of age'' are removed and the words ''and ostrich, emu, rhea, and cassowary candidates must be blood tested when at least 12 months of age or upon reaching sexual maturity, depending upon the species and at the discretion of the Official State Agency'' are added in their place.

b. A new paragraph (d) is added to read as follows:

§ 145.14 Blood testing.

* * * * *

(d) *For avian influenza.* The official blood tests for avian influenza are the agar gel immunodiffusion (AGID) test and the enzyme-linked immunosorbent assay (ELISA).

(1) The AGID test must be conducted on all ELISA-positive samples. Positive tests by AGID or ELISA must be further tested by Federal Reference Laboratories. Final judgment may be based upon further sampling or culture results.

(2) The tests must be conducted using antigens or test kits approved by the Department and the Official State Agency and must be performed in accordance with the recommendations of the producer or manufacturer.

* * * * *

7. In § 145.21, the definition of *chicks* is revised to read as follows:

§ 145.21 Definitions.

* * * * *

Chicks. Newly hatched chickens.

* * * * *

8. In § 145.22, a new paragraph (e) is added to read as follows:

§ 145.22 Participation.

* * * * *

(e) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

9. Section 145.23 is amended as follows:

a. In paragraph (b)(3)(i), the words '', except turkey hatcheries,'' are removed.

b. In paragraph (b)(3)(ii), the words '', except turkey flocks,'' are removed.

c. In paragraph (b)(3)(viii), the words '', other than turkey flocks,'' are removed.

d. In paragraph (b)(4), the words '', other than turkey, waterfowl, exhibition poultry, and game bird supply flocks,'' are removed.

e. Paragraph (d)(1)(ii)(B) is revised to read as follows.

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(B) Mash feed may contain no animal protein other than an APPI animal protein product supplement manufactured in pellet form and crumbled: *Provided,* that mash feed may contain nonpelleted APPI animal protein product supplements if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

* * * * *

f. A new paragraph (h) is added to read as follows:

(h) *U.S. Avian Influenza Clean.* This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met one of the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian

influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) It is a multiplier breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 180-day period.

* * * * *

10. In § 145.31, the definition of *chicks* is revised to read as follows:

§ 145.31 Definitions.

* * * * *

Chicks. Newly hatched chickens.

* * * * *

11. In § 145.32, a new paragraph (d) is added to read as follows:

§ 145.32 Participation.

* * * * *

(d) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

12. Section 145.33 is amended as follows:

a. In paragraph (b)(3)(i), the words ‘‘, except turkey hatcheries,’’ are removed.

b. In paragraph (b)(3)(ii), the words ‘‘, except turkey flocks,’’ are removed.

c. In paragraph (b)(3)(viii), the words ‘‘, other than turkey flocks,’’ are removed.

d. In paragraph (b)(4), the words ‘‘, other than turkey, waterfowl, exhibition poultry, and game bird supply flocks,’’ are removed.

e. In paragraph (h)(1)(ii)(A), at the end of the first sentence, the acronym ‘‘(NMFS)’’ is added after the word ‘‘Service’’.

f. Paragraph (h)(1)(ii)(B) is revised to read as set forth below.

g. Paragraph (i)(1)(vi) is amended by removing the words ‘‘meconium and’’ and adding the words ‘‘meconium or’’ in their place.

h. A new paragraph (l) is added to read as follows.

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(h) * * *

(1) * * *

(ii) * * *

(B) Mash feed may contain no animal protein other than an APPI/NMFS animal protein product supplement manufactured in pellet form and crumbled: *Provided,* that mash feed may contain nonpelleted APPI/NMFS animal protein product supplements if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

* * * * *

(l) *U.S. Avian Influenza Clean.* This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met one of the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) It is a multiplier breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 180-day period.

* * * * *

13. In § 145.41, the definition of *poults* is revised to read as follows:

§ 145.41 Definitions.

* * * * *

Poults. Newly hatched turkeys.

14. In § 145.42, a new paragraph (d) is added to read as follows:

§ 145.42 Participation.

* * * * *

(d) Any nutritive material provided to poults must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

15. In § 145.43, paragraphs (f)(3)(ii) and (f)(3)(iii) are revised to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(f) * * *

(3) * * *

(ii) Initial feed for poults to 2 weeks of age must be manufactured in pellet form. Initial feed may contain no animal protein other than animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service (NMFS). Finished feed must be treated with a Food and Drug Administration (FDA) approved salmonella control product at FDA-approved levels.

(iii) Succeeding feed for turkeys 2 weeks or older must be either:

(A) Pelleted feed that meets the requirements of paragraph (f)(3)(ii) of this section; or

(B) Mash feed that contains no animal protein products; or

(C) Mash feed that contains an APPI/NMFS animal protein products supplement that has been manufactured in pellet form and crumbled. Finished feed must be treated with an FDA-approved salmonella control product at FDA-approved levels.

* * * * *

16. In § 145.44, a new paragraph (e) is added to read as follows:

§ 145.44 Terminology and classification; States.

* * * * *

(e) *U.S. M. Meleagridis Clean State, Turkeys.* (1) A State will be declared a U.S. M. Meleagridis Clean State, Turkeys, if the Service determines that:

(i) No *Mycoplasma meleagridis* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Meleagridis Clean or have met equivalent requirements for *M. meleagridis* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Meleagridis Clean or have met equivalent requirements for *M. meleagridis* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those

classified as U.S. M. Meleagridis Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. meleagridis;*

(vi) All reports of *M. meleagridis* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. meleagridis* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service may revoke the State's classification as a U.S. M. Meleagridis Clean State, Turkeys, if any of the conditions described in paragraph (d)(1) of this section are discontinued. The Service will not revoke the State's classification as a U.S. M. Meleagridis Clean State, Turkeys, until it has conducted an investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

* * * * *

17. In § 145.52, a new paragraph (d) is added to read as follows:

§ 145.52 Participation.

* * * * *

(d) Any nutritive material provided to baby poultry must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.53 [Amended]

18. In § 145.53, paragraph (b) is amended as follows:

a. In paragraph (b)(3)(i), the words '', except turkey hatcheries,'' are removed.

b. In paragraph (b)(3)(ii) the words '', except turkey flocks,'' are removed.

c. In paragraph (b)(3)(viii), the words '', other than turkey flocks,'' are removed.

d. In paragraph (b)(4), the words '', other than turkey flocks,'' are removed.

19. The subpart heading for subpart F is revised to read as follows:

Subpart F—Special Provisions for Ostrich, Emu, Rhea, and Cassowary Breeding Flocks and Products

20. In 145.61, a definition of *chicks* is added, in alphabetical order, to read as follows:

§ 145.61 Definitions.

* * * * *

Chicks. Newly hatched ostriches, emus, rheas, or cassowaries.

* * * * *

21. In § 145.62, the introductory text of the section is amended by adding the words ''emus, rheas, and cassowaries,'' immediately after the word ''ostriches,'' and a new paragraph (c) is added to read as follows:

§ 145.62 Participation.

* * * * *

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.63 [Amended]

22. In § 145.63, paragraph (a)(2) is amended by adding the words '', emus, rheas, or cassowaries'' immediately after the word ''ostriches''.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

23. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.22, 2.80, and 371.2(d).

§ 147.4 [Removed and reserved]

24. Section 147.4 is removed and reserved.

25. In § 147.6, paragraph (a)(14) is revised to read as follows:

§ 147.6 Procedure for determining the status of flocks reacting to tests for Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis.

* * * * *

(a) * * *

(14) If the in vivo bio-assay, PCR-based procedures, or culture procedures are positive, the flock will be considered infected. However, the following considerations may apply:

(i) In PCR-positive flocks for which there are other negative mycoplasma test results, the flock's mycoplasma status should be confirmed through either seroconversion or culture isolation of the organism, or through both methods, before final determination of the flock's status is made.

(ii) In flocks for which only the bio-assay is positive, additional in vivo bio-assay, PCR-based procedures, or cultural examinations may be conducted by the Official State Agency before final determination of the flock's status is made.

* * * * *

§§ 147.11, 147.12, 147.14, 147.15, 147.16 [Footnotes redesignated]

26. In §§ 147.11, 147.12, 147.14, 147.15, 147.16, footnotes 6 through 22 and their references are redesignated as footnotes 7 through 23, respectively.

27. A new § 147.9 is added to read as follows:

§ 147.9 Standard test procedures for avian influenza.

(a) The agar gel immunodiffusion (AGID) test should be considered the basic screening test for antibodies to Type A influenza viruses. The AGID test is used to detect circulating antibodies to Type A influenza group-specific antigens, namely the ribonucleoprotein (RNP) and matrix (M) proteins. Therefore, this test will detect antibodies to all influenza A viruses, regardless of subtype. The AGID test can also be used as a group-specific test to identify isolates as Type A influenza viruses. The method used is similar to that described by Beard.[6] The basis for the AGID test is the concurrent migration of antigen and antibodies toward each other through an agar gel matrix. When the antigen and specific antibodies come in contact, they combine to form a precipitate that is trapped in the gel matrix and produces a visible line. The precipitin line forms where the concentration of antigen and antibodies is optimum. Differences in the relative concentration of the antigen or antibodies will shift the location of the line towards the well with the lowest concentration or result in the absence of a precipitin line. Electrolyte concentration, pH, temperature, and other variables also affect precipitate formation.

(1) *Materials needed.*

(i) Refrigerator (4 °C).

(ii) Freezer (− 20 °C).

(iii) Incubator or airtight container for room temperature (approximately 25 °C) incubations.

(iv) Autoclave.

(v) Hot plate/stirrer and magnetic stir bar (optional).

(vi) Vacuum pump.

(vii) Microscope illuminator or other appropriate light source for viewing results.

(viii) Immunodiffusion template cutter, seven-well pattern (a center well surrounded by six evenly spaced wells). Wells are 5.3 mm in diameter and 2.4 mm apart.

(ix) Top loading balance (capable of measuring 0.1 gm differences).

[6] Beard, C.W. Demonstration of type-specific influenza antibody in mammalian and avian sera by immunodiffusion. Bull. Wld. Hlth. Org. 42:779–785. 1970.

(x) Pipetting device capable of delivering 50µl portions.

(xi) Common laboratory supplies and glassware—Erlenmeyer flasks, graduated cylinders, pipettes, 100 × 15 mm or 60 × 15 mm petri dishes, flexible vacuum tubing, side-arm flask (500 mL or larger), and a 12- or 14-gauge blunt-ended cannula.

(2) *Reagents needed.*

(i) Phosphate buffered saline (PBS), 0.01M, pH 7.2 (NVSL media #30054 or equivalent).

(ii) Agarose (Type II Medium grade, Sigma Chemical Co. Cat.# A–6877 or equivalent).

(iii) Avian influenza AGID antigen and positive control antiserum approved by the Department and the Official State Agency.

(iv) Strong positive, weak positive, and negative control antisera approved by the Department and the Official State Agency (negative control antisera optional).

(3) *Preparing the avian influenza AGID agar.*

(i) Weigh 9 gm of agarose and 80 gm of NaCl and add to 1 liter of PBS (0.01 M, pH 7.2) in a 2 liter Erlenmeyer flask.

(ii) To mix the agar, either:

(A) Autoclave the mixture for 10 minutes and mix the contents by swirling after removing from the autoclave to ensure a homogeneous mixture of ingredients; or

(B) Dissolve the mixture by bringing to a boil on a hot plate using a magnetic stir bar to mix the contents in the flask while heating. After boiling, allow the agar to cool at room temperature (approximately 25 °C) for 10 to 15 minutes before dispensing into petri plates.

(iii) Agar can be dispensed into small quantities (daily working volumes) and stored in airtight containers at 4 °C for several weeks, and melted and dispensed into plates as needed.

Note: Do not use agar if microbial contamination or precipitate is observed.

(4) *Performing the AGID.* (i) *Detection of serum antibodies.*

(A) Dispense 15 to 17 mL of melted agar into a 100 × 15 mm petri plate or 5 to 6 mL agar into a 60 × 15 mm petri plate using a 25 mL pipette. The agar thickness should be approximately 2.8 mm.

(B) Allow plates to cool in a relatively dust-free environment with the lids off to permit the escape of water vapor. The lids should be left off for at least 15 minutes, but not longer than 30 minutes, as electrolyte concentration of the agar may change due to evaporation and adversely affect formation of precipitin lines.

Note: Plates should be used within 24 hours after they are poured.

(C) Record the sample identification, reagent lot numbers, test date, and identification of personnel performing and reading the test.

(D) Using the template, cut the agar after it has hardened. Up to seven template patterns can be cut in a 100×15 mm plate and two patterns can be cut in a 60×15 mm plate.

(E) Remove the agar plugs by aspiration with a 12- to 14-gauge cannula connected to a side arm flask with a piece of silicone or rubber tubing that is connected to a vacuum pump with tubing. Adjust the vacuum so that the agar surrounding the wells is not disturbed when removing the plugs.

(F) To prepare the wells, either:

(*1*) Place 50 µl of avian influenza AGID antigen in the center well using a micropipette with an attached pipette tip. Place 50 µl AI AGID positive control antiserum in each of two opposite wells, and add 50 µl per well of test sera in the four remaining wells. This arrangement provides a positive control line on one side of the test serum, thus providing for the development of lines of identity (see figure 1); or

(*2*) Place 50 µl AI AGID positive control antiserum in each of three alternate peripheral wells, and add 50 µl per well of test sera in the three remaining wells. This arrangement provides a positive control line on each side of the test serum, thus providing for the development of lines of identity on both sides of each test serum (see figure 2).

Note: A pattern can be included with positive, weak positive, and negative reference serum in the test sera wells to aid in the interpretation of results (see figure 3).

(G) Cover each plate after filling all wells and allow the plates to incubate for 24 hours at room temperature (approximately 25 °C) in a closed chamber to prevent evaporation. Humidity should be provided by placing a damp paper towel in the incubation chamber. Note: Temperature changes during migration may lead to artifacts.

(ii) *Interpretation of test results.*

(A) Remove the lid and examine reactions from above by placing the plate(s) over a black background, and illuminate the plate with a light source directed at an angle from below. A microscope illuminator works well and allows for varying intensities of light and positions.

(B) The type of reaction will vary with the concentration of antibody in the sample being tested. The positive control serum line is the basis for reading the test. If the line is not distinct, the test is not valid and must be repeated. The following types of reactions are observed (see figure 3):

(*1*) *Negative reaction.* The control lines continue into the test sample well without bending or with a slight bend away from the antigen well and toward the positive control serum well.

(*2*) *Positive reaction.* The control lines join with, and form a continuous line (line of identity) with, the line between the test serum and antigen. The location of the line will depend on the concentration of antibodies in the test serum. Weakly positive samples may not produce a complete line between the antigen and test serum but may only cause the tip or end of the control line to bend inward toward the test well.

(*3*) *Non-specific lines.* These lines occasionally are observed between the antigen and test serum well. The control lines will pass through the non-specific line and continue on into the test serum well. The non-specific line does not form a continuous line with positive control lines.

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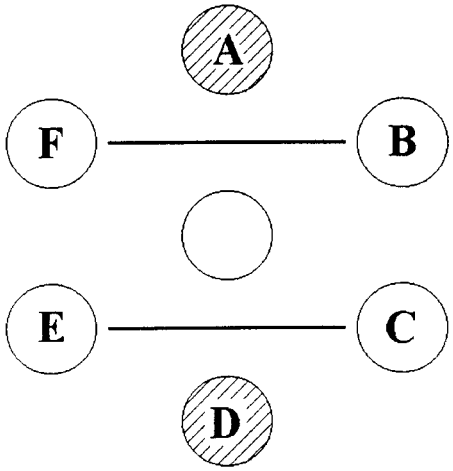

FIGURE 1.—*Immunodiffusion test that uses AI AGID antigen in the center well; AI-positive control serum in wells A and D; and AI-negative test serum in wells B, C, E, and F.*

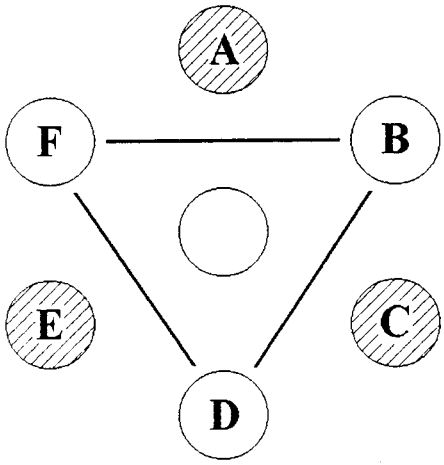

FIGURE 2.—*Immunodiffusion test that has AI AGID antigen in the center well; AI-positive control serum in wells A, C, and E; and AI-negative test serum in wells B, D, and F.*

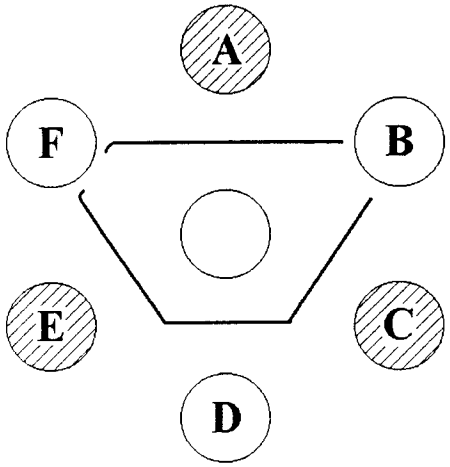

FIGURE 3.—*Immunodiffusion test that has AI AGID antigen in the center well; AI-positive control serum in wells A, C, and E; AI-negative test serum in well B; AI-positive test serum in well D; and weak positive test serum in well F.*

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(b) The enzyme-linked immunosorbent assay (ELISA) may be used as a screening test for avian influenza. Use only federally licensed ELISA kits and follow the manufacturer's instructions. All ELISA-positive serum samples must be confirmed with the AGID test conducted in accordance with paragraph (a) of this section.

§ 147.11 [Amended]

28. Section 147.11 is amended as follows:

a. In paragraph (b)(2)(iii) the words ''A group D colony lift assay may be utilized to signal the presence of the hard-to-detect group D salmonella colonies on agar culture plates.'' are added after the final sentence.

b. In paragraph (b)(2)(v), the words ''at the National Veterinary Services Laboratory'' are removed.

29. A new § 147.18 is added to read as follows:

§ 147.18 Chick meconium testing procedure for salmonella.

Procedure:

(a) Record the date, source, and flock destination on the ''Meconium Worksheet.''

(b) Shake each plastic bag of meconium until a uniform consistency is achieved.

(c) Transfer a 25 gm sample of meconium to a sterile container. Add 225 mL of a preenrichment broth to each sample (this is a 1:10 dilution), mix gently, and incubate at 37 °C for 18–24 hours.

(d) Enrich the sample with selective enrichment broth for 24 hours at 42 °C.

(e) Streak the enriched sample onto brilliant green-Novobiocin (BGN) agar and xylose-lysine-tergitol 4 (XLT4) agar.

(f) Incubate both plates at 37 °C for 24 hours and process suspect salmonella colonies according to § 147.11.

30. In § 147.43, paragraphs (d)(1) through (d)(4) are redesignated as paragraphs (d)(3) through (d)(6), respectively, and new paragraphs (d)(1), (d)(2), (d)(7), and (d)(8) are added to read as follows:

§ 147.43 General Conference Committee.

* * * * *

(d) * * *

(1) Advise and make recommendations to the Department on the relative importance of maintaining, at all times, adequate departmental funding for the NPIP to enable the Senior Coordinator and staff to fully administer the provisions of the Plan.

(2) Advise and make yearly recommendations to the Department with respect to the NPIP budget well in advance of the start of the budgetary process.

* * * * *

(7) Serve as a direct liaison between the NPIP and the United States Animal Health Association.

(8) Advise and make recommendations to the Department regarding NPIP involvement or representation at poultry industry functions and activities as deemed necessary or advisable for the purposes of the NPIP.

§ 147.45 [Amended]

31. Section 147.45 is amended by removing the words ''and E'' and adding the words ''E, and F'' in their place.

32. In § 147.46, the introductory text of paragraph (a) is amended by removing the word ''four'' and adding the word ''five'' in its place, and a new paragraph (a)(5) is added to read as follows:

§ 147.46 Committee consideration of proposed changes.

(a) * * *

(5) Ostriches, emus, rheas, and cassowaries.

* * * * *

Done in Washington, DC, this 11th day of February 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–3832 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 611 and 620

RIN 3052–AB85

Organization; Disclosure to Shareholders; Regulatory Burden; Correction

AGENCY: Farm Credit Administration (FCA).

ACTION: Correcting amendment.

SUMMARY: The Farm Credit Administration (FCA) published a direct Final rule (64 FR 43046, August 9, 1999) that reduced regulatory burden on the Farm Credit System (FCS or System) by repealing or amending 16 regulations. This document corrects technical errors in the direct final rule.

EFFECTIVE DATE: October 13, 1999.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Technical Editor, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: We inadvertently failed to make a nomenclature change in the Regulatory Burden direct final rule published on August 9, 1999 (64 FR 43046) which affected §§ 611.400 and 620.5.

List of Subjects in 12 CFR Parts 611 and 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated above, parts 611 and 620 of chapter VI, title 12 of the Code of Federal Regulations are corrected 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.

Subpart D—Rules for Compensation of Board Members

2. Section 611.400 is amended by correcting paragraph (e) to read as follows:

§ 611.400 Compensation of bank board members.

* * * * *

(e) Directors may also be reimbursed for reasonable travel, subsistence, and other related expenses in accordance with the bank's policy.

PART 620—DISCLOSURE TO SHAREHOLDERS

3. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa–11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart B—Annual Report to Shareholders

4. Section 620.5 is amended by correcting the first sentence of paragraph (i)(3)(i) to read as follows:

§ 620.5 Contents of the annual report to shareholders.

* * * * *

(i) * * *

(3) * * *

(i) Briefly describe your policy addressing reimbursements for travel, subsistence, and other related expenses

as it applies to directors and senior officers. * * *

* * * * *

Dated: February 10, 2000.

Vivian L. Portis,

Secretary Farm Credit Administration Board.

[FR Doc. 00–3681 Filed 2–16–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–174–AD; Amendment 39–11575; AD 2000–03–16]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires a one-time visual inspection of the 90 percent brake pedal position switch to determine if certain date codes are present; and corrective action, if necessary. This amendment is prompted by reports indicating that the threaded insert connectors pulled free from the casing of the 90 percent brake pedal position switch, which allowed the insert connector contact to burn through the nose wheel steering cable. The actions specified by this AD are intended to prevent the threaded insert connector from pulling free from the casing of the 90 percent brake pedal position switch and burning through the nose wheel steering cable, which could result in reduced aircraft directional control while on the ground.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57816). That action proposed to require a one-time visual inspection of the 90 percent brake pedal position switch to determine if certain date codes are present; and corrective action, if necessary.

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

Support for the Proposal

One comment supports the proposed rule.

Request for Credit for Accomplishing Original Issue of Service Bulletin

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that operators be given credit for prior accomplishment of McDonnell Douglas Service Bulletin MD11–24–71, dated June 29, 1994. (Revision 01 of that service bulletin was cited in the proposed rule as the appropriate source of service information for accomplishment of the required actions.)

The FAA concurs. Operators of airplanes on which the original issue of the service bulletin has been accomplished are given credit by a phrase that appears in paragraph (a) of the AD, as follows: ''For airplanes on which McDonnell Douglas Service Bulletin MD11–24–71, dated June 29, 1994, has not been accomplished.'' The effect of that phrase is to exclude airplanes on which the original issue of the service bulletin has been accomplished from the requirements of that paragraph, which contains the action required by this AD. No change to the final rule is necessary.

Correction of Typographical Error

The FAA has revised paragraph (a)(1) of this AD to correct a typographical error that appeared in the proposed rule. The word ''not,'' which was inadvertently included in that paragraph, has been removed from the final rule.

Conclusion

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

Cost Impact

There are approximately 91 Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 33 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,980, or $60 per airplane.

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

Regulatory Impact

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

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

Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–16 McDonnell Douglas: Amendment 39–11575. Docket 99–NM–174–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A071, Revision 01, dated May 20, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the threaded insert connector from pulling free from the casing of the 90 percent brake pedal position switch and burning through the nose wheel steering cable, which could result in reduced aircraft directional control while on the ground, accomplish the following:

(a) For airplanes on which McDonnell Douglas Service Bulletin MD11–24–71, dated June 29, 1994, has not been accomplished: Within 12 months after the effective date of this AD, perform a one-time visual inspection of the 90 percent brake pedal position switch to determine the manufacturer's date code, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A071, Revision 01, dated May 20, 1999.

(1) If no manufacturer's date code 8944 through 9033 inclusive is found on the 90 percent brake pedal position switch, no further action is required by this AD.

(2) If any manufacturer's date code 8944 through 9033 inclusive is found on the 90 percent brake pedal position switch, prior to further flight, replace the 90 percent brake pedal position switch with a new switch, in accordance with the service bulletin.

(b) As of the effective date of this AD, no person shall install a 90 percent brake pedal switch that has a manufacturer's date code of 8944 through 9033 inclusive, on any airplane.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A071, Revision 01, dated May 20, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3614 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–173–AD; Amendment 39–11574; AD 2000–03–15]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes, that requires replacement of the existing terminal strips and supports above the main cabin area; and installation of spacers between terminal strips and mounting brackets in the avionics compartment; as applicable. This amendment is prompted by a report indicating that, during flight, an incident of electrical arcing occurred at a terminal strip located overhead in the main cabin. The actions specified by this AD are intended to prevent electrical arcing caused by power feeder cable terminal lugs grounding against terminal strip support brackets, which could result in smoke and fire in the main cabin or avionics compartment.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane

Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57823). That action proposed to require replacement of the existing terminal strips and supports above the main cabin area; and installation of spacers between terminal strips and mounting brackets in the avionics compartment; as applicable.

Comments

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

Both commenters support the proposed rule.

Conclusion

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

Cost Impact

There are approximately 136 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11–24A147, dated March 24, 1999, in the worldwide fleet. The FAA estimates that 40 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required installation, and that the average labor rate is $60 per work hour. Required parts will cost approximately $445 per airplane. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be $25,000, or $625 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–15 McDonnell Douglas: Amendment 39–11574. Docket 99–NM–173–AD.

Applicability: Model MD–11 and MD–11F series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A150, dated March 25, 1999, and McDonnell Douglas Alert Service Bulletin MD11–24A147, dated March 24, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical arcing caused by power feeder cable terminal lugs grounding against terminal strip support brackets, which could result in smoke and fire in the main cabin or avionics compartment, accomplish the following:

Replacement of Terminal Strips and Supports

(a) For airplanes listed in the effectivity of McDonnell Douglas Alert Service Bulletin MD11–24A150, dated March 25, 1999, on which the modification specified in McDonnell Douglas Service Bulletin MD11–24–085, dated August 1, 1995, has not been accomplished: Within 1 year after the effective date of this AD, replace the existing terminal strips and supports above the main cabin at station Y=5–32.000 with new terminal strips and supports in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A150, dated March 25, 1999.

Installation of Spacers

(b) For airplanes listed in the effectivity of McDonnell Douglas Alert Service Bulletin MD11–24A147, dated March 24, 1999: Within 6 months after the effective date of this AD, install spacers between terminal strips and mounting brackets in the avionics compartment in accordance with the service bulletin.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The replacement and installation shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A150, dated March 25, 1999; and McDonnell Douglas Alert Service Bulletin MD11–24A147, dated March 24, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood

Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3615 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–172–AD; Amendment 39–11573; AD 2000–03–14]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires modification of the battery ground cable installation in the center accessory compartment. This amendment is prompted by reports of battery ground studs that had arced due to loose ground stud attachments. The actions specified by this AD are intended to prevent such arcing, which could cause smoke and/or fire in the center accessory compartment.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57820). That action proposed to require modification of the battery ground cable installation in the center accessory compartment.

Comments

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

The commenter supports the proposed rule.

Conclusion

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

Cost Impact

There are approximately 142 airplanes of the affected design in the worldwide fleet. The FAA estimates that 30 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane (for Option 1; bracket assembly modification) or 2 work hours per airplane (for Option 2; bracket assembly replacement) to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,204 per airplane for Option 1, or $2,115 per airplane for Option 2. Based on these figures, the cost impact of the AD on U.S. operators for Option 1 is estimated to be $41,520, or $1,384 per airplane. The cost impact of the AD on U.S. operators for Option 2 is estimated to be $67,050, or $2,235 per airplane.

The cost impact figures discussed above are 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. However, the FAA has been advised that manufacturer warranty remedies are available for some labor costs associated with accomplishing the proposed actions. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figures indicated above.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–14 McDonnell Douglas: Amendment 39–11573. Docket 99NM–172–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A141, Revision 01, dated August 23, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 arcing of the battery ground studs, which could cause smoke and/or fire in the center accessory compartment, accomplish the following:

(a) For airplanes on which McDonnell Douglas Service Bulletin MD11–24–090, dated August, 28, 1997; Revision 1, dated June 10, 1998; or Revision 2, dated May 17, 1999; has not been accomplished: Within 1 year after the effective date of this AD, accomplish the modification of the battery ground cable installation in the center accessory compartment specified in paragraph (a)(1) or (a)(2) of this AD, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A141, dated May 17, 1999, or Revision 01, dated August 23, 1999.

(1) Option 1 (Bracket Assembly Modification). Modify, reidentify, and install a modified bracket assembly; trim the nameplate; plug open holes; install the support assembly and clamp; and connect the battery ground cable with improved attachments.

(2) Option 2 (Bracket Assembly Replacement). Install a new bracket assembly; plug open holes; install the support assembly and clamp; and connect the battery ground cable with improved attachments.

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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Incorporation by Reference

(d) The modification and replacement shall be done in accordance with

McDonnell Douglas Alert Service Bulletin MD11–24A141, dated May 17, 1999, or McDonnell Douglas Alert Service Bulletin MD11–24A141, Revision 01, dated August 23, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3616 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–171–AD; Amendment 39–11572; AD 2000–03–13]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires a one-time detailed visual inspection of the wire bundle installation behind the first observer's station to detect damaged or chafed wires; and corrective action, if necessary. This amendment is prompted by a report indicating that the wire bundle contained in the feedthrough behind the first observer's station was contacting the bottom portion of the feedthrough. The actions specified by this AD are intended to prevent such contact, which could cause cable chafing, electrical arcing, smoke, or fire in the cockpit.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, CA 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57814). That action proposed to require a one-time detailed visual inspection of the wire bundle installation behind the first observer's station to detect damaged or chafed wires; and corrective action, if necessary.

Comments

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

One commenter supports the proposed rule. One commenter states that it is not affected by the proposed rule.

Conclusion

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

Cost Impact

There are approximately 63 airplanes of the affected design in the worldwide fleet. The FAA estimates that 12 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $720, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–13 McDonnell Douglas: Amendment 39–11572. Docket 99–NM–171–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A041, Revision 01, dated April 26, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 the wire bundle contained in the feedthrough from contacting the bottom of the feedthrough which could cause cable chafing, electrical arcing, and smoke or fire in the cockpit, accomplish the following:

Inspection and Modification

(a) Within 1 year after the effective date of this AD, perform a one-time detailed visual inspection of the wire bundle installation behind the first observer's station to detect damaged or chafed wires, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A041, Revision 01, dated April 26, 1999.

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

(1) For airplanes identified as Group 1 in the service bulletin: Accomplish paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) If no damaged or chafed wire is found, no further action is required by this AD.

(ii) If any damaged or chafed wire is found, prior to further flight, repair in accordance with the service bulletin;

(2) For airplanes identified as Group 2 in the service bulletin: Accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) If no damaged or chafed wire is found, within 1 year after the effective date of this AD, revise the wire bundle support clamp installation at the observer's station in accordance with the service bulletin.

(ii) If any damaged or chafed wire is found, prior to further flight, repair the wiring, and revise the wire bundle support clamp installation at the observer's station in accordance with the service bulletin.

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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A041, Revision 01, dated April 26, 1999. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3617 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–170–AD; Amendment 39–11571; AD 2000–03–12]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires replacement of the air driven generator (ADG) wire assembly with a new, increased length wire assembly. This amendment is prompted by a report of loose terminal attachment hardware on the ADG power monitor relay due to a stress condition on the terminal attachment points. The actions specified by this AD are intended to prevent loss of the charging capability of the aircraft battery. Loss of the charging capability of the aircraft battery, coupled with a loss of all normal electrical power, could prevent continued safe flight and landing of the airplane.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, CA 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, WA; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57822). That action proposed to require replacement of the air driven generator (ADG) wire assembly with a new, increased length wire assembly.

Comments

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

The commenter supports the proposed rule.

Conclusion

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

Cost Impact

There are approximately 180 airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Required parts will cost approximately $786 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $50,760, or $846 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–12 McDonnell Douglas: Amendment 39–11571. Docket 99–NM–170–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Service Bulletin MD11–24–128, Revision 1, dated July 30, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 loss of the charging capability of the air driven generator (ADG), that when coupled with a loss of all normal electrical power, could prevent continued safe flight and landing of the airplane, accomplish the following:

Replacement

(a) Within 1 year after the effective date of this AD, replace the ADG wire assembly, part number (P/N) ACS9006–501, with a new, increased length wire assembly, P/N ACS9006–502, in accordance with McDonnell Douglas Service Bulletin MD11–24–128, dated September 17, 1998, or Revision 1, dated July 30, 1999.

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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Incorporation by Reference

(d) The replacement shall be done in accordance with McDonnell Douglas Service Bulletin MD11–24–128, dated September 17, 1998, or McDonnell Douglas Service Bulletin MD11–24–128, Revision 01, dated July 30, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, CA 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3618 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–169–AD; Amendment 39–11570; AD 2000–03–11]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires replacement of 10 amp circuit breakers with 5 amp circuit breakers in the left and right windshield anti-ice power controllers; and replacement of the anti-ice control panel with a new or modified panel, or modification and reidentification of the anti-ice control panel. This amendment is prompted by reports of smoke and sparks emanating from the anti-ice control panel in the cockpit. The actions specified by this AD are intended to prevent burnt internal circuit boards caused by a short in either the engine or airfoil anti-ice valve, or the windshield anti-ice controller, which could result in smoke in the cockpit.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems Safety and Integration, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on October 27, 1999 (64 FR 57818). That action proposed to require replacement of 10 amp circuit breakers with 5 amp circuit breakers in the left and right windshield anti-ice power controllers; and replacement of the anti-ice control panel with a new or modified panel, or modification and reidentification of the anti-ice control panel.

Comments

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

One commenter supports the proposed rule. Another commenter states that it has no objection to the proposed rule.

Conclusion

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

Cost Impact

There are approximately 130 airplanes of the affected design in the worldwide fleet. The FAA estimates that 41 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane (if the anti-ice control panel is replaced) or 10 work hours per airplane (if the anti-ice control panel is modified and reidentified) to accomplish the required actions, and that the average labor rate is $60 per work hour. Honeywell has committed previously to its customers that it will bear the cost of replacement parts. As a result, the cost of those parts is not attributable to this AD. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between $7,380 and $24,600; or between $180 and $600 per airplane.

The cost impact figures discussed above are 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. However, the

FAA has been advised by Honeywell that warranty remedies are available for some of the labor costs associated with accomplishing the modification of the anti-ice control panel required by this AD. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figures indicated above.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–03–11 McDonnell Douglas: Amendment 39–11570. Docket 99–NM–169–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–30A020, Revision 03, dated May 5, 1999, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent burnt internal circuit boards caused by a short in either the engine or airfoil anti-ice valve, or windshield anti-ice controller, which could result in smoke in the cockpit, accomplish the following:

Replacement and Modification

(a) Within 1 year after the effective date of this AD, replace the 10 amp circuit breakers with 5 amp circuit breakers in the left and right windshield anti-ice power controllers, and accomplish either paragraph (a)(1) or (a)(2) of this AD, in accordance with McDonnell Douglas Alert Service Bulletin MD11–30A020 Revision 03, dated May 5, 1999.

(1) Option 1. Replace the anti-ice control panel and return the panel to Honeywell Inc. for modification and reidentification in accordance with Option 1 of the service bulletin.

(2) Option 2. Modify and reidentify the anti-ice control panel in accordance with Option 2 of the service bulletin.

Note 2: Replacements, modifications, and reidentifications accomplished prior to the effective date of this AD in accordance with McDonnell Douglas Service Bulletin MD11–30–020, dated March 6, 1995; Revision 01, dated February 20, 1996; or Revision 02, dated August 25, 1997; are considered acceptable for compliance with the requirements of paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install an anti-ice control panel, part number 4059030–901 or –902, on any airplane, unless it has been modified and reidentified as part number 4059030–911 or –912, in accordance with paragraph (a)(1) or (a)(2) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–30A020 Revision 03, dated May 5, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3619 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–79–AD; Amendment 39–11579; AD 2000–02–12]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 2000–02–12, which was sent previously to all known U.S. owners and operators of Bell Helicopter Textron Canada (BHTC) Model 407 helicopters by individual letters. This AD requires

inspecting engine oil cooler blower shaft bearings (bearings) for roughness at specified time intervals and replacing any rough bearings before further flight. This amendment is prompted by several bearing failures. The actions specified by this AD are intended to prevent bearing failure, loss of tail rotor drive, and a subsequent forced landing.

DATES: Effective March 3, 2000, to all persons except those persons to whom it was made immediately effective by Emergency AD 2000–02–12, issued on January 21, 2000, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before April 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–79–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Paul Madej, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5125, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: On January 21, 2000, the FAA issued Emergency AD 2000–02–12, applicable to BHTC Model 407 helicopters, which requires inspecting bearings for roughness at specified time intervals and replacing any rough bearings before further flight. That action was prompted by several bearing failures. This condition, if not corrected, could result in loss of tail rotor drive and a subsequent forced landing.

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 407 helicopters. Transport Canada advises that failure of a bearing, part number (P/N) 407–340–339–101 or –103, may lead to failure in the power train. Transport Canada issued AD CF–2000–02, dated January 14, 2000, applicable to BHTC Model 407 helicopters.

The FAA has reviewed Bell Helicopter Textron Alert Service Bulletin No. 407–98–23, dated December 11, 1998, which describe procedures for replacing the oil cooler blower fan bearings, introduces the use of a new grease with better high temperature properties, and specifies adding a warning decal advising that only a certain type of grease should be used.

Since the unsafe condition described is likely to exist or develop on other BHTC Model 407 helicopters of the same type design, the FAA issued Emergency AD 2000–02–12 to prevent bearing failure, loss of tail rotor drive, and a subsequent forced landing. The AD requires the following: Within 10 hours time-in-service (TIS), inspect the bearings, P/N 407–340–339–101 or –103, for roughness by hand-rotating the driveshaft with the oil cooler drive shaft connected. Within 25 hours TIS, inspect for bearing roughness by hand-rotating the driveshaft with the oil cooler driveshaft disconnected at both ends and lubricate the bearings with grease after the inspection. At intervals not to exceed 25 hours TIS, inspect for bearing roughness by hand-rotating the driveshaft with the oil cooler drive shaft connected and lubricate the bearings with grease after each recurring inspection. Replace any rough bearing before further flight. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the structural integrity and controllability of the helicopter. Therefore, inspecting the bearings for roughness is required within 10 and 25 hours TIS and thereafter, at intervals not to exceed 25 hours TIS and replacing any rough bearing is required before further flight, and this AD must be issued immediately.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on January 21, 2000, to all known U.S. owners and operators of BHTC Model 407 helicopters. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

The FAA estimates that 350 helicopters of U.S. registry will be affected by this AD, that it will take approximately 0.5 work hour per helicopter for the initial 10-hour TIS inspection; 1.5 work hours per helicopter for the 25-hour TIS inspection; 0.5 work hour for the repetitive inspections; and 4 work hours per helicopter to replace the bearing, if necessary. The average labor rate is $60 per work hour. Required parts will cost approximately $1,926 per helicopter to replace the bearing, if necessary. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $462,000, assuming one 10-hour TIS inspection, one 25-hour TIS inspection, 40 repetitive inspections per helicopter, and no bearing replacements.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–79–AD.'' The postcard will be date stamped and returned to the commenter.

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 an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AD 2000–02–12 Bell Helicopter Textron Canada: Amendment 39–11579, Docket No. 99–SW–79–AD.

Applicability: Model 407 helicopters, with oil cooler blower shaft bearing (bearing), part number (P/N) 407–340–339–101 or –103, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent bearing failure, loss of tail rotor drive, and a subsequent forced landing, accomplish the following:

(a) Within 10 hours time-in-service (TIS), inspect the forward and aft bearings for roughness by hand-rotating the driveshaft with the oil cooler driveshaft connected. Replace any rough bearing before further flight.

(b) Within 25 hours TIS, inspect the forward and aft bearings for roughness by hand-rotating the driveshaft with the oil cooler driveshaft disconnected at both ends. Replace any rough bearing before further flight. After the inspection, lubricate the bearings with MIL–G–25013 grease.

(c) Following the inspection of paragraph (b) and at intervals not to exceed 25 hours TIS, repeat the inspection of paragraph (a). Replace any rough bearing before further flight. After each recurring inspection, lubricate the bearings with MIL–G–25013 grease.

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

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

(e) Special flight permits will not be issued.

(f) This amendment becomes effective on March 3, 2000, to all persons except those persons to whom it was made immediately effective by Emergency AD 2000–02–12, issued January 21, 2000, which contained the requirements of this amendment.

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–2000–02, dated January 14, 2000.

Issued in Fort Worth, Texas, on February 10, 2000.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate Aircraft Certification Service.

[FR Doc. 00–3793 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–168–AD; Amendment 39–11569; AD 2000–03–10]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas Model MD–11 series airplanes, that currently requires a one-time inspection to detect discrepancies at certain areas around the entry light connector of the sliding ceiling panel above the forward passenger doors, and repair, if necessary. For certain airplanes, this amendment requires the installation or modification of a flapper door ramp deflector on the forward entry drop ceiling structure. For certain other airplanes, this amendment requires inspection of the wire assembly support installation for evidence of chafing, and corrective actions, if necessary. This amendment is prompted by a report indicating that damaged electrical wires were found above the forward passenger doors due to flapper panels moving inboard and chafing the electrical wire assemblies of this area. The actions specified by this AD are intended to prevent such chafing, which could result in an electrical fire in the passenger compartment.

DATES: Effective March 23, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 23, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–25–11 R1, amendment 39–10988 (64 FR 1502, January 11, 1999), which is applicable to all McDonnell Douglas Model MD–11 series airplanes, was published in the **Federal Register** on October 27, 1999 (64 FR 57811). The action proposed to supersede AD 98–25–11 R1 to continue to require a one-time inspection to detect discrepancies at certain areas around the entry light connector of the sliding ceiling panel above the forward passenger doors, and repair, if

necessary. For certain airplanes, the action proposed to require the installation or modification of a flapper door ramp deflector on the forward entry drop ceiling structure. For certain other airplanes, the action proposed to require inspection of the wire assembly support installation for evidence of chafing, and corrective actions, if necessary; and modification of the subject area.

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

Support for the Proposal

Two commenters support the proposed rule.

Interim Action

Since the issuance of the proposed rule, the manufacturer has advised the FAA that modifying the wire assembly support installation above the entry door (L1) sliding panel in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A068, Revision 01, dated March 8, 1999, may cause further damage of the wire assembly due to the possibility of the wire assembly chafing on adjacent brackets. Further, the manufacturer advises that it is currently planning to revise the alert service bulletin to alleviate the potential chafing problem.

In light of this new information, the FAA has removed reference to this modification requirement [reference paragraph (c)(4)(ii) of the proposed rule] from this final rule. The final rule has been reformatted to accommodate this change. This AD is now considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking to address the modification of the referenced wire assembly support installation.

Conclusion

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

Cost Impact

There are approximately 152 Model MD–11 series airplanes of the affected design in the worldwide fleet on which the installation or modification of the flapper door ramp deflector on the forward entry drop ceiling structure will be required. The FAA estimates that this installation or modification will be required on 29 airplanes of U.S. registry.

There are approximately 152 airplanes of the affected design in the worldwide fleet on which the inspection and modification of the wire assembly support installation above the entry door (L1) sliding panel will be required. The FAA estimates that this inspection and modification will be required on 41 airplanes of U.S. registry.

The actions that are currently required by AD 98–25–11 R1 take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $7,800, or $120 per airplane.

The new installation or modification of the flapper door ramp deflector on the forward entry drop ceiling structure required by this AD action will be required on three airplane groups.

- Group 1 (installation of a ramp deflector) affects approximately 23 airplanes of U.S. registry and will take approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $480 per airplane. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be $22,080, or $960 per airplane.
- Group 2 (installation of a ramp deflector) affects approximately 4 airplanes of U.S. registry and will take approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $890 per airplane. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be $5,480, or $1,370 per airplane.
- Group 3 (modification of a previously installed ramp deflector) affects approximately 2 airplanes of U.S. registry and will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts will be nominal. Based on these figures, the cost impact of this requirement of this AD on U.S. operators is estimated to be $240, or $120 per airplane.

The inspection of the wire assembly support installation above entry door (L1) sliding panel affects approximately 41 airplanes and will take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection required by this AD on U.S. operators is estimated to be $2,460, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that manufacturer warranty remedies are available for some labor associated with accomplishing the required actions. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figures indicated above.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10988 (64 FR 1502, January 11, 1999), and by adding a new airworthiness directive (AD), amendment 39–11569, to read as follows:

2000–03–10 McDonnell Douglas: Amendment 39–11569. Docket 99–NM–168–AD. Supersedes AD 98–25–11 R1, Amendment 39–10988.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletins MD11–25A194, Revision 05, dated June 21, 1999, and MD11–24A068, Revision 01, dated March 8, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of certain electrical wires above the forward passenger doors, which could result in an electrical fire in the passenger compartment, accomplish the following:

Restatement of the Requirements of AD 98–25–11 R1

Detailed Visual Inspection

(a) Within 10 days after December 28, 1998 (the effective date of AD 98–25–11 R1, amendment 39–10988), perform a detailed visual inspection of the aircraft wiring to detect discrepancies that include but are not limited to frayed, chafed, or nicked wires and wire insulation in the areas specified in paragraphs (a)(1) and (a)(2) of this AD.

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

(1) At the area of the forward drop ceiling just outboard of mod block S3–735, and forward and inboard of the light ballast for the entry light on the sliding ceiling panel above the forward left passenger door (1L) at station location × = 24.75, y = 435, and z = 64.5.

(2) At the area above the forward right passenger door (1R) at station location × = −30, y = 430, and z = 70 in the ramp deflector assembly part number 4223570–501.

Corrective Action

(b) If any discrepancy is detected during the visual inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with Chapter 20, Standard Wiring Practices of the MD–11 Wiring Diagram Manual, dated January 1, 1998, or April 1, 1998.

New Requirements of This AD

Inspection, Installation, and Modification

(c) Within 6 months after the effective date of this AD, accomplish the actions specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, as applicable.

(1) For Group 1 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999: Install a ramp deflector assembly on the right side forward entry drop ceiling structure in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999.

(2) For Group 2 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999: Install a ramp deflector assembly on the right side forward entry drop ceiling structure in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999.

Note 3: Installation of a ramp deflector assembly in accordance with McDonnell Douglas Service Bulletin MD11–25–194, dated March 15, 1996; Revision 01, dated May 1, 1996; Revision 02, dated July 12, 1996; Revision 03, dated December 12, 1996; or Revision 04, dated March 8, 1999, is acceptable for compliance with the requirements of paragraph (c)(2) of this AD.

(3) For Group 3 airplanes listed in McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999: Modify the previously installed ramp deflector assembly bracket in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999.

(4) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11–24A068, Revision 01, dated March 8, 1999: Perform a general visual inspection of the wire assembly support installation for evidence of chafing, in accordance with the service bulletin. If any chafing is detected, prior to further flight, repair or replace any discrepant part with a new part in accordance with the service bulletin.

Note 4: 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 check.''

Alternative Methods of Compliance

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided by paragraphs (a) and (b) of this AD, the actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–25A194, Revision 05, dated June 21, 1999; or McDonnell Douglas Alert Service Bulletin MD11–24A068, Revision 01, dated March 8, 1999; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 23, 2000.

Issued in Renton, Washington, on February 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3620 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–59–AD; Amendment 39–11576; AD 2000–03–17]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 97–23–01, which currently requires the following on Fairchild Aircraft, Inc. (Fairchild Aircraft) SA226 and SA227 series airplanes that are equipped with a certain Simmonds-Precision pitch trim actuator or a certain Barber-Colman pitch trim actuator: repetitively measuring the freeplay of the pitch trim actuator and repetitively inspecting the actuator for rod slippage; immediately replacing any actuator if certain freeplay limitations are exceeded or rod slippage is evident; and eventually replacing the actuator regardless of the inspection results. This AD retains the actions of AD 97–23–01, and adds these requirements on airplanes with different design pitch trim actuators installed. This AD is the result of the manufacturer developing different design pitch trim actuators and the Federal Aviation Administration (FAA) determining that these actuators should be subject to the actions of AD 97–23-01. The actions specified by this AD are intended to detect excessive freeplay or rod slippage in the pitch trim actuator, which, if not detected and corrected, could result in pitch trim actuator failure and possible loss of control of the airplane.

DATES: Effective April 10, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of April 10, 2000.

ADDRESSES: Service information that applies to this AD may be obtained from Field Support Engineering, Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490; telephone: (210) 824-9421; facsimile: (210) 820–8609. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–59–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Werner Koch, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5133; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Fairchild Aircraft SA226 and SA227 series airplanes that are equipped with a certain Simmonds-Precision pitch trim actuator or Barber-Colman pitch trim actuator was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 6, 1999 (64 FR 54242). The NPRM proposed to supersede AD 97–23–01, Amendment 39–10188 (62 FR 59277, November 3, 1997). AD 97–23–01 currently requires the following on Fairchild Aircraft SA226 and SA227 series airplanes that are equipped with a certain Simmonds-Precision pitch trim actuator:

—repetitively measuring the freeplay of the pitch trim actuator and repetitively inspecting the actuator for rod slippage;

—immediately replacing any actuator if certain freeplay limitations are exceeded or rod slippage is evident; and

—eventually replacing the actuator regardless of the inspection results.

In addition, AD 98–19–15 R1, Amendment 39–11507 (65 FR 1540, January 11, 2000), currently requires incorporating the following information into the applicable Airplane Flight Manual (AFM) on Fairchild SA226 and SA227 airplanes that are equipped with Barber-Colman pitch trim actuators, P/N 27–19008–001/–004 or P/N 27–19008–002/–005 (these pitch trim actuators are affected by AD 97–23–01):

• ''Limit the maximum indicated airspeed to maneuvering airspeed (Va) as shown in the appropriate airplane flight manual (AFM).''

and

• ''The minimum crew required is two pilots.''

The NPRM proposed to retain the requirements of AD 97–23–01, but would add these requirements on airplanes with the improved design pitch trim actuators installed.

The NPRM was the result of the manufacturer developing different design pitch trim actuators and the Federal Aviation Administration (FAA) determining that these actuators should be subject to the actions of AD 97–23–01.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 508 airplanes in the U.S. registry will be affected by this AD. The only cost impact that this AD imposes upon the public over that already required by AD 97–23–01 is that incurred through the addition of the requirements on airplanes with the improved design pitch trim actuators installed. The costs of this AD on those airplanes that have these improved design pitch trim actuators incorporated will be less than that already required by AD 97–23–01 on airplanes with other pitch trim actuators installed.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 97–23–01, Amendment 39–10188 (62 FR 5922, November 3, 1997), and by adding a new AD to read as follows:

2000–03–17 Fairchild Aircraft, Inc.: Amendment 39–11576; Docket No. 99–CE–59–AD, Supersedes AD 97–23–01, Amendment 39–10188; which superseded AD 93–15–02 R2, Amendment 39–9689; which revised AD 93–15–02 R1, Amendment 39–9180; which revised AD 93–15–02, Amendment 39–8648.

Applicability: All SA226 and SA227 series airplanes (all models and serial numbers), certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect excessive freeplay or rod slippage in the pitch trim actuator, which, if not detected and corrected, could result in pitch trim actuator failure and possible loss of control of the airplane, accomplish the following:

Note 2: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) Accomplish the following at the times specified in the chart in paragraph (b) of this AD:

(1) *Initial and repetitive inspections:*

(i) For airplanes equipped with a Simmonds-Precision actuator, P/N DL5040M5, P/N DL5040M6, or P/N DL5040M8, measure the freeplay (inspection) of the pitch trim actuator and inspect the actuator for rod slippage in accordance with the INSTRUCTIONS section of Fairchild Aircraft SA226 Series Service Letter (SL) 226–SL–005, or Fairchild Aircraft SA227 Series SL 227–SL–011, both Revised: August 3, 1999; or Fairchild Aircraft SA227 Series Service Letter CC7–SL–028, Issued: August 12, 1999, as applicable.

(ii) For airplanes equipped with Barber-Colman actuators, P/N 27–19008–00–001, P/N 27–19008–002, P/N 27–19008–00–004, or P/N 27–19008–005, conduct a functional inspection of the actuator in accordance with the INSTRUCTIONS section of Fairchild Aircraft SA226 Series SL 226–SL–014, Revised: February 1, 1999, Fairchild Aircraft SA227 Series SL 227–SL–031, Revised: February 1, 1999, or Fairchild Aircraft SA227 Series SL CC7–SL–021, Revised: February 1, 1999, whichever is applicable.

Note 3: The actions in this AD are the same as the actions in AD 97–23–01, except for the actions added to the airplanes equipped with improved design pitch trim actuators.

(2) *Initial and repetitive replacements:* Replace the pitch trim actuator with any of the pitch trim actuators presented in the Chart in paragraph (b) of this AD, as applicable, at the time specified in the Repetitive Replacement column of this chart. However, if certain freeplay limitations that are specified in the service letters are exceeded or if rod slippage is found, prior to further flight, replace the pitch trim actuator.

(b) The following chart presents the pitch trim actuator that could be installed and the initial and repetitive inspection and replacement compliance times of this AD:

Condition	Initial inspection	Repetitive inspection	Repetitive replacement
For all affected airplane models, except for the Models SA227–CC and SA227–DC, with an original Simmonds-Precision actuator, P/N DL5040M5, installed.	Upon accumulating 3,000 hours TIS on a Simmonds-Precision P/N DL5040M5 actuator or within 50 hours TIS after April 17, 1995 (the effective date of AD 93–15–02 R1), whichever occurs later.	Every 250 hours TIS after the initial inspection until accumulating 5,000 hours TIS on the actuator or 500 hours TIS after the last inspection required by AD93–15–02 R1. whichever occurs later.	Initially upon accummulating 5,000 hours TIS on the actuator or 500 hours TIS after the initial inspection, whichever occurs later, and thereafter as indicated below.
For all affected airplane models, except for the Models SA227–CC and SA227–DC, with a replacement Simmonds-Precision actuator, PN/DL5040M5, installed.	Initially upon accummulating 5,000 hours TIS on the new actuator or within 50 hours TIS after April 17, 1995 (the effective date of AD 93–15–02 R1), whichever occurs later.	Every 300 hours TIS after the initial inspection until accumulating 6,500 hours TIS on the actuator.	Upon accumulating 6,500 hours TIS on the actuator.
For all affected airplane models, except for the Models SA227–CC and SA227–DC, with a replacement Simmonds-Precision actuator, P/N DL5040M6, installed. This part can be new, modified from a P/N DL5040M5 actuator, or overhauled and zero-timed.	Initially upon accumulating 7,500 hours TIS on the new or modified actuator or within 50 hours TIS after April 17, 1995 (the effective date of AD 93–15–02 R1), whichever occurs later.	Every 300 hours TIS after the initial inspection until accumulating 9,900 hours TIS on the actuator.	Upon accumulating 9,900 hours TIS on the actuator.
For all affected airplanes models, except for the Models SA227–CC and SA227–DC, with a replacement Simmonds-Precision actuator, P/N DL5040M5, installed that was overhauled and zero-timed where both nut assemblies, P/N AA56142, were replaced with new assemblies during overhaul.	Initially upon accumulating 5,000 hours TIS on the overhauled actuator or within 50 hours TIS after April 17, 1995 (the effective date of AD 93–15–02 R1), whichever occurs later.	Every 300 hours TIS after the initial inspection until accumulating 6,500 hours TIS on the actuator.	Upon accumulating 6,500 hours TIS on the actuator.

Condition	Initial inspection	Repetitive inspection	Repetitive replacement
For all affected airplanes models, except for the Models SA227–CC and SA227–DC, with a replacement P/N DL5040M5 actuator installed that was overhauled and zero-timed where both nut assemblies, P/N AA56142, were not replaced with new assemblies during overhaul.	Initially upon accumulating 3,000 hours TIS on the overhauled actuator or within 50 hours TIS after April 17, 1995 (the effective date of AD 93–15–02 R1), whichever occurs later.	Every 250 hours TIS after the initial inspection until accumulating 5,000 hours TIS on the actuator.	Upon accumulating 5,000 hours TIS on the actuator.
For all affected airplanes models with a newly fabricated or overhauled and zero-timed Barber-Colman actuator, P/N 27–19008–001–004 or P/N 27–19008–002–005.	Upon accumulating 500 hours total TIS on the newly fabricated or overhauled and zero-timed actuator or within 50 hours TIS after the effective date of AD 97–23–01, whichever occurs later.	Every 300 hours TIS after the initial inspection.	None.
For the Models SA227–CC and SA227–DC only, with a Simmonds-Precision pitch trim actuator, P/N DL5040M5 or P/NDL5040M6, installed.	None	None	Upon accumulating 1,500 hours TIS on the actuator.
For all affected airplanes with a Barber-Colman P/N 27–19008–006 or 27–19008–007 actuator installed.	Must be overhauled upon the accumulation of 2,000 hours TIS on the actuator.	Must be overhauled at intervals not to exceed 2,000 hours EIS.	No replacement requirements.
For all affected airplanes with a Simmonds-Precision pitch trim actuator, PN DL5040M8, installed.	Upon accumulating 7,500 hours TIS on the actuator of within the next 50 hours TIS after the effective date of this AD, whichever occurs later.	Every 600 hours TIS after the initial inspection until accumulating, 9,900 hours TIS.	Upon accumulating 9,900 hours TIS on the actuator.

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

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

(2) Alternative methods of compliance that were approved in accordance with AD 97–23–01 are considered to be approved as alternative methods of compliance with this AD.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth Airplane Certification Office.

(e)(1) The inspections required by this AD shall be done in accordance with the following:

(i) Fairchild Aircraft SA226 Series SL 226–SL–005, Revised: August 3, 1999; or

(ii) Fairchild Aircraft SA227 Series SL 227–SL–011; Revised: August 3, 1999; or

(iii) Fairchild Aircraft SA227 Series SL CC7–SL–028, Issued: August 12, 1999; and

(iv) Fairchild Aircraft SA 226 Series SL 226–SL–014, Revised: February 1, 1999; or

(v) Fairchild Aircraft SA 227 Series SL 227–SL–031, Revised: February 1, 1999; or

(vi) Fairchild Aircraft SA 227 Series SL CC7–SL–021, Revised: February 1, 1999.

(2) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Field Support Engineering, Fairchild Aircraft Inc., P.O. Box 790490, San Antonio, Texas 78279–0490. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 301, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment supersedes 97–23–01, Amendment 39–10188; which superseded AD 93–15–02 R2, Amendment 39–9689; which revised AD 93–15–02 R1, Amendment 39–9180; which revised AD 93–15–02, Amendment 39–8648.

(g) This amendment becomes effective on April 10, 2000.

Issued in Kansas City, Missouri, on February 9, 2000.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3625 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–19–AD; Amendment 39–11566; AD 99–23–26 R1]

Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), that is applicable to General Electric Aircraft Engines (GE) CF34 series turbofan engines. That AD currently requires:

(1) Replacement of Buna-N O-rings with Viton O-rings; or

(2) A new location of the vent groove on the MFC mounting flange; or

(3) Installation of an MFC with improved overspeed protection.

This amendment requires the installation of an MFC with improved overspeed protection. If this action can not be completed within 30 days of the effective date of this AD, then either:

(1) Replace Buna-N O-rings with Viton O-rings, followed by replacement with an MFC with improved overspeed protection within a specified time; or

(2) Replace with an MFC with a relocated vent groove on the MFC mounting flange and improved overspeed protection.

This amendment is prompted by nonsubstantive revisions to the manufacturer's service bulletins and comments from the manufacturer regarding various typographical errors in the AD. The actions specified by this AD are intended to prevent uncommanded engine accelerations, which could result in an engine overspeed, uncontained engine failure, and damage to the airplane.

DATES: Effective February 17, 2000.

The incorporation by reference of GE Alert Service Bulletins (ASB's) No. A73–33, dated November 21, 1997; A73–33, Revision 1, dated May 29, 1998; and A73–19, Revision 1, dated February 20, 1998, was approved by the Director of the Federal Register as of July 27, 1999.

The incorporation by reference of GE ASB's No. CF34AL 73–A0025, dated July 7, 1999; CF34BJ 73–A0040, dated July 7, 1999; GE service bulletin (SB) CF34AL S/B 73–0026, dated August 12, 1999; and GE SB CF34BJ S/B 73–0041, dated August 12, 1999, was approved by the Director of the Federal Register as of December 6, 1999.

The incorporation by reference of GE ASB No. A73–19, Revision 2, dated March 9, 1999; CF34–AL 73 A0019, Revision 3, dated September 9, 1999; A73–33, Revision 2, dated March 9, 1999; CF34–BJ 73–A0033, Revision 3, dated September 9, 1999; CF34–BJ 73–A0033, Revision 4, dated November 1, 1999; and CF34–BJ 73–0041, Revision 1, dated November 1, 1999 is approved by the Director of the Federal Register as of March 20, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from GEAE Technical Publications, Attention: H. Decker MZ340M2, 1000 Western Avenue, Lynn, MA 01910; telephone (781) 594–6323, fax (781) 594–0600. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman Brown, Controls Specialist, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7181, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Events Leading to Original AD; AD No. 99–11–08

On May 17, 1999, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 99–11–08, Amendment 39–11179 (64 FR 28905, May 28, 1999), to require, within 800 hours time in service (TIS) or 120 days after the effective date of that AD, whichever occurs first, installation of an MFC incorporating a flange vent groove. In addition, that AD required installation of an MFC with improved overspeed protection for: CF34–3A1 and –3B1 series engines, installed on Canadair Regional Jet airplanes, within 4,000 hours TIS after the effective date of that AD, or 24 months after the effective date of that AD, whichever occurred first; and for CF34–1A, –3A, –3A1, –3A2, and –3B series engines, installed on Canadair Challenger airplanes, at the next hot section inspection, or within 60 months after the effective date of that AD, whichever occurred first. That action was prompted by reports of rapid uncommanded engine acceleration events. That condition, if not corrected, could have resulted in uncommanded engine accelerations, which could have resulted in an engine overspeed, uncontained engine failure, and damage to the airplane.

Events Leading to Current AD; AD No. 99–23–26

After the FAA issued AD 99–11–08, the engine manufacturer informed the FAA that GE CF34 Alert Service Bulletin (ASB) No. A73–18, Revision 1, dated September 24, 1997, and CF34 ASB No. A73–32, Revision 1, dated September 24, 1997, that describe procedures for reworking MFC's by adding a flange vent groove were in error and had incorrectly located the flange vent groove. Also, the manufacturer has determined that replacement of the Buna-N preformed packings (O-rings) with Viton O-rings would achieve a similar level of safety as the installation of an MFC with a correctly located flange vent groove. On the basis of that information, the FAA issued AD 99–23–26 on November 5, 1999 (64 FR 63171, November 19, 1999) to supersede AD 99–11–08.

Events Leading to This AD Revision

AD 99–23–26 was issued as a Final Rule; request for comments, and interested persons were given an opportunity to comment. Due consideration has been given to the comments received.

Request To Remove Certain MFC P/N's From Paragraphs (a) and (a)(2)

One commenter, the manufacturer, states that paragraphs (a) and (a)(2) incorrectly require that MFC part numbers (P/N's) 6078T55P12, 6078T55P13, 6078T55P14, 6078T55P15, and 6078T55P16 be replaced with MFC's with the relocated vent groove. The manufacturer points out that those MFC's incorporate overspeed protection and are not subject to the requirements of this AD. The Federal Aviation Administration (FAA) agrees. Paragraphs (a) and (a)(2) have been changed to delete MFC P/N's 6078T55P12, 6078T55P13, 6078T55P14, 6078T55P15, and 6078T55P16 from this AD.

Request To Remove Certain MFC P/N's Paragraph (e)

The same commenter asks that MFC P/N's 6078T55P12, 6078T55P13, 6078T55P14, 6078T55P15, and 6078T55P16 be deleted from paragraph (e) where they are listed as MFC P/N's that are not serviceable. The commenter also asks that MFC P/N's 6047T74P07, 6047T74P09, and 6091T07P01 be added to the listing of MFC P/N's that are not serviceable. The commenter points out that those MFC P/N's 6078T55P12, 6078T55P13, 6078T55P14, 6078T55P15, and 6078T55P16 incorporate overspeed protection and are serviceable parts. The Federal Aviation Administration (FAA) agrees. Paragraph (e) has been changed to delete MFC P/N's 6078T55P12, 6078T55P13, 6078T55P14, 6078T55P15, and 6078T55P16 from this AD. MFC P/N's 6047T74P07, 6047T74P09, and 6091T07P01 have been added to the listing of unserviceable MFC P/N's.

Request for a Correction to an SB Reference

The same commenter states that the reference to SB CF34AL S/B 73–0026, dated August 12, 1999, in paragraph (b) is incorrect and should be SB CF34–BJ 73–0041, dated August 12, 1999. The commenter asks that Revision 1, dated November 1, 1999, to SB CF34–BJ 73–0041 be listed in paragraph (b). Revision 1, dated November 1, 1999, was issued by the manufacturer after AD 99–23–26 was issued. The FAA agrees. The reference to ''SB CF34AL S/B 73–0026'' in paragraph (b) has been changed to ''SB CF34–BJ 73–0041'' and ''or Revision 1, dated November 1, 1999,'' has been added to paragraph (b).

Request To Add Certain Later SB Revisions to This AD

The same commenter also asks that references to following SB's be added to

the applicable paragraphs in the compliance section of this AD:

- A73–19, Revision 2, dated March 9, 1999; and
- CF34–AL 73–A0019, Revision 3, dated September 9, 1999; and
- 73–33, Revision 2, dated March 9, 1999; and
- CF34–BJ 73–A0033, Revision 3, dated September 9, 1999; and
- CF34–BJ 73–A0033, Revision 4, dated November 1, 1999; and
- CF34–BJ 73–0041, Revision 1, dated November 1, 1999.

The issuance of the SB revisions was not communicated to the FAA. The FAA agrees. References to the above SB's have been added to the applicable paragraphs in the compliance section of this AD.

Request To Allow Future Revisions of the SB's To Be Referenced

The same commenter asks that the AD refer to the ''latest revisions'' of the SB's rather than specific revisions to the manufacturer's SB's. The FAA does not agree. The Administrative Procedures Act requires that all SB's incorporated by reference in AD's be approved and a copy retained by the Office of the Federal Register. A reference to the ''latest revision''of a SB necessarily implies a reference to a document that does not yet exist, and, therefore, to a document for which the FAA cannot obtain the approval for incorporation by reference. The FAA may approve later revisions to the referenced SB's as alternate methods of compliance under the provisions of paragraph (f) of the AD.

Manufacturer Service Information

The FAA has reviewed and approved the technical contents of GE CF34 Alert Service Bulletins (ASB's) No. CF34AL 73–A0025, dated July 7, 1999, and CF34BJ 73–A0040, dated July 7, 1999, that describe procedures for replacement of the Buna-N preformed packings; CF34AL S/B 73–0026, dated August 12, 1999, CF34BJ S/B 73–0041, dated August 12,1999, and CF34BJ S/B 73–0041, Revision 1, dated November 1, 1999, that describe procedures for installation of a reworked MFC with a relocated pressure relief groove; and CF34 ASB No. A73–19, Revision 1, dated February 20, 1998, A73–19, Revision 2, dated March 9, 1999; or CF34 ASB No. CF34–AL 73–A0019, Revision 3, dated September 9, 1999, and CF34 ASB No. A73–33, dated November 21, 1997; A73–33, Revision 1, dated May 29, 1998; A73–33, Revision 2, dated March 9, 1999; or CF34 ASB No. CF34–BJ 73–A0033, Revision 3, dated September 9, 1999, or Revision 4, dated November 1, 1999, that describe procedures for installation of a reworked MFC with improved overspeed protection.

When an MFC is returned to the manufacturer for drilling a relocated vent groove, the overspeed protection upgrades will be accomplished at the same time.

Differences Between the SB's and This AD

The GE SB's allow the MFC on CF34–1A, –3A, and –3A2 engines to be used until the MFC is removed for cause and then replaced with an MFC with a relocated vent groove. Because of the possibility that an unsafe condition may develop, this AD requires that the MFC be replaced with a serviceable MFC when the MFC is removed for any reason.

Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other General Electric (GE) CF34 turbofan engines of the same type design, this AD supersedes AD 99–11–08 to require either replacement of Buna-N O-rings with Viton O-rings or replacement of the MFC with an MFC with a relocated vent groove within 30 days after the effective date of this AD. Replacement of the Buna-N O-rings is not required on CF34–1A, –3A, and –3A2 models. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Regulatory Impact

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 (EO) 13132.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13—[Amended]

2. Section 39.13 is amended by removing Amendment 39–11422 (64 FR 63171, November 19, 1999) and by adding a new airworthiness directive, Amendment 39–11566, to read as follows:

99–23–26 R1 General Electric Aircraft Engines (GE): Amendment 39–11566. Docket 98–ANE–19–AD. Revises AD 99–23–26, Amendment 39–11422.

Applicability: General Electric (GE) CF34–1A, CF34–3A, –3A1, –3A2, and CF34–3B and –3B1 series turbofan engines, installed on but not limited to Bombardier, Inc. Canadair airplane models CL–600–2A12, –2B16, and –2B19.

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

failure, and damage to the airplane, accomplish the following:

Replacement Requirements

(a) If the main fuel control (MFC) part numbers (P/N's) 6078T55P02, 6078T55P03, 6078T55P04, 6078T55P05, 6078T55P06, 6078T55P07, 6078T55P08, 6078T55P09, or 6078T55P10 is installed, and if the MFC has Buna-N preformed packings (O-rings), P/N's R1307P020 and R1307P141, do one of the following:

(1) Replace Buna-N O-rings with Viton O-rings, P/N's M83485–1–020 (M83485/1–020) and 37B201714P130, within 30 days after the effective date of this AD, in accordance with the Accomplishment Instructions, paragraph 3.A., of alert service bulletin (ASB) CF34AL 73–A0025, dated July 7, 1999 or ASB CF34BJ 73–A0040, dated July 7, 1999. Or,

(2) For all CF34–3A1 engines with serial numbers (SN's) 807001 and up, CF34–3B engines with SN's 872001 and up, and CF34–3B1 engines with SN's 872001 and up, with main fuel control (MFC) part numbers (P/N's) 6078T55P02, 6078T55P03, 6078T55P04, 6078T55P05, 6078T55P06, 6078T55P07, 6078T55P08, 6078T55P09, or 6078T55P10 installed, within 30 days after the effective date of this AD, install an MFC with a flange vent groove that conforms to the requirements of CF34 ASB CF34AL S/B 73–0026, dated August 12,1999, or CF34BJ S/B 73–0041, dated August 12, 1999, or revision 1, dated November 1, 1999.

Replacement of the MFC

(b) For all CF34–1A, –3A, and –3A2 series engines with SN's 350003 through 350525, install an MFC with a flange groove that conforms to the requirements of CF34 SB CF34–BJ S/B 73–0041, dated August 12, 1999, or Revision 1, dated November 1, 1999, the next time the engine is removed or the next time the MFC is removed.

(c) Install a serviceable MFC with improved overspeed protection as follows:

(1) For all CF34–1A, –3A, and –3A2 series engines, install a serviceable MFC at the next hot section inspection, or within 53 months after the effective date of this AD, whichever occurs first, in accordance with step 2A through step 2G of the Accomplishment Instructions of CF34 ASB No. A73–33, dated November 21, 1997; or Revision 1, dated May 29, 1998; or Revision 2, dated March 9, 1999; or with step 3A(1) through step 3A(7) of the Accomplishment Instructions of CF34 ASB No. CF34–BJ 73–A0033, Revision 3, dated September 9, 1999, or Revision 4, dated November 1, 1999.

(2) For CF34–3A1, and –3B series engines installed on Canadair aircraft models CL601 or CL604 (Challenger airplanes), install a serviceable MFC at the next hot section inspection, or within 53 months after the effective date of this AD, whichever occurs first, in accordance with step 2A through step 2G of the Accomplishment Instructions of CF34 ASB No. A73–33, dated November 21, 1997; or Revision 1, dated May 29, 1998; or Revision 2, dated March 9, 1999; or with step 3A(1) through step 3A(7) of the Accomplishment Instructions of CF34 ASB No. CF34–BJ 73–A0033, Revision 3, dated September 9, 1999, or Revision 4, dated November 1, 1999.

(3) For CF34–3A1 and –3B1 series engines installed on Canadair aircraft model CL601RJ (Regional Jet airplanes), install a serviceable MFC within 4,000 hours TIS after the effective date of this AD, or within 17 months after the effective date of this AD, whichever occurs first, in accordance with step 2A through step 2G of the Accomplishment Instructions of CF34 ASB No. A73–19, Revision 1, dated February 20, 1998; or Revision 2, dated March 9, 1999; or with step 3A(1) through step 3A(7) of the Accomplishment Instructions of CF34 ASB No. CF34–AL 73–A0019, Revision 3, dated September 9, 1999.

Terminating Action

(d) Replacing an MFC with a serviceable MFC, as defined in paragraph (e) of this AD, constitutes terminating action for the requirements of this AD.

Definition of a Serviceable MFC

(e) For the purposes of this AD, a serviceable MFC is defined as any MFC that incorporates the improved overspeed protection modifications, or an MFC that has been reworked to provide the improved overspeed protection as provided by the applicable GE ASB and is not one of the following P/N's 6078T55P02, 6078T55P03, 6078T55P04, 6078T55P05, 6078T55P06, 6078T55P07, 6078T55P08, 6078T55P09, 6078T55P10, 6047T74P07, 6047T74P09, or 6091T07P01.

Alternative Method of Compliance

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

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

Special Flight Permits

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

Manufacturer Service Bulletins

(h) The inspection shall be done in accordance with the following GE service bulletins:

Document No.	Pages	Revision	Date
CF34AL 73–A0025	All	Original	Jul. 7, 1999.
CF34AL 73–0026	All	Original	Aug. 12, 1999.
CF34BJ 73–A0040	All	Original	Jul. 7, 1999.
CF34BJ 73–0041	All	Original	Aug. 12, 1999.
CF34–BJ 73–0041	All	1	Nov. 1, 1999.
A73–19	All	1	Feb. 20, 1998.
A73–19	1	2	Mar. 9, 1999.
	3	2	Mar. 9, 1999.
CF34–AL 73–A0019	All	3	Sept. 9, 1999.
A73–33	All	Original	Nov. 21, 1997.
A73–33	All	1	May 29, 1998.
A73–33	1	2	Mar. 9, 1999.
	3	2	Mar. 9, 1999.
CF34–BJ 73–A0033	All	3	Sept. 9, 1999.
CF34–BJ 73–A0033	All	4	Nov. 1, 1999.

(i) The incorporation by reference of GE ASB A73–19, dated February 20, 1998; ASB A73–33, dated November 21, 1997; and ASB A73–33, revision 1, dated May 29, 1998, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of July 27, 1999. The incorporation by reference of GE ASB's No. CF34AL 73–A0025, dated July 7, 1999; CF34BJ 73–A0040, dated July 7, 1999; GE service bulletin (SB) CF34AL S/B 73–0026, dated August 12, 1999; and GE SB CF34BJ S/B 73–0041, dated August 12, 1999, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of December 6, 1999.

Address for Obtaining Referenced Service Bulletins

(j) Copies may be obtained from GEAE Technical Publications, Attention: H. Decker MZ340M2, 1000 Western Avenue, Lynn, MA 01910; telephone (781) 594–6323, fax (781) 594–0600. Copies may be inspected at the

FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date of This AD

(k) This amendment becomes effective on the date of publication.

Issued in Burlington, Massachusetts, on February 8, 2000.

Thomas A. Boudreau,

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

[FR Doc. 00–3336 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–05]

Revision of Class E Airspace; Jasper, TX

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Jasper, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP), at Jasper County-Bell Field, Jasper, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Jasper County-Bell Field, Jasper, TX.

DATES: Effective 0901 UTC, June 15, 2000. Comments must be received on or before April 3, 2000.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2000–ASW–05, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Jasper, TX. The development of a NDB SIAP, at Jasper County-Bell Field, Jasper, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Jasper County-Bell Field, Jasper, TX.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR § 71.1. 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. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. 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 comment in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this 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. 2000–ASW–05.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this 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 (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. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Jasper, TX [Revised]

Jasper, Jasper County-Bell Field, TX
(Lat. 30°53′26″N., long. 94°02′05″W.)
Jasper NDB
(Lat. 30°57′17″N., long. 94°02′01″W.)

The airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jasper County-Bell Field and within 4 miles east and 8 miles west of the 001° bearing of the Jasper NDB extending from the 6.5-mile radius to 11.2 miles north of the airport.

* * * * *

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3822 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–04]

Revision of Class E Airspace; Uvalde, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Uvalde, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP), at Garner Field, Uvalde, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Garner Field, Uvalde, TX.

DATES: Effective 0901 UTC, June 15, 2000. Comments must be received on or before April 3, 2000.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2000–ASW–04, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Uvalde, TX. The development of a NDB SIAP, at Garner Field, Uvalde, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Garner Field, Uvalde, TX.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR § 71.1. 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. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this 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. 2000–ASW–04.'' The

postcard will be date stamped and returned to the commenter.

Agency Findings

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

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this 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 (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. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Uvalde, TX [Revised]

Uvalde, Garner Field, TX
(Lat. 29°12′41″N., long. 99°44′37″W.)
Uvalde NDB
(Lat. 29°10′41″N., long. 99°43′32″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Garner Field and within 4 miles west and 8 miles east of the 155° bearing of the Uvalde NDB extending from the airport to 10 miles southeast of the airport.

* * * * *

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3821 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–03]

Revision of Class E Airspace; Port Lavaca, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Port Lavaca, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP), at Calhoun County Airport, Port Lavaca, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Calhoun County Airport, Port Lavaca, TX.

DATES: Effective 0901 UTC, June 15, 2000. Comments must be received on or before April 3, 2000. Comments must be received on or before April 3, 2000.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2000–ASW–03, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Port Lavaca, TX. The development of a NDB SIAP, at Calhoun County Airport, Port Lavaca, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Calhoun County Airport, Port Lavaca, TX.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. 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. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a

notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this 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. 2000–ASW–03.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this 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 (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. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71, as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Port Lavaca, TX [Revised]

Port Lavaca, Calhoun County Airport, TX
(Lat. 28°39′15″N., long. 96°40′53″W.)
Port Lavaca NDB
(Lat. 28°39′02″N., long. 96°40′53″W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Calhoun County Airport and within 2.5 miles each side of the 330° bearing of the Port Lavaca NDB extending from the 7.1-mile radius to 7.5 miles northwest of the airport.

* * * * *

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3820 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–34]

Revision of Class E Airspace; Bonham, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; correction.

SUMMARY: This action corrects an error in the legal description of a direct final rule that was published in the **Federal Register** on January 6, 2000 (65 FR 700) that revised the Class E Airspace at Bonham, TX.

EFFECTIVE DATE: 0901 UTC, February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–342–5593.

SUPPLEMENTARY INFORMATION:

History

On January 6, 2000 (65 FR 700), the FAA published a direct final rule that revised the description of the Class E airspace area at Bonham, TX. However, an error was made in the legal description for the Bonham, TX Class E airspace area. The extension, based on the location of the Rayburn NDB, within ''2.5 miles each side of the 347° bearing from the Rayburn NDB extending from the 6.4-mile radius to 7.5 miles northwest of the airport'' was incorrectly included. That extension was already included in the legal description and was unnecessary.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the publication on January 6, 2000; FR DOC 00–242 and the legal description in FAA Order 7400.9G which is incorporated by reference in 14 CFR 71.1 are corrected as follows:

§ 71.1 [Corrected]

* * * * *

On page 701, the legal description is corrected to read as follows:

ASW TX E5 Bonham, TX [Revised]

Bonham, Jones Field, TX
(Lat. 33°36′42″N., long. 96°10′46″W.)
Bonham VORTAC
(Lat. 33°32′15″N., long. 96°14′03″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Jones Field and within 4 miles east

and 8 miles west of the 030° radial of the Bonham VORTAC extending from the 6.4-mile radius to 15 miles northeast of the airport.

* * * * *

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3819 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–31]

Revision of Class E Airspace; Del Rio, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Del Rio, TX.

EFFECTIVE DATE: The direct final rule published at 64 FR 70570 is effective 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 17, 1999 (64 FR 70570). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3818 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–30]

Revision of Class E Airspace; Artesia, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Artesia, NM.

EFFECTIVE DATE: The direct final rule published at 64 FR 70567 is effective 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 17, 1999, (64 FR 70567). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3817 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–29]

Revision of Class E Airspace; Carrizo Springs, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Carrizo Springs, TX.

EFFECTIVE DATE: The direct final rule published at 64 FR 70568 is effective 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 17, 1999, (64 FR 70568). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3816 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–27]

Revision of Class E Airspace; Lake Jackson, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of the direct final rule which revises Class E airspace at Lake Jackson, TX.

EFFECTIVE DATE: The direct final rule published at 64 FR 70566 is effective 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone: 817–222–5593.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on December 17, 1999, (64 FR 70566). The FAA uses the direct final rulemaking procedure for a noncontroversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 20, 2000. No adverse comments were received, and, thus, this action confirms that this direct final rule will be effective on that date.

Issued in Fort Worth, TX, on February 8, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–3815 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Insular Affairs

15 CFR Part 303

[Docket No. 990813222–0035–03]

RIN 0625–AA55

Changes in Watch, Watch Movement and Jewelry Program for the U.S. Insular Possessions

AGENCIES: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: This action amends the Departments' regulations governing duty-exemption allocations for watch producers and duty-refund benefits for watch and jewelry producers in the United States insular possessions (the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands (''CNMI''). The rule amends Subpart A of Title 15 CFR Part 303 by establishing the total quantity and respective territorial shares of insular watches and watch movements which are allowed to enter the United States free of duty during calendar year 2000 and clarifies the definition of a new firm for watches. The rule also amends Subparts A and B of 15 CFR 303 by establishing a permanent formula for the creditable wage ceiling.

EFFECTIVE DATE: February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526.

SUPPLEMENTARY INFORMATION: We published proposed regulatory revisions on January 6, 2000 (65 FR 731) and invited comments. We received no comments.

The insular possessions watch industry provision in Sec. 110 of Pub. L. No. 97–446 (96 Stat. 2331) (1983), as amended by Sec. 602 of Pub. L. 103–465 (108 Stat. 4991) (1994); additional U.S. Note 5 to chapter 91 of the Harmonized Tariff Schedule of the United States (''HTSUS''), as amended by Pub.L. 94–241 (90 Stat 263)(1976) requires the Secretary of Commerce and the Secretary of the Interior, acting jointly, to establish a limit on the quantity of watches and watch movements which may be entered free of duty during each calendar year. The law also requires the Secretaries to establish the shares of watches and watch movements which may be entered from the Virgin Islands, Guam, American Samoa and the CNMI. Regulations on the establishment of these quantities and shares are contained in Sections 303.3 and 303.4 of Title 15, Code of Federal Regulations (15 CFR 303.3 and 303.4). The Departments amend Sec. 303.14(e) by establishing for calendar year 2000 a total quantity of 3,366,000 units and respective territorial shares as shown in the following table:

Virgin Islands	1,866,000
Guam	500,000
American Samoa	500,000
CNMI	500,000

The enactment of Public Law 106–36 amended additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States to provide a duty-refund benefit for any article of jewelry within heading 7113 which is a product of the Virgin Islands, Guam, American Samoa or the CNMI in accordance with the new provisions of the note in chapter 71 and additional U.S. Note 5 to chapter 91. The Departments published a final rule on December 1, 1999 (64 FR 67149) which amended the regulations by changing Title 15 CFR Part 303 to include jewelry and creating a Subpart A for the insular watch and watch movement regulations and a Subpart B for the new regulations pertaining to jewelry duty-refund benefits authorized by Pub. L. 106–36. When we requested comments on the proposed jewelry regulations, we received a comment regarding the requirement that a new firm be ''completely separate from and not associated with, by way of ownership or control'' with other jewelry program participants in the territory. In the final jewelry rule, we revised the language using new terminology borrowed from existing fair trade law to clarify the language. To ensure consistency and clarity, we amend § 303.2(a)(5) to include the new terminology in Subpart A as well.

The rule also establishes a permanent formula for the creditable wage ceiling for watches and jewelry by amending §§ 303.2(a)(13), 303.14(a)(1)(i) and 303.16(a)(9), respectively. The creditable wage ceiling is used in the calculation of the value of the production incentive certificate (duty refund). The annual creditable wage ceiling is up to an amount equal to 65% of the contribution and benefit base for Social Security as defined in section 230(c) of the Social Security Act, as amended (42 U.S.C. 430). Until 1976, the Departments credited wages up to the contribution and benefit base for Social Security. In that year, the Departments adopted an independent ceiling lower than the contribution and benefit base in order to increase the incentive for the employment and training of territorial residents in skilled jobs (*see* 40 FR 54274 (1975)). Since 1983, the Departments have revised the ceiling upwards several times to keep pace with inflation. This rule establishes a new ceiling in the form of a fixed percentage of the contribution and benefit base for Social Security which assists producers in better planning expenditures and calculating potential profits and benefits. This change also eliminates the need for periodic rulemaking to adjust the ceiling, provides an annual incremental increase consistent with the Departments' past policy objectives, *id.*, and creates transparency in the calculation of the ceiling.

Under the Administrative Procedure Act, 5 U.S.C. 553(d)(1), the effective date of this rule need not be delayed for 30 days because this rule relieves a restriction by creating an annual increase in the creditable wage ceiling used in the calculation of the duty refund.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Chief Counsel for Regulation at the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule will not have a significant economic impact on a substantial number of small entities. There are currently five watch companies, all of which are located in the Virgin Islands. Although there is a reduction of the 2000 Virgin Islands territorial share of duty-exemption, the reduced amount still represents more than twice the amount of duty-exemption used in 1998. The statute does not permit a lower amount in the year 2000. Similarly, clarifying new entrant affiliation language and updating the creditable wage ceiling with a permanent annual mechanism will not impose any cost or have any other adverse economic effect on the producers.

Paperwork Reduction Act

This rulemaking involves no new collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Collection activities are currently approved by the Office of Management and Budget under control numbers 0625–0040 and 0625–0134, and the amendments do not increase the information burden on the public or change the information collection requirements.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information unless it displays a currently valid OMB Control Number.

E.O. 12866

It has been determined that the rulemaking is not significant for purposes of Executive Order 12866.

List of Subjects in 15 CFR Part 303

Administrative practice and procedure, American Samoa, Customs duties and inspection, Guam, Imports, Marketing quotas, Northern Mariana Islands, Reporting and recordkeeping requirements, Virgin Islands, Watches and jewelry.

For reasons set forth above, the Departments amend 15 CFR Part 303 as follows:

PART 303—WATCHES, WATCH MOVEMENTS AND JEWELRY PROGRAM

1. The authority citation for 15 CFR Part 303 reads as follows:

Authority: Pub. L. 97–446, 96 Stat. 2331 (19 U.S.C. 1202, note); Pub. L. 103–465, 108 Stat. 4991; Pub. L. 94–241, 90 Stat. 263 (48 U.S.C. 1681, note); Pub. L. 106–36, 113 Stat.127,167.

2. Section 303.2(a)(5) is revised to read as follows:

§ 303.2 Definitions and forms.

(a) Definitions. Unless the context indicates otherwise:

* * * * *

(5) New firm is a watch firm which may not be affiliated through ownership or control with any other watch duty-refund recipient. In assessing whether persons or parties are affiliated, the Secretaries will consider the following factors, among others: stock ownership; corporate or family groupings; franchise or joint venture agreements; debt financing; and close supplier relationships. The Secretaries may not find that control exists on the basis of these factors unless the relationship has the potential to affect decisions concerning production, pricing, or cost. Also, no watch duty-refund recipient may own or control more than one jewelry duty-refund recipient. A new entrant is a new watch firm which has received an allocation.

* * * * *

3. The first sentence of Section 303.2(a)(13) is amended by removing ''—up to the amount per person shown in § 303.14(a)(1)(i)—'' and adding '', up to an amount equal to 65% of the contribution and benefit base for Social Security as defined in the Social Security Act for the year in which the wages were earned,'' in its place.

4. Section 303.14(a)(1)(i) is amended by removing '', up to a maximum of $38,650 per person,'' and adding '', up to an amount equal to 65% of the contribution and benefit base for Social Security as defined in the Social Security Act for the year in which the wages were earned,'' in its place.

5. Section 303.14(e) is amended by removing ''2,240,000'' and adding ''1,866,000'' in its place.

6. The first sentence of Section 303.16(a)(9) is amended by removing ''—up to the amount per person of $38,650—'' and adding '', up to an amount equal to 65% of the contribution and benefit base for Social Security as defined in the Social Security Act for the year in which the wages were earned,'' in its place.

Robert S. LaRussa,

Assistant Secretary for Import Administration, Department of Commerce.

Ferdinand Aranza,

Director, Office of Insular Affairs, Department of the Interior.

[FR Doc. 00–3846 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–P; 4310–93–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[USCG–2000–6822]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between October 1, 1999 and December 31, 1999 which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between October 1, 1999 and December 31, 1999.

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

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

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port

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

Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones listed in this notice have been exempted from review under Executive Order 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period October 1, 1999 and December 31, 1999, unless otherwise indicated.

Dated: February 11, 2000.

Pamela M. Pelcovits,

Chief, Office of Regulations and Administrative Law.

DISTRICT QUARTERLY REPORT

District Docket	Location	Type	Effective Date
01–99–169	LARCHMONT HARBOR, NEW YORK	SAFETY ZONE	10/17/1999
01–99–170	SALEM HARBOR, SALEM, MA	SAFETY ZONE	10/16/1999
01–99–172	FIREWORKS DISPLAY, WASTON PT, MIDDLETOWN, RI	SAFETY ZONE	10/15/1999
01–99–177	HUDSON RIVER, JERSEY CITY, NJ	SAFETY ZONE	10/21/1999
01–99–179	HUDSON RIVER, MANHATTAN, NY	SAFETY ZONE	12/14/1999
01–99–182	NEW YORK HARBOR, UPPER BAY	SAFETY ZONE	12/31/1999
01–99–188	DAVISVILLE DEPOT, DAVISVILLE, R.I.	SAFETY ZONE	11/06/1999
01–99–415	BRENTON POINT STATE PARK, RI	SAFETY ZONE	11/07/1999
05–99–082	NANTICOKE RIVER, SHARPTOWN, MD	SPECIAL LOCAL	10/09/1999
05–99–084	SPA CREEK, ANNAPOLIS HARBOR, MARYLAND	SPECIAL LOCAL	11/06/1999
05–99–088	JAMES RIVER, WILLIAMSBURG, VA	SAFETY ZONE	10/05/1999
05–99–091	MATTAPONI RIVER, WEST POINT, VA	SAFETY ZONE	10/02/1999
05–99–092	VIRGINIA BEACH, VA	SAFETY ZONE	10/15/1999
05–99–093	WALLACE CREEK, JACKSONVILLE, NORTH CAROLINA	SPECIAL LOCAL	10/30/1999
05–99–099	HARBOR PARK, NORFOLK, VA	SAFETY ZONE	12/31/1999
05–99–100	POTOMAC RIVER	SAFETY ZONE	12/31/1999
07–99–073	FAJARDO, PUERTO RICO	SPECIAL LOCAL	11/04/1999
07–99–076	TAMPA BAY, ST. PETERSBURG, FL	SPECIAL LOCAL	11/17/1999
07–99–081	GREAT BAY, SAINT THOMAS, USVI	SPECIAL LOCAL	12/01/1999
07–99–084	FAJARDO, PUERTO RICO	SPECIAL LOCAL	12/11/1999
07–99–089	SAVANNAH RIVER, SAVANNAH, GA	SPECIAL LOCAL	12/31/1999
07–99–095	GREAT BAY, SAINT THOMAS, USVI	SPECIAL LOCAL	12/31/1999
07–99–096	CANEEL BAY, SAINT JOHN, USVI	SPECIAL LOCAL	12/31/1999
07–99–097	WATER BAY, SAINT THOMAS, USVI	SPECIAL LOCAL	12/31/1999
07–99–098	GREAT CRUZ BAY, SAINT JOHN, USVI	SPECIAL LOCAL	12/31/1999
08–99–065	CLEAR LAKE RECREATIONAL AREA, TX	SPECIAL LOCAL	12/11/1999
09–99–084	LAKE MICHIGAN, CHICAGO, IL	SAFETY ZONE	11/12/1999
13–99–045	COLUMBIA RIVER, PORTLAND, OR	SAFETY ZONE	10/30/1999
13–99–047	DUWAMISH WATERWAY, WA	SAFETY ZONE	11/30/1999
13–99–048	ELLIOTT BAY, WA	SAFETY ZONE	12/01/1999
13–99–049	BELL STREET HARBOR, ELLIOTT BAY, WA	SAFETY ZONE	12/02/1999
13–99–050	PIER 62/63, SEATTLE, WA	SAFETY ZONE	12/01/1999
13–99–051	WILLAMETTE RIVER, PORTLAND, OR	SAFETY ZONE	12/31/1999

COTP QUARTERLY REPORT

COTP Docket	Location	Type	Effective date
CHARLESTON 99–090	CHARLESTON, SC	SAFETY ZONE	12/31/1999
HOUSTON-GALVESTON MSU 99–012.	GULF OF MEXICO, M. 3.1 S. OF GALVESTON	SAFETY ZONE	11/01/1999
HOUSTON-GALVESTON 99–004	HOUSTON SHIP CHANNEL	SAFETY ZONE	10/06/1999
HOUSTON-GALVESTON 99–005	HOUSTON SHIP CHANNEL	SAFETY ZONE	10/20/1999
HOUSTON-GALVESTON 99–006	HOUSTON SHIP CHANNEL	SAFETY ZONE	10/25/1999
HOUSTON-GALVESTON 99–007	HOUSTON, TX	SAFETY ZONE	12/01/1999
HOUSTON-GALVESTON 99–013	GULF INTRACOASTAL WATERWAY, M. MARKER 334.5	SAFETY ZONE	11/30/1999
JACKSONVILLE 99–092	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	12/31/1999

COTP QUARTERLY REPORT—Continued

COTP Docket	Location	Type	Effective date
JACKSONVILLE 99–075	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	11/04/1999
JACKSONVILLE 99–077	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	11/26/1999
JACKSONVILLE 99–084	INTERCOASTAL WATERWAYS, ST. AUGUSTINE, FL	SAFETY ZONE	12/31/1999
JACKSONVILLE 99–093	ATLANTIC CITY, FL	SAFETY ZONE	12/31/1999
JACKSONVILLE 99–094	INDIAN RIVER, COCOA, FL	SAFETY ZONE	12/31/1999
LA/LONG BEACH 99–006	PIERPONT BAY, VENTURA, CA	SAFETY ZONE	10/03/1999
LOUISVILLE 99–009	OHIO RIVER M, 435.2 TO 437.2	SAFETY ZONE	12/07/1999
MEMPHIS 00–001	LWR MISSISSIPPI RIVER, M. 781.5	SAFETY ZONE	10/13/1999
MEMPHIS 00–002	LWR MISSISSIPPI RIVER, M. 790.5	SAFETY ZONE	10/19/1999
MEMPHIS 00–003	WHITE RIVER, M. 0 TO 10	SAFETY ZONE	10/25/1999
MEMPHIS 00–004	LWR MISSISSIPPI RIVER, M. 607 TO 603	SAFETY ZONE	10/28/1999
MEMPHIS 00–005	WHITE RIVER, M. 0 TO 10	SAFETY ZONE	10/30/1999
MEMPHIS 00–008	WHITE RIVER, M. 0 TO 10	SAFETY ZONE	11/19/1999
MEMPHIS 00–009	LWR MISSISSIPPI RIVER, M. 604 TO 606	SAFETY ZONE	11/25/1999
MEMPHIS 00–010	WHITE RIVER, M. 0 TO 10	SAFETY ZONE	12/04/1999
MEMPHIS 00–011	LWR MISSISSIPPI RIVER, M. 561 TO 563	SAFETY ZONE	12/09/1999
NEW ORLEANS 99–028	LWR MISSISSIPPI RIVER, M. 362.T TO 365	SAFETY ZONE	10/15/1999
NEW ORLEANS 99–029	HALTER MARINE, NEW ORLEANS	SAFETY ZONE	11/06/1999
NEW ORLEANS 99–030	LWR MISSISSIPPI RIVER, M. 221.7 TO 223.7	SAFETY ZONE	11/03/1999
NEW ORLEANS 99–031	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	11/18/1999
NEW ORLEANS 99–032	LWR MISSISSIPPI RIVER, M. 94 TO 96	SAFETY ZONE	12/31/1999
NEW ORLEANS 99–033	LWR MISSISSIPPI RIVER, M. 139.4	SAFETY ZONE	12/03/1999
NEW ORLEANS 99–035	LWR MISSISSIPPI RIVER, M. 228 TO 231	SAFETY ZONE	12/11/1999
NEW ORLEANS 99–036	LWR MISSISSIPPI RIVER, M. 362.5 TO 365	SAFETY ZONE	12/31/1999
PITTSBURGH 99–001	ALLEGHENY RIVER, M. 0.1 TO 1.0	SAFETY ZONE	12/31/1999
PITTSBURGH 99–002	OHIO RIVER, M. 29.3 TO 29.5	SAFETY ZONE	12/31/1999
PITTSBURGH 99–003	OHIO RIVER, M. 62.7 TO 62.9	SAFETY ZONE	12/31/1999
PORT ARTHUR 99–001	NECHES RIVER, PORT NECHES, TX	SAFETY ZONE	12/03/1999
SAN DIEGO 99–012	COLORADO RIVER, AZ	SAFETY ZONE	10/30/1999
SAN DIEGO 99–013	SAN DIEGO BAY	SAFETY ZONE	11/31/1999
SAN FRANCISCO BAY 99–024	HUMBOLDT BAY, EUREKA, CA	SAFETY ZONE	10/01/1999
SAN FRANCISCO BAY 99–025	MONTEREY BAY, CA	SAFETY ZONE	10/09/1999
SAN FRANCISCO BAY 99–026	SAN FRANCISCO BAY, CA	SAFETY ZONE	10/20/1999
SAN FRANCISCO BAY 99–027	MONTEREY BAY, CA	SAFETY ZONE	11/12/1999
SAN FRANCISCO BAY 99–028	SAN FRANCISCO BAY, SAN FRANCISCO, CA	SAFETY ZONE	12/31/1999
SAN JUAN 99–078	SAN JUAN HARBOR, SAN JUAN, PUERTO RICO	SAFETY ZONE	11/20/1999
SAN JUAN 99–079	SAN JUAN, PUERTO RICO	SAFETY ZONE	11/22/1999
TAMPA 99–069	TAMPA BAY, FL	SAFETY ZONE	10/12/1999
TAMPA 99–070	TAMPA BAY, FL	SAFETY ZONE	10/14/1999
TAMPA 99–071	WEST COAST, FL	SAFETY ZONE	10/15/1999

[FR Doc. 00–3824 Filed 2–16–00; 8:45 am]
BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA103–5047a; FRL–6534–7]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on a revision to the Commonwealth of Virginia State Implementation Plan (SIP). The revision makes the oxygenated gasoline program a contingency measure of the maintenance plan for the Northern Virginia area, which means that the oxygenated gasoline program would only be required to be implemented in the Northern Virginia area if there is a violation of the carbon monoxide (CO) national ambient air quality standard (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on April 3, 2000 without further notice, unless EPA receives adverse written comment by March 20, 2000. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 814–2177, or by e-mail at bunker.kelly@epa.gov.

SUPPLEMENTARY INFORMATION: In this document the term ''we'' refers to EPA.

I. Introduction

Motor vehicles are significant contributors of carbon monoxide (CO) emissions. An important control measure to reduce these emissions is the use of oxygenates in motor vehicles' gasoline. Extra oxygen enhances fuel combustion, which tends to be less efficient in cold weather. The oxygen

also helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter. By adding oxygenates to gasoline, exhaust emissions of carbon monoxide are reduced. A gasoline blend containing 2.7 percent (%) oxygen by weight will result in a 15% to 20% reduction in CO emissions.

Section 211(m) of the Clean Air Act, 42 U.S.C.7401 *et seq.* (the Act) requires that states with carbon monoxide nonattainment areas with design values of 9.5 parts per million (ppm) or more, based on data for the two year period of 1988 and 1989 or any two year period after 1989, submit revisions to their State Implementation Plan (SIP) which establish oxygenated gasoline programs. These programs were to begin no later than November 1, 1992.

The oxygenated gasoline programs must require gasoline in the specified control areas to contain not less than 2.7% oxygen by weight (known as a per-gallon program), except that states may adopt an averaging program employing marketable oxygen credits. Where an averaging program is adopted, gasoline containing oxygen above 2.7% by weight may offset the sale of gasoline with a oxygen content below 2.7% by weight.

The minimum 2.7% standard shall apply during that portion of the year in which the areas are prone to high ambient concentrations of CO. The Act requires that the oxygenated gasoline program apply to all gasoline sold or dispensed in the larger of the Consolidated Metropolitan Statistical Area (CMSA) or the Metropolitan Statistical Area (MSA) in which the nonattainment area is located.

II. Background

EPA determined that the 1988 and 1989 data for the Metropolitan Washington area was invalid because of poor data quality and therefore inadequate to properly characterize the ambient concentrations of CO. Therefore, data from 1987 and 1988 was used and the Metropolitan Washington area was designated as a CO nonattainment area with a design value of 11.4 ppm. The county of Arlington and the city of Alexandria are both part of the Metropolitan Washington CO nonattainment area. Consequently, as per the requirements of section 211(m) of the Act, an oxygenated gasoline program was required to be implemented in the Virginia portion of the Washington, DC MSA. The Virginia portion of the Washington, DC MSA includes the counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

On November 20, 1992 the Virginia Department of Environmental Quality (VADEQ) officially submitted to EPA a revision to the Virginia SIP for an oxygenated gasoline program in the Northern Virginia portion of the Washington, DC MSA. Virginia's oxygenated gasoline regulations, which was adopted by the Virginia Department of Agricultural and Consumer Services (Board of) at VR 115–04–28, required the implementation of an per-gallon program. We approved these revisions to the SIP on April 15, 1994 (59 FR 17942).

On October 4, 1995 the Commonwealth of Virginia submitted to EPA a redesignation request and maintenance plan for the Northern Virginia portion of the Metropolitan Washington CO nonattainment area. In its demonstration of maintenance, the Commonwealth showed that oxygenated gasoline in the Northern Virginia portion of the Washington, DC MSA was not necessary for continued maintenance of the CO national ambient air quality standards (NAAQS). The oxygenated gasoline program was relegated to a contingency measure in the maintenance plan. If the redesignated area violates the CO standard then the oxygenated gasoline program would be reinstated at the beginning of the next oxygenated gasoline control period. We approved the redesignation request and maintenance plan on January 30, 1996 (61 FR 2931). By September 1, 1997, Virginia committed to adopt and submit to EPA a revision to its oxygenated gasoline regulation which required the implementation of the program at the beginning of the next control period after two or more exceedances of the CO NAAQS had occurred in a single calendar year.

On October 2, 1996, Virginia revised its oxygenated gasoline regulations to reflect the requirements of the federally approved CO maintenance plan for Northern Virginia. The regulation revision requires the implementation of the oxygenated gasoline program in the Northern Virginia area only in the event that there are two or more exceedances of the CO NAAQS in a calendar year.

On April 30, 1997, the Commonwealth of Virginia submitted the October 2, 1996 oxygenated gasoline regulation amendments as a formal revision to its SIP. The Virginia oxygenated gasoline regulation is found at 2 VAC 5 Chapter 480—Regulation Governing the Oxygenation of Gasoline (formerly VR 115–04–28). The submittal consisted of a copy of the final oxygenated gasoline regulation amendments found at 2 VAC 5 Chapter 480, section 20, Applicability, comment and response documents and proof that public notice and hearing was given on the proposed regulation. These regulatory revisions were adopted by the Commonwealth on October 2, 1996 and became effective on November 1, 1996. The April 30, 1997 SIP submittal is the subject of this action. EPA summarizes its analysis of the state submittal below. A more detailed analysis of the state submittal is contained in a Technical Support Document (TSD) which is available from the Region III office listed in the **ADDRESSES** section of this document.

III. EPA's Analysis of Virginia's Amendment to Their Oxygenated Gasoline Regulation

The revision to 2 VAC 5 Chapter 480, section 20, relegates the oxygenated gasoline program to a contingency measure, only to be implemented if there are two or more exceedances of the CO NAAQS in a calendar year in the Northern Virginia area. The regulation requires the commencement of the oxygenated gasoline program at least 180 days after notice has been given in the *Virginia Register.* This regulation change conforms to the Northern Virginia CO maintenance plan which was approved by the EPA on January 30, 1996 (61 FR 2931). The oxygenated gasoline regulation which was federally approved on April 15, 1994 (59 FR 17942) remains the same except for the above stated implementation change.

IV. Final Action

EPA is approving the amendments to 2 VAC 5 Chapter 480, section 20 as a revision to the Virginia SIP.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on April 3, 2000 without further notice unless we receive adverse comment by March 20, 2000. If we receive adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Administrative Requirements

A. General Requirements

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

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

B. 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).

C. 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 April 17, 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 approving a revision to Virginia's oxygenated gasoline regulation may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference.

Dated: January 31, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

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 VV—Virginia

2. Section 52. 2420 is amended by adding paragraphs (c)(136) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(136) Revisions to the Virginia Regulations, to relegate the oxygenated gasoline program to a carbon monoxide contingency measure, submitted on April 30, 1997 by the Virginia Department of Environmental Quality:

(I) Incorporation by reference.

(A) Letter of April 30, 1997 from the Virginia Department of Environmental Quality transmitting the oxygenated gasoline regulation amendments as a SIP revision.

(B) Revisions to 2 VAC 5 Chapter 480, Section 20, Applicability. These revisions became effective November 1, 1996.

(ii) Additional Material.—Remainder of April 30, 1997 submittal

[FR Doc. 00–3357 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC–84–9936(a), NC–88–9937(a); FRL–6520–4]

Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Miscellaneous Revisions to the Forsyth County Local Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 17, 1997, and November 6, 1998, on behalf of the Forsyth County Environmental Affairs Department, the North Carolina Division of Air Quality submitted miscellaneous revisions to the Forsyth County Local Implementation Plan (LIP). These revisions adopt federally approved regulations, previously adopted into the North Carolina State Implementation Plan, into the LIP. These revisions include but are not limited to the adoption of Exclusionary Rules and the amending of multiple Volatile Organic Compounds (VOC) rules. EPA is

approving these revisions because they are consistent with the requirements set forth in the Clean Air Act as amended in 1990.

DATES: This direct final rule is effective April 17, 2000 without further notice, unless EPA receives adverse comment by March 20, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Randy Terry at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

North Carolina Department of Environment and Natural Resources, 2728 Capitol Boulevard, Raleigh, North Carolina 27604;

Forsyth County Environmental Affairs Department, 537 North Spruce Street, Winston Salem, North Carolina 27171–1362;

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303;

Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Randy Terry at the above Region 4 address or at 404–562–9032.

SUPPLEMENTARY INFORMATION: On January 17, 1997, and November 6, 1998, on behalf of the Forsyth County Environmental Affairs Department, the North Carolina Division of Air Quality submitted miscellaneous revisions to the Forsyth County Local Implementation Plan (LIP). A brief description of each major revision follows:

Subchapter 3D—Air Pollution Control Requirements

3D.0104 Incorporation by Reference

This rule was amended to adopt by reference all references to American Society for Testing and Materials methods (ASTM).

3D.0506, Hot Mix Asphalt Plants, 3D.0507, Particulates From Chemical Fertilizer Manufacturing Plants, 3D.0508, Particulates From Pulp and Paper Mills, 3D.0509, Particulates From Mica or Feldspar Plants. 3D.515, Particulates From Miscellaneous Industrial Processes

The tables in these sections which list both the process rate in tons per hour and the maximum allowable emission rate in lbs per hour were deleted and replaced by equations which were added to be used to calculate all emission limits for the particulates.

3D.0510, Particulates From Sand, Gravel, or Crushed Stone Operations and 3D.0511, Particulates From Lightweight Aggregate Processes

These rules were amended to include language ensuring the control of process-generated emissions from crushers with wet suppression and from conveyers, screens and transfer points.

3D.0521, Control of Visible Emissions

This rule was amended to define the six minute averaging period used to determine exceedences of the visible emission limits and to delete the grandfathered source exemption.

3D.0531, Sources in Nonattainment Areas

This rule was amended to adopt paragraph (k). Paragraph (k) requires new sources and sources undergoing major modifications to use the urban airshed model (UAM) to predict the effect on the ozone level and attainment status.

3D.0535, Excess Emissions Reporting and Malfunctions

This rule was modified to include language that requires a malfunction abatement plan for all electric utility boilers and gives the Director discretion to require a malfunction abatement plan for any other source. This rule was also amended to change the reporting time period of a malfunction from 24 hours after the occurrence to no later than 9 am Eastern time of the department's next business day.

3D.0907, Compliance Schedules for Sources in Nonattainment Areas; 3D.0910, Alternative Compliance Schedules; 3D.0911 Exception From Compliance Schedules; 3D.0952, Petition for Alternative Controls; 3D.0954 Stage II Vapor Recovery

These rules were amended to extend the compliance dates.

3D.0909, Compliance Schedules for Sources in New Nonattainment Areas

This rule was amended to correct paragraph references that have changed.

3D.0914 Determination of VOC Emission Control System Efficiency This rule was amended to clarify that the capture efficiency of VOC emission control systems shall be determined using the EPA recommended capture efficiency protocols and test methods as described in the EPA document, EMTIC GD–035, ''Guidelines for Determining Capture Efficiency.''

3D.0927 Bulk Gasoline Terminals

This rule was amended to add the definition of ''contact deck'' and to delete language that allows a bulk gasoline terminal to install a vapor control system that prevents the emissions of VOC's from exceeding 80 milligrams per liter. The revised regulation requires all vapor control systems to limit the emissions of VOC's to 35 milligrams per liter.

3D.0938 Perchloroethylene Dry Cleaning System

This rule was repealed because perchloroethylene was removed from the list as a VOC.

3D.0950 Interim Standards for Certain Source Categories

This rule was amended to delete applicability of this rule to textile coating, bakeries, and Christmas ornament manufacturing because they are now covered by separate rules under 3D.0955, .0956, and .0957, respectively. A sentence has also been added to paragraph (b) which states that ''Diacetone alcohol and perchloroethylene are not considered photochemically reactive under this rule.''

3D.0953 Vapor Return Piping for Stage II Vapor Recovery

This rule has been simplified to require vapor return piping to have a diameter of at least two inches for six or fewer nozzles and at least three inches for more than six nozzles.

3Q.0101 Required Air Quality Permits, 3Q.0102 Activities Exempted From Permit Requirements, and 3Q.0301 Applicability

These rules were amended to update references from rule 3Q .0610 to 3Q .0700.

3Q.0207 Annual Emissions Reporting

This rule was amended to add title V minor facilities to the sources required to report actual emissions by June 30 of each year for the previous calender year.

3Q.0312 Application Processing Schedule, and 3Q.0607 Application Processing Schedule

These rules were amended to modify the schedules for processing applications for permits, modifications and renewals.

3Q Section .0800 Exclusionary Rules

This section was adopted to define categories of facilities that are exempted from needing a permit under section .0500, title V Procedures, of this Subchapter by redefining their potential emissions. This section effectively reduces the number of synthetic minors. The following topics are covered in the new rules:

.0801 Purpose and Scope
.0802 Gasoline Service Stations and Dispensing Facilities
.0803 Coating, Solvent Cleaning, Graphic Arts Operations
.0804 Dry Cleaning Facilities
.0805 Grain Elevators
.0806 Cotton Gins
.0807 Emergency Generators

Additional revisions to rules within Section 3Q.0800 are described below.

3Q.0805 Grain Elevators

This rule was amended to raise the exemption limits for shipping or receiving grain from 21,000 to 588,000 tons per year.

3Q.0806 Cotton Gin

This rule was amended to exempt any cotton gin that gins less than 167,000 bales of cotton per year.

3Q.0807 Emergency Generators

This rule was amended to add facilities that use associated fuel storage tanks to the list of sources that require a permit.

Final Action

EPA is approving the aforementioned changes to the State Implementation Plan (SIP) because they are consistent with the Clean Air Act and EPA requirements. These requirements can be found in the January 20, 1994, memo by John R. O'Conner. EPA feels that approving this source specific SIP revision will create no adverse effects in the surrounding attainment area.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective April 17, 2000 without further notice unless the Agency receives relevant adverse comments by March 20, 2000.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on April 17, 2000 and no further action will be taken on the proposed rule.

I. 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 Orders on Federalism

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 final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

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.

D. Executive Order 13084

Under Executive Order 13084, 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 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 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.

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 approve 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.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act 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 approval action promulgated 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**. 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).

H. 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.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

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 April 17, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 3, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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

PART 52—[AMENDED]

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

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

Subpart II—North Carolina

2. Section 52.1783, is amended by adding paragraph (c)(97) to read as follows:

§ 52.1783 Identification of plan.

* * * * *

(c) * * *

(97) The miscellaneous revisions to the Forsyth County Local Implementation Plan, which were submitted on January 17, 1997 and November 6, 1998.

(i) Incorporation by reference.

(A) 3D .0104 Incorporation By Reference 3D .0531; Sources In Nonattainment Areas; 3D .0907, Compliance Schedules for Sources in Nonattainment Areas; 3D .0909, Compliance Schedules for Sources in New Nonattainment Areas; 3D .0910 Alternative Compliance Schedules; 3D .0911 Exception From Compliance Schedules; 3D .0950 Interim Standards for Certain Source Categories; 3D .0952 Petition For Alternative Controls; 3D .0954 Stage II Vapor Recovery and 3Q Section .0800 Exclusionary Rules effective on November 13, 1995.

(B) 3A .0106 Penalties for Violation of Chapter; 3A .0110 CFR Dates; and 3A .0112 ASTM Dates; 3D.0101 Definitions; 3D .0506, Particulates from Hot Mix Asphalt Plants; 3D .0507, Particulates From Chemical Fertilizer Manufacturing Plants; 3D .0508 Particulates From Pulp and Paper Mills; 3D .0509 Particulates From Mica or Feldspar Processing Plants; 3D .0510 Particulates from Sand, Gravel, or Crushed Stone Operations and 3D .0511 Particulates from Lightweight Aggregate Processes 3D .0515 Particulates From Miscellaneous Industrial Processes; 3D .0521, Control of Visible Emissions; 3D .0535, Excess

Emissions Reporting and Malfunctions; 3D .0914 Determination of VOC Emission Control System Efficiency; 3D .0927 Bulk Gasoline Terminals; 3D .0938 Perchloroethylene Dry Cleaning System (Repealed); 3D .0953 Vapor Return Piping for Stage II Vapor Recovery 3Q .0101 Required Air Quality Permits; 3Q .0102 Activities Exempted From Permit Requirements; 3Q . 0103 Definitions; 3Q .0207 Annual Emissions Reporting; 3Q .0301 Applicability; 3Q .0302 Facilities not Likely to Contravene Demonstration; 3Q .0306 Permits Requiring Public Participation; 3Q .0312 Application Processing Schedule; 3Q .0607 Application Processing Schedule; 3Q .0805 Grain Elevators; 3Q .0806 Cotton Gin; and 3Q .0807 Emergency Generators effective on September 14, 1998.

(ii) Other material. None.

[FR Doc. 00–3359 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–226–0172a; FRL–6534–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP) which concern the control of particulate matter (PM) emissions. The revisions amend Rules 403 and 1186 adopted by the South Coast Air Quality Management District (SCAQMD). The intended effect of these SIP revisions is to regulate PM emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). This action will incorporate these rules into the Federally approved SIP. EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This rule is effective on April 17, 2000 without further notice, unless EPA receives adverse comments by March 20, 2000. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Dave Jesson at the Region IX office listed below. Copies of the rules and EPA's evaluation of the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765.

FOR FURTHER INFORMATION CONTACT: Dave Jesson, Planning Office (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 744–1288, or jesson.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Applicability

We are approving revisions to SCAQMD Rule 403, Fugitive Dust, and SCAQMD Rule 1186, PM10 Emissions from Paved and Unpaved Roads and Livestock Operations. SCAQMD adopted the revised rules on December 11, 1998, and the California Air Resources Board (CARB) submitted the rules to EPA on May 13, 1999. We determined the submittal to be complete on June 10, 1999.[1] The rules establish fugitive dust controls needed to allow the area to attain the National Ambient Air Quality Standards (NAAQS) for fine particulate matter, or PM10.[2]

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] The opinion issued by the U.S. Court of Appeals for the D.C. Circuit in *American Trucking Assoc., Inc., et al.* v. *USEPA,* No. 97–1440 (May 14, 1999), among other things, vacated the new standards for PM10 that were published on July 18, 1997 and became effective September 16, 1997. However, the PM10 standards promulgated on July 1, 1987 were not an issue in this litigation, and the Court's decision does not affect the applicability of those standards. Codification of those standards continues to be recorded at 40 CFR 50.6. In the notice promulgating the new PM10 standards, the EPA Administrator decided that the previous PM10 standards that were promulgated on July 1, 1987, and provisions associated with them, would continue to apply in areas subject to the 1987 PM10 standards until certain conditions specified in 40 CFR 50.6(d) are met. See 62 FR at 38701. EPA has not taken any action under 40 CFR 50.6(d) for the South Coast subject to this provision.

II. Background

A. Applicable Requirements

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of PM10 emissions through reasonably available control measures (RACM) and best available control measures (BACM) are set out in section 189(a)(1)(C) and 189(b)(1)(B) of the CAA.

In determining the approvability of a PM rule or ordinance, we must evaluate the measure for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). We must also ensure that measures are enforceable, and strengthen or maintain the SIP's control strategy.

For PM10 nonattainment areas classified as moderate, part D of the CAA requires that SIPs must include enforceable measures reflecting reasonably available control technology (RACT) for large stationary sources and RACM technology for other sources. The Act requires that SIPs for areas classified as serious must include measures applying best available control technology (BACT) to stationary sources and BACM technology to other sources. SCAQMD has jurisdiction over areas classified as serious for PM10.[3]

The statutory provisions relating to RACT, RACM, BACT, and BACM are discussed in EPA's ''General Preamble,'' which gives the Agency's preliminary views on how we intend to act on SIPs submitted under Title I of the Act. See generally 57 FR 13498 (April 16, 1992), 57 FR 18070 (April 28, 1992), and 59 FR 41998 (August 16, 1994). In this action, EPA is applying these policies to this submittal, taking into consideration the specific factual issues presented.

B. Evaluation of Rules

1. Rule 1186—PM10 Emissions From Paves and Unpaved Roads, and Livestock Operations

On August 11, 1998 (63 FR 42786), we fully approved SCAQMD Rule 1186 as adopted on February 14, 1997. Rule

[3] SCAQMD has jurisdiction over the South Coast Air Basin (SCAB) and Coachella Valley PM10 serious nonattainment areas. This **Federal Register** action for SCAQMD excludes the Los Angeles County portion of the Southeast Desert AQMA, otherwise known as the Antelope Valley Region in Los Angeles County, which is now under the jurisdiction of the Antelope Valley Air Pollution Control District as of July 1, 1997.

1186 requires street cleaning of paved roads and application of fugitive dust controls on unpaved roads. The rule also limits dust emissions at livestock operations.

Our final approval of Rule 1186 noted that SCAQMD had prepared revisions to the rule because of the need for more time to complete specific technical street sweeper certification protocols. We indicated that we intended to approve the revision to Rule 1186 if adopted and submitted as a SIP revision and supported by an SCAQMD showing that the revisions will not interfere with attainment, progress, or any other applicable CAA requirements.

On December 11, 1998, SCAQMD amended section (d)(2) of Rule 1186 to delay the effective date for procurement of PM10-efficient sweepers by one year (from January 1, 1999, to January 1, 2000). SCAQMD included in the Final Staff Report for amended Rule 1186 an analysis showing that the amendment will delay approximately 1.8 tons per day (tpd) in emission reductions from 1999 through 2005, and will not result in any emission reduction shortfall in 2006, the projected attainment date in SCAQMD's PM10 attainment plan.

We agree that the delay is warranted, and we are encouraged by SCAQMD's progress during the past 6 months in developing a methodology for determining the PM10 collection efficiency of street sweepers. Based on SCAQMD's analysis of the limited impact of the one year delay, we conclude that the postponement of the compliance date is an approvable amendment to Rule 1186 and is consistent with the provisions of CAA section 110(l), which prevent our approval of a revision if it would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act.

SCAQMD also made a minor amendment to the definition of ''Typical Roadway Materials.'' The purpose of the change was to allow use of other roadway materials of equivalent performance, in addition to concrete, asphaltic concrete, recycled asphalt, and asphalt. This minor revision requires an equivalency determination by SCAQMD, CARB, and EPA, and thus should ensure no loss of emission reduction benefit nor should it interfere with effective enforcement of the rule.

2. Rule 403—Fugitive Dust

On August 11, 1998, we granted limited approval and limited disapproval of SCAQMD Rule 403 as amended on February 14, 1997. As discussed in the notice of final rulemaking (see especially pages 42788 and 42789), we concluded that the 1997 version of Rule 403 strengthens the SIP but also contains a deficiency, in allowing the SCAQMD Executive Officer and CARB the discretion to approve equivalent test methods for determining soil moisture content and soil compaction characteristics (Rule 403, Table 2, paragraphs (1a) and (1b), and Definition 17 Open Storage Pile). This discretion could result in enforceability problems and is therefore not consistent with CAA section 172(c)(6). Because of this deficiency, we could not grant full approval of Rule 403 under section 110(k)(3) and part D. Also, because the rule was not composed of separable parts that meet all the applicable CAA requirements, we could not grant partial approval of Rule 403 under section 110(k)(3). As a result, we issued simultaneously both a limited approval and limited disapproval of Rule 403.

SCAQMD adopted on December 11, 1998, the following revisions to Rule 403:

(1) Addition of a requirement in Table 2, paragraphs (1a) and (1b) that EPA approve equivalent methods for ASTM silt content and soil moisture methods;

(2) Addition of a requirement in Table 1 (1F), Table 2 (6a), and Table 3 (3), that EPA approve equivalent control measures;

(3) revised provisions affecting agricultural operations, with a 6-month extension in the effective date to July 1, 1999, in order to allow time to implement an outreach program;

(4) Addition of a ''Rule 403 Agricultural Handbook';

(5) Addition of an exemption of sandblasting operations, to conform to State law (sandblasting operations will remain subject to the provisions of SCAQMD Rule 1140); and

(6) Minor amendments to other provisions to clarify the rule's original intent.

The first amendment listed above addresses our concern regarding the ''director's discretion'' provisions of Rule 403. This revision is approvable and allows us in this final action to rescind the limited disapproval of Rule 403. The second amendment also eliminates ''director's discretion'' provisions and is likewise approvable because it strengthens the federal enforceability of the rule.

In analyzing the implications of the third amendment, SCAQMD included in its Final Staff Report for amended Rule 403 a showing that the amendment will delay approximately 8.9 tpd in emission reductions for the 6 months from January 1, 1999 to July 1, 1999, and will not result in any emission reduction shortfall in subsequent years, including the projected attainment year (2006). Based on this analysis, we conclude that the postponement of the compliance date by 6 months is an approvable amendment to Rule 403. Moreover, we agree with SCAQMD that the delay is warranted in order to facilitate compliance with the rule's provisions for agricultural operations.

The Rule 403 Agricultural Handbook allows producers to be exempted from Rule 403 requirements if they implement a specified number of conservation practices listed for the particular operation. The handbook includes conservation practices for active operations, inactive operations, farm yard areas, track-out, unpaved roads, and storage piles. We are approving the handbook because implementation of the conservation practices should achieve the emission reductions that would otherwise be accomplished through compliance with the general provisions of Rule 403.

We approve the other changes to Rule 403 as minor clarifications.

As requested by CARB and SCAQMD and consistent with our approval of the prior version of Rule 403, we are not approving into the SIP section (i) of Rule 403, which establishes fees which are enforced locally only, and we are approving only the following sections of the ''Rule 403 Implementation Handbook,'' which was included as part of the SIP revision and which is incorporated by reference:

(1) ''Soil Moisture Testing Methods''—ASTM Standard Test Method D 2216 for Laboratory Determination of Water (Moisture) Content of Soil, Rock, and Soil-Aggregate Mixtures, and ASTM Standard Test Method 1557 for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ ft (2,700 kN-m/m ^{3}));

(2) ''Storage Piles''—Surface-Area Calculations and ASTM

Standard Method C–136 for Sieve Analysis of Fine and Coarse Aggregates;

(3) ''Best Available Control Measures'';

(4) ''Reasonably Available Control Measures'';

(5) ''Guidance for Large Operations.''

III. Final EPA Action

We are taking final action to approve amended Rule 403 (including the above-listed portions of Rule 403 Implementation Handbook and all of Rule 403 Agricultural Handbook) and Rule 1186 under section 110(k)(3) of the CAA as meeting the requirements of

section 110(a) and part D. We are rescinding the limited disapproval of Rule 403, which was promulgated on August 11, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

We are publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve SIP revision should adverse comments be filed. This rule will be effective April 17, 2000 without further notice unless we receive adverse comments by March 20, 2000.

If we receive such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this action will be effective April 17, 2000 and no further action will be taken on the proposed rule.

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 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 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 13121, 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 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. 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 approve 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.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act 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 approval action promulgated 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**. 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).

H. 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.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

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 April 17, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxide, Volatile organic compounds.

Dated: January 28, 2000.

Nora L. 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. The authority citation for Part 52 continues to read as follows:

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

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(263)(i)(A)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(263) * * *

(i) * * *

(A) * * *

(*3*) Rules 403 and 1186, amended on December 11, 1998.

* * * * *

[FR Doc. 00–3474 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 092–1092; FRL–6528–7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is announcing it is approving an amendment to the Missouri State Implementation Plan (SIP). EPA is approving volatile organic compound (VOC) rules which are applicable to the St. Louis nonattainment area. These rules constitute part of the St. Louis 15% Rate-of-Progress Plan (15% Plan) and were proposed for approval in the March 18, 1996, and July 2, 1997, **Federal Register**. EPA is also approving the Missouri 1990 Base Year Emissions Inventory for the St. Louis area. The Inventory was proposed for approval in the March 18, 1996, **Federal Register**.

EFFECTIVE DATE: This rule will be effective March 20, 2000.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

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

This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this document?

Have the requirements for approval of a SIP revision been met?

What action is EPA taking?

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is Being Addressed in This Document?

On March 18, 1996, we proposed to approve a number of VOC rules submitted by the state of Missouri to meet the St. Louis 15% Plan requirements of section 182(b)(1)(A) of the CAA (61 FR 10968). We subsequently reproposed approval of two of the VOC rules on July 2, 1997 (62 FR 35756).

In the March 18, 1996, **Federal Register** notice, we also proposed to approve Missouri's 1990 Base Year Emissions Inventory for the St. Louis nonattainment area. We also proposed to disapprove the state's 15% Plan because it did not contain sufficient measures to achieve the required 15% reduction in VOC emissions. Due to significant revisions to the 15% Plan and resubmittal by the state, we are reproposing action on the 15% Plan in a separate **Federal Register** notice published in today's **Federal Register**.

This **Federal Register** notice takes final action to fully approve the VOC rules (with exceptions noted below) and the 1990 Base Year Emissions Inventory which were proposed for approval in the two **Federal Register** notices cited above.

Action on VOC Rules

1. Open Burning Restrictions, Missouri Rule 10 CSR 10–5.070.

There were no comments received during the public comment period. The state effective date of this rule is January 29, 1995.

2. Control of Emissions from Bakery Ovens, Missouri Rule 10 CSR 10–5.440.

We did not receive any comments on this rule during the public comment period. However, as stated in the proposal, we noted that the rule did not specify a reference method for determining compliance. The state subsequently revised the rule to satisfactorily address this deficiency. The revised rule was submitted to us on March 12, 1997. Consequently, we are fully approving the revised rule. The state effective date of this rule is December 30, 1996.

3. Control of Emissions from Offset Lithographic Printing, Missouri Rule 10–5.442.

There were no comments received during the public comment period. The state effective date of this rule is May 28, 1995.

4. Control of VOC Emissions from Traffic Coatings, Missouri Rule 10 CSR 10–5.450.

There were no comments received during the public comment period. The state effective date for this rule is May 28, 1995.

5. Control of Emissions from Aluminum Foil Rolling, Missouri Rule 10 CSR 10–5.451.

We did not receive any comments on this rule during the public comment period. The state effective date of this rule is November 30, 1995.

6. Control of Emission from Solvent Cleanup Operations, Missouri Rule 10 CSR 10–5.455.

There were no comments received during the public comment period. However, we had proposed to condition its approval in the March 18, 1996, notice on the state revising the rule to delete an operating option which did not require an equivalent emission reduction, and did not provide standards for determining an acceptable alternative emission reduction.

The state subsequently revised the rule to delete the option noted above. The revised rule was submitted to us on March 6, 1997. Because the revision corrects the deficiency noted in the proposal, we are fully approving the revised rule in the Missouri SIP. The state effective date for this rule is February 28, 1997.

7. Control of Emissions from Municipal Solid Waste Landfills, Missouri Rule 10 CSR 10–5.490.

At the time of the proposed notice, the state had only a draft landfill rule for our review and for use in determining emission reductions in the 15% Plan. The state subsequently adopted a final landfill rule for the St. Louis area and submitted it to us on February 24, 1997. We subsequently proposed to approve the rule in a **Federal Register** notice dated July 2, 1997. There were no comments received during the public comment period. The state effective date for this rule is December 30, 1996.

Action on Base Year Inventory

In the March 18, 1996, **Federal Register** notice, we proposed approval of the state's 1990 Base Year Emissions Inventory. Although the inventory fulfills a separate CAA requirement, it is also used as a basis for development of the 15% Plan. No comments were received on this proposal during the public comment period. Therefore, we are taking final action to approve the 1990 Base Year Emissions Inventory submitted to us on January 20, 1995.

Other Rules

In the March 18, 1996, **Federal Register** notice, we also proposed to approve two additional rules, which we are not acting on in today's notice:

Rule 10 CSR 10–5.443, Control of Gasoline Reid Vapor Pressure (RVP). Since the March 18, 1996, proposal, the state has requested to opt in to the Federal reformulated gasoline program, and EPA approved the state's request on March 3, 1999 (see 64 FR 10366). This program will cut VOC emissions by an additional 5.53 tons/day over those achieved by the state rule and thus exceed the emissions reductions projected in the 15% Plan. The state intends to rescind the St. Louis RVP rule in the near future, since it no longer serves any purpose with respect to the 15% Plan. Therefore, we are taking no action on this rule.

Rule 10 CSR 10–5.220, Control of Petroleum Liquid Storage, Loading and Transfer. Since the March 18, 1996, proposal, the state has revised and resubmitted this rule, which requires Stage I and Stage II vapor recovery equipment for petroleum facilities in the St. Louis nonattainment area. Therefore, we will repropose action on this rule in a separate **Federal Register** notice.

Have The Requirements for Approval of a SIP Revision Been Met?

The state submittals have met the public notice requirements for SIP submissions in accordance with 40 CFR section 51.102. The submittals also satisfied the completeness criteria of 40 CFR Part 51, Appendix V. In addition, as explained above and in more detail in the technical support document (TSD) which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations. Additional background information and our rationale for approval of the rules are also included in the March 18, 1996, and July 2, 1997, **Federal Register** notices and related TSDs.

What Action Is EPA Taking?

EPA is taking final action to approve VOC rules and the Base Year Emissions Inventory submitted by Missouri to meet the requirements of section 182(b) of the Act. The VOC rules strengthen the SIP by obtaining needed reductions in VOC emissions, and the emissions inventory forms the baseline for achieving the required 15% reductions in VOC emissions.

Conclusion

EPA is approving an amendment to the Missouri SIP which includes VOC rules and the 1990 Base Year Emissions Inventory for the St. Louis nonattainment area.

Administrative Requirements

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

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

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

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 April 17, 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 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 13, 2000.

Nat Scurry,

Acting Regional Administrator, Region 7.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

2. § 52.1320 is amended by:

a. In the table to paragraph (c), under Chapter 5, revising the entry ''10–5.070'';

b. In the table to paragraph (c), under Chapter 5, adding in numerical order entries ''10–5.440,'' ''10–5.442,'' ''10–5.450,'' ''10–5.451,'' ''10–5.455,'' and ''10–5.490'';

c. In the table to paragraph (e), under Chapter 5, adding the entry ''1990 Base Year Inventory'' to the end of the table.

The revisions and additions read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
	Missouri Department of Natural Resources			
*	*	*	*	*
	Chapter 5''Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area			
*	*	*	*	*
10–5.070	Open Burning Restrictions	01/29/95	[*insert FR cite and date of publication*].	
*	*	*	*	*
10–5.440	Control of Emissions from Bakery Ovens.	12/30/96	[*insert FR cite and date of publication*].	
10–5.442	Control of Emissions from Offset Lithographic Printing Operations.	05/28/95	[*insert FR cite and date of publication*].	
10–5.450	Control of VOC Emissions from Traffic Coatings.	05/28/95	[*insert FR cite and date of publication*].	
10–5.451	Control of Emissions from Aluminum Foil Rolling.	11/30/95	[*insert FR cite and date of publication*].	
10–5.455	Control of Emission from Solvent Cleaning Operations.	02/28/97	[*insert FR cite and date of publication*].	
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10–5.490	Municipal Solid Waste Landfills	12/30/96	[*insert FR cite and date of publication*].	
*	*	*	*	*

* * * * * (e) * * *

Name of non-regulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
1990 Base Year Inventory.	St. Louis	01/20/95	[*insert date of publication and FR cite*].	

[FR Doc. 00–3469 Filed 2–16–00; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL171–1a; FRL–6536–1]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving the incorporation of revised air pollution permitting and emissions standards rules into the Illinois State Implementation Plan (SIP). The State submitted this request for revision to its State Implementation Plan to USEPA on February 5, 1998. This approval makes the State's rule federally enforceable.

DATES: This rule is effective on April 17, 2000, unless USEPA receives adverse written comments by March 20, 2000. If USEPA receives adverse comment, we will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should send written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the plan and USEPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Kelly at (312) 886–4882 before visiting the Region 5 Office.)

Copies of the plan are also available for inspection at the Illinois Environmental Protection Agency, Division of Air Pollution Control, 1021 North Grand Avenue East, Springfield, Illinois 62707–60015.

FOR FURTHER INFORMATION CONTACT: John Kelly, Environmental Scientist, Permits and Grants Section (IL/IN/OH), Air Programs Branch (AR–18J), USEPA, Region 5, Chicago, Illinois 60604, (312) 886–4882.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' are used to mean USEPA.

Table of Contents

I. Questions and Answers

A. What Action Is USEPA Taking?

We are approving two revisions to the Illinois State Implementation Plan which the State of Illinois requested. Specifically, we are approving the incorporation of revisions to Title 35 of the Illinois Administrative Code (35 IAC) *201.146, Exemptions from State Permit Requirements* into the Illinois State Implementation Plan. These revisions clarify, modify and add to the list of emission units and activities which are exempt from State permitting requirements.

The revised section now takes into consideration the listing of insignificant activities in 35 IAC *201.210, Categories of Insignificant Activities or Emission Levels.* The revision adds some emission units and activities to the list of those that are exempt from certain State permitting requirements, and clarifies that other State permitting requirements may apply. For example, if a new emission unit is subject to Federal New Source Performance Standards, then it will need a State construction permit.

B. Why Is USEPA Taking This Action?

We are acting on a February 5, 1998, request from the Illinois EPA to revise the Illinois State Implementation Plan.

C. How Do These Rule Changes Affect Current Federal Requirements?

State construction or operating permits are no longer required for 58 categories of emission units and activities listed in 35 IAC *201.146, Exemptions from State Permit Requirements.* Prior to this rule revision there were 24 categories qualifying for exemption. These rule changes do not affect permitting under major New Source Review or Federal operating permits under Title V of the Clean Air Act.

D. Why Has the State Made These Regulatory Changes?

The State has made these changes primarily to remove the requirement to obtain a State construction and operating permit for emission units with very low emissions and where the permit would serve no real environmental or informational need.

Many of these emission units have been deemed insignificant under Illinois' Clean Air Act Permit Program (CAAPP) as specified in 35 IAC 201.210 and, therefore, warrant consideration for exemption from State permitting requirements. However, the emission unit categories listed as insignificant in 35 IAC 201.210 are not automatically exempted in 201.146, because Illinois does not believe that all of the activities listed as insignificant under the CAAPP merit exemption from State permit requirements. Illinois' rationale is that Illinois EPA retains some discretion under the CAAPP to determine if a specific emission unit qualifies as insignificant. This discretion is appropriate under the CAAPP, as it applies to sources that are required to submit an application for a State construction and operating permit. The CAAPP permit application process allows Illinois EPA the opportunity to evaluate proposed insignificant emission units at a source. However, if an emission unit or activity qualifies for exemption from State permitting requirements under 35 IAC 201.146, no State construction and operating permit application is required and Illinois EPA therefore has no opportunity to evaluate the emission unit.

Certain amendments to section 201.146 clarify the types of activities or emission units that are covered by an exemption category. In several instances, the amendments modify an existing exemption category so that emission units subject to certain requirements to control emissions will require permits. Illinois believes that permitting for these activities is appropriate to assure compliance with these control requirements. Other revisions reflect current terminology. For example, changing the term ''emission source'' to ''emission unit'' removes potential confusion that can arise, since ''source'' can also be used to describe an entire site or facility.

E. What Types of Emission Units Are Affected by These Changes?

This SIP revision affects all emission units and activities subject to State permitting requirements pursuant to section 39 of the Illinois Environmental Protection Act (Illinois Act) and 35 IAC 201.142, 201.143, 201.144. For State operating permits, emission units only qualify for exemption if the units are located at a source that is not subject to the CAAPP pursuant to section 39.5 of the Illinois Act. For construction permits the exemption also includes emission units at a source subject to the CAAPP.

F. How Will USEPA's Approval of Revised Permit Exemptions Affect Air Quality?

Control requirements are independent of whether or not a source must have an operating permit. Other Federal and State regulations are not impeded by these revisions. USEPA does not anticipate that this action will adversely affect air quality.

G. How Can I Receive Additional Information About These Actions?

Contact the Illinois EPA or the USEPA at the addresses listed in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections located near the beginning of this rule.

H. Does This SIP Revision Contain Any Other Changes?

Yes, the State of Illinois has requested federal approval of the addition of Section 211.2285 Feed Mill to 35 IAC, Part 211 Definitions and General Provisions, Subpart B: Definitions.

I. What Is a Direct Final Rule?

We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are publishing a proposal to approve the State Plan. This direct final action will be effective without further notice unless we receive relevant adverse written comments on the proposed approval by March 20, 2000. Should we receive such comments, we will publish a final rule informing the public that this direct final action will not take effect. We subsequently will publish a final rule addressing all comments received on the proposal. Therefore, any parties interested in commenting on this action should do so at this time. We do not anticipate providing an additional comment period for this rule. If we do not receive comments at this time, this direct final action will be effective on April 17, 2000.

II. 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

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, 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. 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 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 approve 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. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act 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 sections 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 the 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 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 17, 2000 unless EPA receives adverse written comments by March 20, 2000.

H. 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.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

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 April 17, 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, Administrative practice and procedure, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 4, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(152) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(152) On February 5, 1998, the Illinois Environmental Protection Agency submitted a requested revision to the Illinois State Implementation Plan. This revision provided additional exemptions from State of Illinois permit requirements codified by the State at Part 201 of Title 35 of the Illinois Administrative Code (35 IAC Part 201). The revision also added a definition of ''Feed Mill'' to Part 211 of 35 IAC (35 IAC Part 211).

(i) Incorporation by reference.

Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emission Standards and Limitations for Stationary Sources.

(A) Part 211 Definitions and General Provisions, Subpart B: Definitions, Section 211.2285 Feed Mill. Added at 21 Ill. Reg. 7856, effective June 17, 1997.

(B) Part 201 Permits and General Conditions, Subpart C: Prohibitions, Section 201.146 Exemptions from State Permit Requirements. Amended at 21 Ill. Reg. 7878, effective June 17, 1997.

[FR Doc. 00–3674 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970930235–7235–01; I.D. 021400A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast subzone. This closure is necessary to protect the overfished Gulf group king mackerel resource.

DATES: Effective 12:00 noon, local time, February 15, 2000, through June 30, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, on February 19, 1998 (63 FR 8353), NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the Florida west coast subzone of 1.17 million lb (0.53 million kg). That quota was further divided into two equal quotas of 585,000 lb (265,352 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear (50 CFR 622.42(c)(1)(i)(A)(*2*)).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery when its quota has been reached or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined that the commercial quota of 585,000 lb (265,352 kg) for Gulf group king mackerel for vessels using run-around gillnets in the Florida west coast subzone was reached on February 14, 2000. Accordingly, the commercial fishery for king mackerel for such vessels in the Florida west coast subzone is closed effective 12:00 noon, local time, February 15, 2000, through June 30, 2000, the end of the fishing year.

The Florida west coast subzone extends from 87°31'06'' W. long. (due south of the Alabama/Florida boundary) to: (1) 25°20.4′ N. lat. (due east of the Miami-Dade/Monroe County, FL, boundary) through March 31, 2000; and (2) 25°48′ N. lat. (due west of the Monroe/Collier County, FL, boundary) from April 1, 2000, through October 31, 2000.

Classification

This action responds to the best available information recently obtained from the fishery. The closure must be implemented immediately to prevent an overrun of the commercial quota (50 CFR 622.42(c)(1)) of Gulf group king mackerel, given the capacity of the fishing fleet to harvest the quota quickly. Overruns could potentially lead to further overfishing and unnecessary delays in rebuilding this overfished resource. Any delay in implementing this action would be impractical and contrary to the Magnuson-Stevens Act, the FMP, and the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is waived.

This action is taken under 50 CFR 622.43(a)(3) and is exempt from review under E.O. 12866.

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

Dated: February 14, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–3835 Filed 2–14–00; 3:19 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000119015–0015–01; I.D. 021100A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels not participating in cooperatives that are catching pollock for processing by the inshore component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the interim A/B season allocation of pollock total allowable catch (TAC) specified for vessels not participating in cooperatives that are catching pollock for processing by the inshore component in the Bering Sea subarea of the BSAI will be reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 11, 2000, until 1200 hrs, A.l.t., June 10, 2000.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(5)(i)(D)(3) and the revised interim 2000 TAC amounts for pollock in the Bering Sea subarea (65 FR 4520, January 28, 2000), the A/B season allocation of pollock TAC specified to the vessels not participating in cooperatives catching pollock for processing by the inshore component in the Bering Sea subarea is 11,968 metric tons (mt).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region,

NMFS (Regional Administrator), has determined that the A/B season allocation of pollock TAC specified to the vessels not participating in cooperatives that are catching pollock for processing by the inshore component in the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing the A/B season allocation of pollock TAC as the directed fishing allowance (§ 679.20(a)(5)(i)(D)(2)). In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels not participating in cooperatives that are catching pollock for processing by the inshore component in the Bering Sea subarea.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the A/B season allocation of pollock TAC specified to the vessels not participating in cooperatives catching pollock for processing by the inshore component in the Bering Sea subarea. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.22 and is exempt from review under E.O. 12866.

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

Dated: February 11, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–3751 Filed 2–11–00; 4:54 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 33
Thursday, February 17, 2000

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV–00–985–2 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would: (1) Reduce the number of regions established for issuing additional allotment base to new producers from three regions to two regions; and (2) revise the procedure used for determining the distribution of additional allotment base to new producers. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule to provide a more equitable distribution of allotment base to new producers.

DATES: Comments must be received by April 17, 2000.

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

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

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

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

The spearmint oil order is a volume control program that authorizes the regulation of spearmint oil produced in the Far West through annual allotment percentages and salable quantities for Class 1 (Scotch) and Class 3 (Native) spearmint oils. The salable quantity limits the quantity of each class of spearmint oil that may be marketed from each season's crop. Each producer is allotted a share of the salable quantity by applying the allotment percentage to that producer's allotment base for the applicable class of spearmint oil. Handlers may not purchase spearmint oil in excess of a producer's annual allotment, or from producers who have not been issued an allotment base under the order.

Section 985.53(d)(1) requires the Committee to annually make additional allotment base available in an amount not greater than 1 percent of the total allotment base for each class of spearmint oil. The order specifies that 50 percent of the additional allotment base be made available for new producers and 50 percent be made available for existing producers. A new producer is any person who has never been issued allotment base for a class of oil, and an existing producer is any person who has been issued allotment base for a class of oil. Provision is made in the order for new producers to apply to the Committee for the annually available additional allotment base, which in turn is issued to applicants in each oil class by lottery. The additional allotment base being made available to existing producers is distributed equally among all existing producers who apply.

Section 985.53(d)(3) of the order provides authority for the establishment of rules governing the annual distribution of additional allotment base. Pursuant to the authority in that section, the Committee unanimously recommended revising § 985.153 of the order's rules and regulations at its meeting on October 6, 1999. Section 985.153 provides regulations for the issuance of additional allotment base to new and existing producers. Specifically, the Committee's

recommendation proposes modification of § 985.153(c)(1) to provide a more equitable distribution of allotment base to new producers. This proposed rule would: (1) Reduce the number of regions established for issuing additional allotment base to new producers from three regions to two regions; and (2) revise the procedure used for determining the distribution of additional allotment base to new producers to take into account the reduced number of regions.

Section 985.153(c) currently establishes the regions for issuing additional allotment base as follows:

(A) Region 1—The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) Region 2—The State of Idaho.

(C) Region 3—The State of Washington.

Under the provisions currently in effect, the names of all eligible new producers are placed in separate lots per class of oil and region. Names are then drawn based on the amount of additional allotment base available and the Committee's determination of the minimum economic enterprise required to produce each class of oil. These procedures currently result in three new Scotch spearmint oil producers (one from each region) receiving approximately 3,100 pounds of allotment base each, and three new Native spearmint oil producers (one from each region) receiving approximately 3,400 pounds of allotment base each.

This proposed rule would replace the current three regions with the following two regions:

(A) Region A—The State of Washington.

(B) Region B—All areas of the production area outside the State of Washington.

Additionally, the proposal would modify the current method used to draw names by specifying that the names of all eligible new producers would be placed in separate lots based on two regions rather than three regions. For each class of oil, separate drawings would be held from a list of all applicants from Region A, from a list of all applicants from Region B, and from a list of all remaining applicants from Regions A and B combined. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base would be issued to two eligible new producers whose names are selected by drawing from a lot containing the names of all remaining eligible new producers from the other region for that class of oil. Thus, three new producers of each class of oil would receive base, as currently occurs given the amount of additional base available and the minimum economic enterprise needed for oil production.

The Committee made this recommendation after its analysis of statistics relating to current spearmint oil production and the number of requests received each year for additional allotment base from the various States included in the production area. The following tables show the number of actual applications for additional Scotch and Native spearmint oil base over the most recent ten year period:

APPLICATIONS FOR ADDITIONAL SCOTCH SPEARMINT OIL BASE

	WA	ID	OR	UT	NV
1991	99	42	17	3	0
1992	90	47	16	3	0
1993	40	21	4	1	0
1994	27	22	5	1	0
1995	42	21	3	0	0
1996	31	19	3	0	0
1997	35	16	2	0	0
1998	32	26	1	0	0
1999	25	22	0	1	0
2000	21	9	0	0	0

APPLICATIONS FOR ADDITIONAL NATIVE SPEARMINT OIL BASE

	WA	ID	OR	UT	NV
1991	112	27	16	5	0
1992	100	49	19	5	0
1993	47	28	5	2	0
1994	44	24	8	3	0
1995	56	21	8	2	0
1996	44	19	3	0	0
1997	43	19	2	1	0
1998	39	23	2	0	0
1999	31	23	0	0	1
2000	26	15	2	0	0

As shown in the above tables, there has consistently been few applications received from new producers in the States of Oregon, Utah, and Nevada, while the number of applications from new producers in Washington, followed to a lesser extent by the number of applications from new producers in Idaho, has consistently been much higher. Committee records also show that the number of producers, as well as the amount of allotment base held by those producers, is greatest in Washington followed in decreasing order by Idaho, Oregon, Utah, and Nevada. Therefore, reducing the number of regions from 3 to 2, and changing the procedures used in distributing the base would result in a more equitable distribution of allotment base to new producers. The recommended changes would also make the additional allotment base available to new producers from the States which have historically requested the most base.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the

Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this initial regulatory flexibility analysis.

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

There are 7 spearmint oil handlers subject to regulation under the order, and approximately 119 producers of Class 1 (Scotch) spearmint oil and approximately 105 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA)(13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than $500,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 7 handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 25 of the 119 Scotch spearmint oil producers and 7 of the 105 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. A normal spearmint oil producing operation would have enough acreage for rotation such that the total acreage required to produce the crop would be about one-third spearmint and two-thirds rotational crops. An average spearmint oil producing farm would thus have to have considerably more acreage than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil producing farms would fall into the SBA category of large businesses.

Small spearmint oil producers generally are not extensively diversified and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation. The order has contributed to the stabilization of producer prices.

Section 985.53 of the order provides that each year the Committee make available additional allotment base for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. This affords an orderly method for new spearmint oil producers to enter into business and existing producers the ability to expand their operations as the spearmint oil market and individual conditions warrant. One-half of the 1 percent increase is issued annually by lot to eligible new producers for each class of oil. To be eligible, a producer must never have been issued allotment base for the class of spearmint oil such producer is making application for, and have the ability to produce such spearmint oil. The ability to produce spearmint oil is generally demonstrated when a producer has experience at farming, and owns or rents the equipment and land necessary to successfully produce spearmint oil.

This proposed rule would: (1) Reduce the number of regions established for issuing additional allotment base to new producers from three regions to two regions; and (2) revise the procedure used for determining the distribution of additional allotment base to new producers to take into account the reduced number of regions. The Committee recommended this rule to provide for a more equitable distribution of allotment base to new producers.

During its deliberations, the Committee considered alternatives to this proposal. The first option discussed would have left § 985.153(c) unchanged. This was rejected because of the need to develop a more equitable method of issuing additional base given the light application record from some of the States within the production area. The Committee also discussed eliminating the use of different regions in its additional allotment base issuance procedure and having one drawing for the calculated number of recipients per class of oil for the entire production area. This option was also rejected because it would not ensure geographic distribution of the additional base.

The Committee made its recommendation after careful consideration of available information, including the aforementioned alternative recommendations, the minimum economic enterprise required for spearmint oil production, historical statistics relating to the locations of the producers applying for the annual additional allotment base, and other factors such as number of producers by State and the amount of allotment base held by such producers. Based on its review, the Committee believes that the action recommended is the best option available to ensure that the objectives sought will be achieved.

The information collection requirements contained in the section of the order's rules and regulations proposed to be amended by this rule have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB No. 0581–0065. This action would not impose any additional reporting or record keeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

The Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate in the discussion on these issues. Interested persons are also invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop

marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 985.153, paragraph (c) is revised to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) *Issuance—(1) New producers*—(i) *Regions:* For the purpose of issuing additional allotment base to new producers, the production area is divided into the following regions:

(A) *Region A.* The State of Washington.

(B) *Region B.* All areas of the production area outside the State of Washington.

(ii) Each year, the Committee shall determine the size of the minimum economic enterprise required to produce each class of oil. The Committee shall thereafter calculate the number of new producers who will receive allotment base under this section for each class of oil. The Committee shall include that information in its announcements to new producers in each region informing them when to submit requests for allotment base. The Committee shall determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers from each region shall be placed in separate lots per class of oil. For each class of oil, separate drawings shall be held from a list of all applicants from Region A, from a list of all applicants from Region B, and from a list of all remaining applicants from Regions A and B combined. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base shall be issued to two eligible new producers whose names are selected by drawing from a lot containing the names of all remaining eligible new producers from the other region for that class of oil. The Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate amount.

* * * * *

Dated: February 11, 2000.

Eric M. Forman,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–3743 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Public Workshop on Performance-Based Regulatory Approaches

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Workshop.

SUMMARY: On Monday, January 24, 2000 (65 FR 3615), the Nuclear Regulatory Commission (NRC) issued a **Federal Register** Notice (FRN) titled, ''High-Level Guidelines for Performance-Based Activities.'' In that notice the NRC requested comments on its proposed high-level guidelines for developing performance-based activities, and noticed a public workshop to obtain stakeholder input. An agenda for that workshop has subsequently been developed and is provided herein. In addition, because of minor editorial and formatting errors, a corrected version of the January 24, 2000 FRN is reproduced here.

FOR FURTHER INFORMATION CONTACT: N. Prasad Kadambi, (301) 415–5896, Internet: *nrp@nrc.gov* of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

In the Staff Requirements Memorandum (SRM) to SECY–99–176, ''Plans for Pursuing Performance-Based Initiatives,'' issued on September 13, 1999, the Commission directed the staff to develop high-level guidelines to identify and assess the viability of candidate performance-based activities. Among other things, the Commission directed the staff to develop the guidelines with input from stakeholders and program offices, and to include discussion on how risk information might assist in the development of performance-based initiatives.

This FRN focuses on the staff's efforts to develop high-level guidelines for performance-based initiatives applicable to all NRC licensees. The development and use of these guidelines will be coordinated (including public meetings and workshops) with the efforts to risk-inform 10 CFR part 50 and other regulations.

Public Meeting

The staff plans to hold a public meeting to obtain feedback on the proposed high-level guidelines for performance-based activities. The public meeting is scheduled for March 1, 2000, between 9 a.m. and 4 p.m., in the auditorium at the NRC headquarters (Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, 20852). The public should be aware that another meeting concerning efforts to risk-inform 10 CFR part 50 is scheduled on February 24, 2000. That meeting, focused on reactors, will also consider performance-based revisions to 10 CFR Part 50 based on the high-level guidelines discussed in this FRN.

The meeting being noticed here will focus on the application of high-level guidelines to all regulatory activities (of which 10 CFR part 50 would be a part) so as to make them more performance-based. This meeting is scheduled to occur about 3 weeks prior to the expiration of the comment period mentioned above. This will allow for an exchange of views among stakeholders and the NRC staff. This interaction should be beneficial to the meeting participants in the development of written public comments.

This meeting is open to the general public to observe or to participate by making remarks. To register for attendance or to present prepared remarks, please contact N. Prasad Kadambi, USNRC, telephone: (301) 415–5896; facsimile: (301) 415–5160; internet: npk@nrc.gov.

Discussion

The high-level guidelines identified in this FRN are intended to be applied to future regulatory initiatives. As the effort to risk-inform regulatory activities (for example, in the reactors and materials areas) is performed, the high-level guidelines will be used to identify

activities which can be made more performance-based. It should be noted that regulatory activities that cannot be made risk-informed could still be made more performance-based. In addition, candidates for performance-based activities may also be identified as a result of other mechanisms such as proposed changes arising from stakeholder input or from petitions for rulemaking as identified in the Rulemaking Activity Plan.

The fundamental basis for developing these guidelines has been the SRM to SECY–98–144, ''White Paper on Risk-Informed and Performance-Based Regulation,'' *http://www.nrc.gov/NRC/COMMISSION/SRM/1998-144srm.html*, in which the Commission provided a context and definition for performance-based approaches incorporating the following points:

- A regulation can be either prescriptive or performance-based.
- A performance-based regulatory approach establishes performance and results as the primary basis for regulatory decision-making.
- Four attributes are identified which characterize a performance-based approach. These attributes, as discussed below, form an important part of the high-level guidelines which are being proposed herein.
- A performance-based approach can be implemented with or without the use of risk insights.

The proposed high-level guidelines are to be used to evaluate potential performance-based regulatory initiatives. When the guidelines are finalized, they will be incorporated into NRC procedures and policy documents used by staff in conducting day-to-day activities (e.g. Management Directives). These regulatory initiatives will complement and build upon what is accomplished through risk-informed initiatives, including the effort to risk-inform 10 CFR part 50. Further, with successive application of the guidelines, it is anticipated that the staff will be able to reassess the utility of the guidelines such that they will evolve and improve over time.

High-Level Guidelines

The following proposed guidelines are designed such that they can be applied in the reactor, materials, and waste arenas. The nature of the regulated activity would determine which guidelines apply and the extent of the application.

I. Guidelines To Assess Viability

The NRC will apply the following guidelines (which are based on the four attributes in the White Paper) to assess whether a more performance-based approach is viable for any given new regulatory initiative. This assessment would be applied on a case-by-case basis and would be based on an integrated consideration of the individual guidelines. The guidelines are listed below:

A. Measurable (or calculable) parameters to monitor acceptable plant and licensee performance exist or can be developed.

a. For regulatory application, a parameter measured directly is preferred, although a calculation may also be acceptable; it should also be directly related to the safety objective of the regulatory activity being considered. For example, the sub-cooling margin available in the reactor coolant must be calculated from the coolant's pressure and temperature, which are monitored directly.

b. Preferable parameters are those which licensees can readily access, or are currently accessing, in real time. For example, monitoring of radiological effluents at some facilities is done in real time. However, parameters monitored periodically to address postulated or design basis conditions, such as monitoring occupational radiological doses, may also be used.

B. Objective criteria to assess performance exist or can be developed. Objective criteria are established based on risk insights, deterministic analyses and/or performance history.

C. Licensees would have flexibility in meeting the established performance criteria when a performance-based approach is adopted. Programs and processes used to achieve the established performance criteria would be at the licensee's discretion.

D. A framework exists or can be developed such that performance criteria, if not met, will not result in an immediate safety concern.

a. A sufficient safety margin exists.

b. Time is available for taking corrective action to avoid the safety concern.

c. The licensee is capable of detecting and correcting performance degradation.

II. Guidelines To Assess Performance-Based Regulatory Improvement

If a more performance-based approach is deemed to be viable based on the guidelines in (I) above, then the regulatory activity would be evaluated against the following set of guidelines to determine whether, on balance, after an integrated consideration of these guidelines, there are opportunities for regulatory improvement:

A. Maintain safety, protect the environment and the common defense and security. The level of conservatism and uncertainty in the supporting analyses would be assessed to ensure adequate safety margins.

B. Increase public confidence. An assessment would be made to determine if the emphasis on results and objective criteria (characteristics of a performance-based approach) can increase public confidence.

C. Increase effectiveness, efficiency and realism of the NRC activities and decision-making.

D. Reduce unnecessary regulatory burden.

E. A reasonable test shows an overall net benefit results from moving to a performance-based approach.

a. A reasonable test would begin with a qualitative approach to evaluate whether there is merit in changing the existing regulatory framework. When this question is approached from the perspective of existing practices in a mature industry, stakeholder support for change may need to be obtained.

b. If stakeholder input indicates that a change in regulatory practice is likely to be expensive, a much closer examination of the benefits would be warranted before such a change is pursued.

c. A simplified definition of the overall net benefit (such as net reduction in worker radiation exposure) may be appropriate for weighing the immediate implications of a proposed change.

F. The performance-based approach can be incorporated into the regulatory framework.

a. The regulatory framework includes the regulation in the Code of Federal Regulations, the associated Regulatory Guide, NUREG, Standard Review Plan, Technical Specification, or inspection guidance.

b. A feasible performance-based approach would be one which can be directed specifically at changing one, some, or all of these components.

G. The performance-based approach would accommodate new technology.

a. The incentive to consider a performance-based approach may arise from development of new technologies (such as advanced non-destructive evaluation techniques) as well as difficulty stemming from technological changes in finding spare components and parts.

b. Advanced technologies may provide more economical solutions to a regulatory issue, justifying consideration of a performance-based approach.

III. Guidelines To Assess Consistency with Other Regulatory Principles.

A. A proposed change to a more performance-based approach is consistent and coherent with other overriding goals, principles and approaches involving the NRC's regulatory process.

a. The main sources of these principles are the Principles of Good Regulation, the Probabilistic Risk Assessment (PRA) Policy Statement, the Regulatory Guide 1.174, ''An Approach for Using PRA in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' and the NRC's Strategic Plan.

b. Consistent with the high-level at which the guidance described above has been articulated, specific factors which need to be addressed in each case (such as defense in depth and treatment of uncertainties) would depend on the particular regulatory issues involved.

Additional Information

The staff's proposed high-level guidelines reflect a measure of specificity designed to stimulate reactions, concerns, and views on the more detailed consideration or underpinnings of a set of high-level guidelines. In no way should this specificity be construed as an indication that the NRC has established any firm position regarding these guidelines. The NRC invites advice and recommendations from all interested persons on all aspects of its proposal. In addition, comments and supporting reasons are particularly requested in the following areas:

(1) Clarity and specificity of the guidelines;

a. Are the proposed guidelines appropriate and clear?

b. Are there additional guidelines that would improve clarity and specificity?

c. How does the ''high-level'' nature of the guidelines affect the clarity and specificity of the guidelines?

(2) Implementation of the guidelines;

a. What guidelines, if any, are mandatory for an activity to qualify as a performance-based initiative?

b. What is the best way to implement these guidelines?

c. How should the Backfit Rule apply to the implementation of performance-based approaches?

d. Should these guidelines be applied to all types of activity, e.g., should they be applied to petitions for rulemaking?

e. Should these guidelines only be applied to new regulatory initiatives?

f. Will these guidelines be effective in determining whether we can make a regulatory initiative more performance-based? The staff proposes that these guidelines be added to our Management Directives such that whenever the NRC is involved in a rulemaking, or changing a regulatory guide or branch technical position, etc., we will consider the option of making it more performance-based.

(3) Establishment of objective performance criteria;

a. In moving to performance-based requirements, should the current level of conservatism be maintained or should introduction of more realism be attempted?

b. What level of conservatism (safety margin) needs to be built into a performance criterion to avoid facing an immediate safety concern if the criterion is not met?

c. Recognizing that performance criteria can be set at different levels in a hierarchy (e.g., component, train, system, release, dose), on what basis is an appropriate level in the hierarchy selected for setting performance-based requirements, and what is the appropriate level of conservatism for each tier in the hierarchy?

d. Who would be responsible for proposing and justifying the acceptance limits and adequacy of objective criteria?

e. What are examples of performance-based objectives that are not amenable to risk analyses such as PRA or Integrated Safety Assessment?

f. In the context of risk-informed regulation, to what extent should performance criteria account for potential risk from beyond-design-basis accidents (i.e., severe accidents)?

(4) Identification and use of measurable (or calculable) parameters;

a. How and by whom are performance parameters to be determined?

b. How do you decide what a relevant performance parameter is?

c. How much uncertainty can be tolerated in the measurable or calculated parameters?

(5) Pilot projects;

a. Would undertaking pilot projects in the reactor, materials, and waste arenas provide beneficial experience before finalizing the guidelines?

b. What should be the relationship between any such pilot projects and those being implemented to risk-inform the regulations?

Agenda

9 A.M.—Welcome, ground rules, introductions, agenda overview—F.X. Cameron, Facilitator
9:15 A.M.—Overview of NRC performance-based regulatory initiative—P. Kadambi, Office of Nuclear Regulatory Research—Participant and audience questions
9:45 A.M.—Experience of other agencies with performance-based regulatory approaches—Participant and audience questions
10:15 A.M.—Break
10:30 A.M.—What is the nature of performance-based regulation? What are its objectives? What is the relationship between performance-based initiatives and risk-informed initiatives? Participant discussion
11:45 A.M.—Lunch
1 P.M.—Summary of morning discussion and introduction of new participants. What criteria should be used to select guidelines? Views on NRC's proposed guidelines (see subject FRN)—Participant discussion
2:30 P.M.—Implementation issues: What process should be used to implement the guidelines for performance-based regulatory approaches? What is the relationship between the guidelines and ongoing NRC performance-based regulatory approaches? What is the role of regulatory guidance, and inspection and enforcement in implementing performance-based regulatory initiatives? Should a pilot program be established before full scale application? Participant discussion
3:15 P.M.—Break
3:30 P.M.—Summary of day's discussion and review of specific NRC information needs. See FRN ''Additional Information.'' Discussion of future actions—Participant discussion
4 P.M.—Adjourn

Dated at Rockville, Maryland, this 11th day of February 2000.

For the Nuclear Regulatory Commission.

Charles E. Rossi,

Director, Division of Systems Analysis and Regulatory Effectiveness, Office Of Nuclear Regulatory Research.

[FR Doc. 00–3803 Filed 2–16–00; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM/STD–98–440]

RIN: 1904–AA77

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Central Air Conditioners and Central Air Conditioning Heat Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Energy.

ACTION: Notice of Re-opening Public Comment Period.

SUMMARY: On November 24, 1999, the Department of Energy published a Supplemental Advance Notice of Proposed Rulemaking (ANOPR) to consider amending the energy conservation standards for central air conditioners and central air conditioning heat pumps. The comment period ended on February 7, 2000. In response to requests from the Air Conditioning and Refrigeration Institute (ARI) and the California Energy Commission (CEC) to extend the comment period, the Department is re-opening the comment period until February 28, 2000.

DATES: The Department will accept written comments, data, and information regarding the ANOPR until Monday, February 28, 2000. The Department requests 10 copies of the written comments and a computer diskette (WordPerfect 8).

ADDRESSES: Written comments should be submitted to: U.S. Department of Energy, Attn: Brenda Edwards-Jones, Office of Energy Efficiency and Renewable Energy, ''Energy Efficiency Standards for Consumer Products, Central Air Conditioners and Central Air conditioning Heat Pumps'' (Docket No. EE–RM/STD–98–440), EE–41, Forrestal Building, 1000 Independence Avenue, SW, Room 1J–018, Washington, DC 20585, (202) 586–2945.

You can read copies of the transcript of the public workshop held on December 9, 1999, and public comments in the Freedom of Information Reading Room (Room No. 1E–190) at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

The latest information regarding central air conditioner and heat pump rulemaking is available on the Building Research and Standards web site at the following address: http://www.eren.doe.gov/buildings/codes standards/applbrf/central air conditioner.html

FOR FURTHER INFORMATION CONTACT: Dr. Michael E. McCabe, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–41, 1000 Independence Avenue, SW, Washington, D.C. 20585–0121, (202) 586–0854, E-mail: Michael.E.McCabe@ee.doe.gov.

Edward Levy, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–9507, E-mail: Edward.Levy@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The Department published a Supplemental Advance Notice of Proposed Rulemaking on November 24, 1999, entitled ''Energy Conservation Program for Consumer Products: Energy Conservation Standards for Central Air Conditioners and Heat Pumps.'' The notice announced a 75-day comment period, ending on February 7, 2000. At the December public workshop on the ANOPR, it was recommended the Department conduct additional analysis to examine the sensitivity of the Life Cycle Cost (LCC) results to a number of the underlying assumptions. DOE performed some of the requested sensitivity analyses and, on January 14, 2000, e-mailed the results to all workshop attendees who had provided an e-mail address. On January 20, 2000, the Department posted the results of the supplemental LCC sensitivity analysis to the DOE web site identified above under **ADDRESSES**.

In a letter dated January 28, 2000, ARI requested an extension of the comment period in order to allow members to evaluate the supplemental information and to respond to the Department's request for comments. In addition, the CEC also requested an extension of the comment period.

Because interested parties need adequate time to review the recently released LCC sensitivity analyses, we are re-opening the comment period until Monday, February 28, 2000. For those parties that plan to submit comments during this period, we ask that they make known to us the extent and nature of their comments they intend to submit, by either phone or E-mail to the address above, as soon as possible. This will enable us to plan for any additional data collection or analyses which may be necessary to resolve the comments. We hope that this re-opening will permit a more comprehensive review and commentary preparation for the supplemental LCC sensitivity results.

Issued in Washington, DC, on February 11, 2000.

David J. Leiter,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 00–3839 Filed 2–16–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–06–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

DATES: Comments must be received by March 20, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–06–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116,

Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

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.

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–06–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–06–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on certain Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 series airplanes, and Model F28 Mark 0070, 0100, 1000, 2000, 3000, and 4000 series airplanes. The RLD advises that it has received a report indicating that, while bending forward during cockpit preparation, the pilot pulled the shoulder harness completely out of the reel mechanism. The co-pilot's shoulder harness was found in a similar condition. This incident occurred four flights after the affected shoulder harnesses were replaced during maintenance. Investigation revealed that the shoulder harnesses had been incorrectly attached into the reel mechanism. Such incorrect attachment, if not corrected, could result in injury to the flight crew during turbulent flight conditions or during emergency landing conditions.

Explanation of Relevant Service Information

The manufacturer has issued Fokker Service Bulletins SBF50–25–051 (for Model F27 Mark 050 series airplanes); SBF27/25–65 (for Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes); SBF100–25–088 (for Model F28 0070 and 0100 series airplanes); and SBF28/25–103 (for Model F.28 1000, 2000, 3000, and 4000 series airplanes); each dated October 14, 1999. These service bulletins describe procedures for a functional test (also referred to as an inspection and a functional check) to verify correct installation of the shoulder harnesses of the pilot's and co-pilot's seats, and replacement of an incorrectly installed shoulder harness assembly with a new or serviceable shoulder harness assembly. The RLD classified these service bulletins as mandatory and issued Dutch airworthiness directive 1999–139 (A), dated October 29, 1999, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

These airplane models are manufactured in the Netherlands and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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 a one-time functional test to verify correct installation of the shoulder harnesses of the pilot's and co-pilot's seats and replacement of an incorrectly installed shoulder harness assembly with a new or serviceable shoulder harness assembly. The actions would be required to be accomplished in accordance with the applicable service bulletin described previously.

Cost Impact

The FAA estimates that 191 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 functional test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the functional test proposed by this AD on U.S. operators is estimated to be $11,460, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V.: Docket 2000–NM–06–AD.

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

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

Compliance: Required as indicated, unless accomplished previously.

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

Functional Test

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

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

(2) For Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes: Accomplish the actions in accordance with Fokker Service Bulletin SBF27/25–65, dated October 14, 1999.

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

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

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

Special Flight Permits

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA 1999–139 (A), dated October 29, 1999.

Issued in Renton, Washington, on February 11, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3798 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–13–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1260

RIN 3095–AA67

Records Declassification

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: NARA has reviewed its regulations related to declassification of national security-classified information in records transferred to NARA's legal custody. NARA is updating them to incorporate changes resulting from Executive Order 12958, Classified National Security Information. The changes in this proposed rule include:

—Revising the timeline for systematic review from 30 years to 25 years.

—Redefining declassification responsibilities to reflect the E.O. 12958 requirement for agencies to maintain systematic review programs.

—Adding requirements for agencies that elect to review their accessioned records at NARA.

—Adding requirements for loaning records to agencies for declassification review.

—Revising requirements for reclassification of information to meet the provisions of E.O. 12958.

The proposed rule will affect members of the public who file mandatory review requests and Federal agencies.

DATES: Comments must be received on or before April 17, 2000.

ADDRESSES: Send comments to Regulation Comment Desk, NPLN, Room 4100, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland, 10740–6001. You may also fax comments to (301) 713–7270.

FOR FURTHER INFORMATION CONTACT: Nancy Allard or Shawn Morton at (301) 713–7360.

SUPPLEMENTARY INFORMATION: Following is a discussion of substantive changes contained in this proposed rule. The proposed rule is written in plain language in accordance with the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing. Additional nonsubstantive changes, such as updated addresses, have been made throughout this proposed rule.

We are reorganizing Subpart A to include general information that is found in the current § 1260.1, including definitions for systematic review and mandatory review, and sections on the purpose, scope, and authority of this regulation. Executive Order 12958 changes the timeline for systematic review from 30 years to 25 years, and it also requires that agencies retain the responsibility for systematic review for older records; however, they may delegate declassification authority to NARA by providing declassification guidance to NARA. This redefinition of responsibilities is reflected in the proposed § 1260.20, which is a change to the existing § 1260.2(c) that gave NARA declassification responsibility for records more than 30 years old. The proposed §§ 1260.22 and 1260.26 detail declassification responsibilities for White House originated information and intelligence and cryptography information. The responsibilities in these proposed sections are unchanged from the responsibilities outlined in the existing § 1260.2. The proposed § 1260.24 assigns declassification responsibility for foreign government information to the agency that received the information regardless of the age of the information. This is a change from the existing § 1260.2(b) and (c) that gave NARA the responsibility for

declassification review of foreign government information that is more than 30 years old.

Subpart C is retitled ''Systematic Review.'' The proposed § 1260.40 stipulates that NARA will review for declassification under systematic review all records in its holdings that are over 25 years old. However, the originating agencies may choose to review these records themselves by sending personnel to the NARA facility in which the records are located to conduct the review. The proposed § 1260.42 outlines the rules for agencies that wish to send personnel to a NARA facility to conduct a systematic declassification review. Agency reviewers must abide by NARA security regulations and procedures for handling archival materials. Agency reviewers also must obtain approval from NARA before using scanners, microfilm readers or other equipment to copy or read original records. The proposed § 1260.44 explains procedures for NARA to loan original records back to agencies for declassification review if agency reviewers cannot work at a NARA facility. NARA will inspect areas in which loaned records are to be stored and reviewed to ensure that the records are maintained in archivally acceptable conditions and that the areas meet the standards for the storage and handling of national security-classified materials. The requesting agencies must abide by NARA procedures for handling and preserving original records.

The proposed § 1260.50, which consists of the current §§ 1260.10 and 1260.30, details NARA's responsibilities for handling mandatory review requests for Executive branch records. NARA will refer copies of records in its possession that are less than 25 years old back to the originating agencies for declassification review. Agencies may also send agency reviewers to NARA to review records on-site. The agency responsibilities and the appellate process under mandatory review in the proposed §§ 1260.52 and 1260.54 are essentially unchanged from the existing §§ 1260.12 and 1260.32. The proposed § 1260.58, which contains portions of the existing §§ 1260.42 and 1260.50, discusses how NARA will handle mandatory review requests for White House originated information.

Procedures for reclassifying records are moved to the proposed Subpart E, and encompass the existing §§ 1260.70 through 1260.74. These regulations are essentially unchanged, except that we include a provision in the proposed § 1260.74 that states that NARA will notify the requesting agency if NARA appeals a reclassification request to ISOO.

This proposed rule is not a significant regulatory action for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on a substantial number of small entities because it applies to Federal agencies.

List of Subjects in 36 CFR Part 1260

Archives and records.

For the reasons stated in the preamble, the National Archives and Records Administration proposes to revise 36 CFR Part 1260 to read as follows:

SUBCHAPTER D—DECLASSIFICATION

PART 1260—DECLASSIFICATION OF NATIONAL SECURITY INFORMATION

Subpart A—General Information

Sec.

Subpart B—Responsibilities

Subpart C—Systematic Review

Subpart D—Mandatory Review

Executive Branch Records

White House Originated Information

Subpart E—Reclassification

Authority: 44 U.S.C. 2101 to 2118; 5 U.S.C. 552; EO 12958, 60 FR 19825, 3 CFR, 1995 Comp., p.333; EO 13142, 64 FR 66089

Subpart A—General Information

§ 1260.1 What is the purpose of this regulation?

This regulation defines the responsibilities of NARA and other Federal agencies for declassification of national security classified information in the holdings of NARA. This part also provides procedures for conducting systematic reviews of NARA holdings and for processing mandatory review requests for NARA holdings. Regulations for researchers wishing to request Federal records under the Freedom of Information Act (FOIA) or under mandatory review can be found in 36 CFR 1254.38.

§ 1260.2 Definitions.

(a) *Systematic declassification review* means the review for declassification of national security-classified information contained in records that have been determined by the Archivist of the United States to have permanent value in accordance with 44 U.S.C. 2107.

(b) *Mandatory declassification review* means the review for declassification of national security-classified information in response to a request for declassification that meets the requirements under section 3.6 of Executive Order 12958.

§ 1260.4 What NARA holdings are covered by this regulation?

The NARA holdings covered by this regulation are records legally transferred to the National Archives and Records Administration (NARA), including Federal records accessioned into the

National Archives of the United States; and Presidential records; Nixon Presidential materials, and donated historical materials in Presidential Libraries and in the National Archives of the United States.

§ 1260.6 What is the authority for this regulation?

Declassification of and public access to national security information is governed by Executive Order 12958 of April 17, 1995 (3 CFR 1995 Comp., p. 333) and by the Information Security Oversight Office Implementing Directive for Executive Order 12958 (32 CFR part 2001).

Subpart B—Responsibilities

§ 1260.20 Who is responsible for the declassification of national security-classified Executive Branch information that has been accessioned by NARA?

(a) *Information less than 25 years old.* The originating agency is responsible for its declassification.

(b) *Information more than 25 years old.* The originating agency retains the ultimate responsibility for declassification but may delegate declassification authority to NARA in the form of declassification guidance.

(c) *Information in records of a defunct agency.* NARA is responsible for the declassification of records of a defunct agency that has no successor in function. NARA will consult with agencies having primary subject matter interest before making declassification determinations.

§ 1260. 22 Who is responsible for the declassification of national security-classified White House originated information in NARA's holdings?

(a) NARA is responsible for declassification of information from a previous administration that was originated by:

(1) The President;

(2) The White House staff;

(3) Committees, commissions, or boards appointed by the President; or

(4) Others specifically providing advice and counsel to the President or acting on behalf of the President.

(b) NARA will consult with agencies having primary subject matter interest before making declassification determinations.

§ 1260.24 Who is responsible for declassification of foreign government information in NARA's holdings?

(a) The agency that received or classified the information is responsible for its declassification.

(b) In the case of a defunct agency, NARA is responsible for declassification of foreign government information in its holdings and will consult with the agencies having primary subject matter interest before making declassification determinations.

§ 1260.26 Who is responsible for declassification of information concerning intelligence or cryptography in NARA's holdings?

(a) The Director of the Central Intelligence Agency is responsible for declassification of information concerning intelligence activities and intelligence sources and methods.

(b) The Secretary of Defense is responsible for declassification of information concerning cryptography.

Subpart C—Systematic Review

§ 1260.40 How will records at NARA be reviewed for declassification?

(a) NARA staff will systematically review for declassification records over 25 years old for which the originating agencies have provided declassification guidance if the originating agency does not wish to review the records itself.

(b) Agencies may choose to review their own records that are over 25 years old themselves by sending personnel to the NARA facility where the records are located to conduct the declassification review.

(c) The originating agency must review records less than 25 years old and records for which the originating agency has not provided declassification guidance.

§ 1260.42 What are the procedures for agency personnel to review records at a NARA facility?

(a) NARA will make the records available to properly cleared agency reviewers. NARA will provide space for agency reviewers in the facility in which the records are located as space is available. NARA will also provide training and guidance for agency reviewers on the proper handling of archival materials.

(b) Agency reviewers must:

(1) Follow NARA security regulations and abide by NARA procedures for handling archival materials;

(2) Follow NARA procedures for identifying and marking documents that cannot be declassified; and

(3) Obtain permission from NARA before bringing into a NARA facility computers, scanners, tape recorders, microfilm readers and other equipment necessary to view or copy records. NARA will not allow the use of any equipment that poses an unacceptable risk of damage to archival materials. See 36 CFR 1254.26 and 1254.27 for more information on acceptable equipment.

§ 1260.44 Will NARA loan accessioned records back to the agencies to conduct declassification review?

In rare cases, when agency reviewers cannot be accommodated at a NARA facility, NARA will consider a request to loan records back to an originating agency in the Washington, DC metropolitan area for declassification review. Each request will be judged on a case-by-case basis. The requesting agency must:

(a) Ensure that the facility in which the documents will be stored and reviewed passes a NARA inspection to ensure that the facility maintains:

(1) The correct archival environment for the storage of permanent records; and

(2) The correct security conditions for the storage and handling of national security-classified materials.

(b) Meet NARA requirements for ensuring the safety of the records;

(c) Abide by NARA procedures for handling of archival materials;

(d) Identify and mark documents that cannot be declassified in accordance with NARA procedures; and

(e) Obtain NARA approval of any equipment such as scanners, copiers, or cameras to ensure that they do not pose an unacceptable risk of damage to archival materials.

Subpart D—Mandatory Review

Executive Branch Records

§ 1260.50 What procedures does NARA follow when it receives a request for Executive Branch records under mandatory review?

(a) If the requested records are less than 25 years old, NARA refers copies of the records to the originating agency or to the agency that has primary subject matter interest for declassification review. Agencies may also send personnel to a NARA facility where the records are located to conduct a declassification review.

(b) If the requested records are more than 25 years old, NARA will review the records using systematic declassification guidance. NARA will refer any documents it is unable to declassify to the appropriate agency for declassification determinations.

(c) When the records were originated by a defunct agency that has no successor agency, NARA is responsible for making the declassification determinations, but will consult with agencies having primary subject matter interest.

(d) In every case, NARA will acknowledge receipt of the request and inform the requester of the action taken. If additional time is necessary to make

a declassification determination, NARA will tell the requester how long it will take to process the request. NARA will also tell the requester if part or all of the requested information is referred to other agencies for declassification review.

§ 1260.52 What are agency responsibilities when it receives a mandatory review request forwarded by NARA?

(a) The agency must make a determination within 180 calendar days after receiving the request or inform NARA of the additional time needed to process the request. If an initial decision has not been made on the request within 1 year after the original date of the request, the requester may appeal to the Interagency Security Classification Appeals Panel (ISCAP).

(b) The agency must notify NARA of any other agency to which it forwards the request in those cases requiring the declassification determination of another agency.

(c) The agency must return to NARA a complete copy of each declassified document with the agency determination. If documents cannot be declassified in their entirety, the agency must return to NARA a copy of the documents with those portions that must be withheld clearly marked.

(d) The agency must also furnish, for transmission to the requester, a brief statement of the reasons the requested information cannot be declassified and a statement of the requester's right to appeal the decision, along with the procedures for filing an appeal and the name, title, and address of the appeal authority.

§ 1260.54 What is the appeal process when a mandatory review request for Executive Branch information was denied?

(a) If an agency denies a declassification request under mandatory review, the requester may appeal directly to the appeal authority at that agency.

(b) If requested by the agency, NARA will supply the agency with:

(1) Copies of NARA's letter to the requester transmitting the agency denial; and

(2) Copies of any documents denied in part that were furnished to the requester.

(c) The agency appeal authority must notify NARA in writing of the final determination and of the reasons for any denial.

(d) The agency must furnish to NARA a complete copy of any document they released to the requester only in part, clearly marked to indicate the portions that remain classified. NARA will give the requester a copy of any notifications from the agencies that describe what information has been denied and what the requesters appeal rights are.

(e) In the case of an appeal for information originated by a defunct agency, NARA will notify the requester of the results and furnish copies of documents declassified in full and in part. If the request cannot be declassified in its entirety, NARA will send the requester a brief statement of why the requested information cannot be declassified and a notice of the right to appeal the determination within 60 calendar days to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

White House Originated Information

§ 1260.56 Is White House originated information subject to mandatory review?

White House originated information is subject to mandatory review consistent with the Presidential Records Act, the Presidential Materials and Recordings Act, and any deeds of gift that pertain to the materials or the respective Presidential administrations. Unless precluded by such laws or agreements, White House originated information is subject to mandatory review 5 years after the close of the administration which created the materials or when the materials have been archivally processed, whichever occurs first.

§ 1260.58 What are the procedures for requesting a mandatory review of White House originated information?

(a) NARA will promptly acknowledge to the requester the receipt of a request for White House originated information.

(b) If the requested information is less than 25 years old, NARA will consult with agencies having primary subject matter interest and request their recommendations regarding declassification.

(c) If the requested information is more than 25 years old, NARA will review the information using applicable systematic review guidance. NARA will refer any documents that cannot be declassified using systematic guidance to the agencies with primary subject matter interest for their recommendations regarding declassification.

(d) NARA will notify the requester of the results and furnish copies of the documents declassified in full and in part. If the requested records are not declassified in their entirety, NARA will send the requester a brief statement of the reasons the information cannot be declassified and a notice of the right to appeal the determination within 60 calendar days to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

§ 1260.60 What are agency responsibilities with regard to mandatory review requests for White House originated information?

When an agency receives a mandatory review request from NARA for consultation on declassification of White House originated material, whether it is an initial request or an appeal, the agency must:

(a) Advise the Archivist whether the information should be declassified in-whole or in part or should continue to be exempt from declassification;

(b) Provide NARA a brief statement of the reasons for any denial of declassification; and

(c) Return all reproductions referred for consultation, including a complete copy of each document that should be released only in part, clearly marked to indicate the portions that remain classified.

§ 1260.62 What are the procedures when agencies receive a mandatory review request for White House originated information in their custody?

(a) If an agency that has custody of classified White House originated information of a previous administration receives a request for mandatory review, the agency will forward to the Office of Presidential Libraries, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001:

(1) The request for mandatory review;

(2) Copies of the documents containing the requested information; and

(3) A recommendation concerning declassification.

(b) NARA will make a determination on declassification after consulting with any other agency with primary subject matter interest and will notify the requester. If the request is denied in-whole or in part, the requester may appeal the decision within 60 calendar days after receiving the denial. The appeal should be sent to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

§ 1260.64 What is the appeal process when a mandatory review request for White House originated information is denied?

(a) When the Deputy Archivist of the United States receives an appeal, he/she will review the decision to deny the information and consult with the

appellate authorities in the agencies having primary subject matter interest in the information.

(b) NARA will notify the requester of the determination and make available any additional information that has been declassified as a result of the requester's appeal.

(c) NARA will also notify the requester of the right to appeal denials of access to the Executive Secretary of the Interagency Security Classification Appeals Panel, Attn: Mandatory Review Appeals, c/o Information Security Oversight Office, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room 5W, Washington, DC 20408.

Subpart E—Reclassification

§ 1260.70 Can Executive Branch information be reclassified?

(a) An agency may ask NARA to temporarily close, re-review, and possibly reclassify records and donated historical materials originated by the agency. Records that were declassified in accordance with E.O. 12958 (or predecessor orders) may be reclassified only if the information is less than 25 years old and has not been previously disclosed to the public. Agencies must submit in writing requests to reclassify Executive Branch records to the Assistant Archivist for Records Services—Washington, DC, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Requests to reclassify information in Presidential libraries must be submitted in writing to the Assistant Archivist for Presidential Libraries, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. In the request, the agency must:

(1) Identify the records or donated materials involved as specifically as possible;

(2) Explain the reason the re-review and possible reclassification may be necessary; and

(3) Provide any information the agency may have concerning any previous public disclosure of the information.

(b) If the urgency of the request precludes a written request, an authorized agency official may make a preliminary request by telephone and follow up with a written request within 5 workdays.

§ 1260.72 Can White House originated information be reclassified?

An agency may ask NARA to temporarily close, re-review, and possibly reclassify White House originated information that has been declassified in accordance with E.O. 12958 (or predecessor orders) only if it has not been previously disclosed to the public. The agency must follow the same procedures as a request for reclassification of agency originated information in 36 CFR 1260.70, but it must submit the request to the Assistant Archivist for Presidential Libraries, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

§ 1260.74 Can NARA appeal a request to reclassify information?

NARA may appeal to the Director of the Information Security Oversight Office any re-review or reclassification request from an agency when, in the Archivist's opinion, the facts of previous disclosure suggest that such action is unwarranted or unjustified. NARA will notify the requesting agency that it is appealing the request at the same time that it initiates the appeal.

Dated: February 11, 2000.

John W. Carlin,

Archivist of the United States.

[FR Doc. 00–3729 Filed 2–16–00; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA103–5047b; FRL–6534–8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. The revision makes the oxygenated gasoline program a contingency measure of the maintenance plan for the Northern Virginia area, which means that the oxygenated gasoline program would only be required to be implemented in the Northern Virginia area if there is a violation of the carbon monoxide (CO) national ambient air quality standard (NAAQS). In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 20, 2000.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Kelly L. Bunker, (215) 814–2177, at the EPA Region III address above, or by e-mail at bunker.kelly@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: February 1, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 00–3358 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC–84–9936(b), NC–88–9937(b); FRL–6520–3]

Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Miscellaneous Revisions to the Forsyth County Local Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On January 17, 1997, and November 6, 1998, on behalf of the Forsyth County Environmental Affairs Department the North Carolina Division of Air Quality submitted miscellaneous revisions to the Forsyth County Local Implementation Plan (LIP). These revisions include but are not limited to the adoption of Exclusionary Rules and the amending of multiple Volatile Organic Compounds (VOC) rules. Forsyth County is submitting these revisions to adopt federally approved regulations, previously adopted into the North Carolina State Implementation Plan, into the LIP. In the final rules section of this **Federal Register**, the EPA is approving the revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting should do so at this time.

DATES: To be considered, comments must be received by March 20, 2000.

ADDRESSES: Written comments on this action should be addressed to Randy Terry at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day and reference files NC84–9936 and NC88–9937. The Region 4 office may have additional background documents not available at the other locations.

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

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

North Carolina Department of Environment and Natural Resources, 2728 Capitol Boulevard, Raleigh, North Carolina 27604;

Forsyth County Environmental Affairs Department, 537 North Spruce Street, Winston-Salem, NC 27101–1362.

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Randy Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303. The telephone number is (404) 562–9032.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: December 3, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 00–3360 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–226–0172b; FRL–6534–3]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of particulate matter (PM) emissions. The revisions amend Rules 403 and 1186 adopted by the South Coast Air Quality Management District (SCAQMD). The intended effect of these SIP revisions is to regulate PM emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by March 20, 2000.

ADDRESSES: Written comments must be submitted to Dave Jesson at the Region IX office listed below. Copies of the rules and EPA's evaluation of the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the rules are also available at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765.

FOR FURTHER INFORMATION CONTACT: Dave Jesson, Planning Office (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, 415–744–1288, or jesson.david@epa.gov.

SUPPLEMENTARY INFORMATION: This document concerns revisions to SCAQMD Rule 403, Fugitive Dust, and Rule 1186, PM10 Emissions from Paved and Unpaved Roads and Livestock Operations. The SCAQMD adopted the revisions on December 11, 1998, and the California Air Resources Board submitted the rules to EPA on May 13, 1999. For further information, please see the direct final action located in the Rules section of this **Federal Register**.

Dated: January 28, 2000.

Nora L. McGee,

Acting Regional Administrator, Region IX.

[FR Doc. 00–3475 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 095–1095; FRL–6537–2]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Missouri's 15% Rate-Of-Progress Plan (ROPP), including rule 10 CSR 10–5.300, ''Control of Emissions from Solvent Metal Cleaning.'' This plan is intended to fulfill the requirements of section 182(b)(1)(A) of the Clean Air Act (CAA or the Act).

DATES: Comments must be received on or before March 20, 2000.

ADDRESSES: All comments should be addressed to Royan W. Teter, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Royan W. Teter at (913) 551–7609.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we, us, or our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What Is an SIP?

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards (NAAQS) established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to EPA for inclusion into the SIP. EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by EPA.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that EPA has approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, EPA is authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is Being Addressed in This Document?

Background

Ozone, the main ingredient of smog, presents a serious air quality problem in many parts of the United States. Even at low levels, ozone can cause a number of respiratory effects. It is formed when pollutants emitted by cars, power plants, chemical plants, and other sources react chemically in the presence of sunlight. It is of most concern during the summer months when weather conditions needed to form ozone normally occur. To protect the public against the harmful effects of ozone, EPA is required to establish NAAQS. These standards specify levels of air quality that are requisite to the protection of public health and welfare. When these standards are violated, EPA may designate certain areas as ''nonattainment.''

The St. Louis area was designated nonattainment for ozone in 1978. On November 6, 1991, EPA promulgated a regulation which classified the St. Louis area as a moderate ozone nonattainment area based on its design value of 0.138 parts per million. The nonattainment area consists of Madison, Monroe, and St. Clair counties in Illinois; and Franklin, Jefferson, St. Charles, and St. Louis counties and St. Louis city in Missouri.

Section 182(b)(1)(A) of the Act requires that each state in which all or part of a moderate ozone nonattainment area is located submit, by November 15, 1993, a SIP revision providing for a 15 percent reduction in emissions of volatile organic compounds (VOC) by November 15, 1996. These plans are commonly referred to as ROPPs. The required 15 percent reduction is to be measured from calendar year 1990 baseline emissions and be ''net'' of any growth in VOC emissions that occurs in the nonattainment area between November 15, 1990, and November 15, 1996. In other words, VOC emissions must be reduced by 15 percent of 1990 baseline levels, and any increase in VOC emissions beyond the baseline must be offset through further reductions. Most reductions are creditable toward the 15 percent reduction requirement, with the exception of reductions achieved by the Federal Motor Vehicle Control Program (FMVCP) promulgated prior to 1990; reductions from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990 or required under section 211(h) of the Act which restricts gasoline RVP; reductions from corrections to an existing vehicle inspection and maintenance (I/M) program; and reductions from

corrections to reasonably available control technology (RACT) rules.

Missouri's first administratively complete ROPP was submitted to EPA in 1995. On March 18, 1996, we proposed a limited approval and limited disapproval of Missouri's ROPP (61 FR 10968). In general, EPA proposed approval of the stationary source control rules on which the state relied for a portion of the required VOC reductions. The primary reason for the proposed limited disapproval at that time was the lack of funding for the I/M program which is a critical part of the ROPP. In the same notice, we also proposed to conditionally approve the state's municipal solid waste landfill and clean up solvent rules, two components of the ROPP. On July 2, 1997, we issued a subsequent proposal to approve Missouri's landfill and gasoline RVP rules as they had been appropriately revised. Final action on all but one (10 CSR 10–5.220 relating to gasoline storage, loading, and transfer) of the stationary source regulations contained in the 1995 version of the ROPP, which are also utilized in the ROPP which is the subject of this proposal, will be taken in a separate rulemaking. We must issue a new proposal on rule 10 CSR 10–5.220, as it has been substantially revised.

We are not taking final action on rule 10 CSR 10–5.443, ''Control of Gasoline Reid Vapor Pressure.'' Since the March 18, 1996 proposal, the Missouri portion of the St. Louis ozone nonattainment area has become subject to the requirements of the Federal reformulated gasoline (RFG) program, and the state has substituted the RFG reductions for those achieved by the RVP rule. The state intends to rescind the St. Louis RVP rule.

On November 12, 1999, Missouri submitted a revised ROPP which is significantly different from the previous version. As such, it would not be appropriate to take final action on portions of the previous plan which have been superceded by the current plan. Therefore, EPA is initiating rulemaking on the revised ROPP with the publication of today's proposal. EPA's action on the ROPP is limited to rule 10 CSR 10–5.300 and the estimated reductions from all control measures. EPA is publishing separate rulemakings on the other rules which form the basis for the state's ROPP. This document provides an overview of the calculations which determine the target level of VOC emissions, the amount by which VOC emissions must be reduced to meet the emissions target, the control measures Missouri has selected to achieve the required reductions, and our rationale for the proposed approval of the state's overall plan. For a more detailed assessment of the ROPP, the reader is referred to our Technical support document (TSD), a copy of which can be found in the docket.

Technical Review

1. Calculation of the Emissions Target and Required Reductions

Calculating the 1996 target level of VOC emissions and the total reductions necessary to achieve the target level involves applying a step-by-step procedure set forth in the EPA document, ''Guidance on the Adjusted Base Year Emissions Inventory and the 1996 Target for the 15 percent Rate of Progress Plan.'' Missouri has correctly applied the specified procedure and has determined that the target level of VOC emissions is 265.11 tons per day (TPD). Emissions reductions of 64.65 TPD are necessary to achieve the target. A detailed review of the calculations can be found in the TSD.

2. ROPP Control Measures

The Missouri Department of Natural Resources (MDNR) reviewed a broad range of potential VOC control options for inclusion in the St. Louis ROPP. The final control measures were selected based on several considerations including the number and size of potentially impacted facilities. The control measures selected were those that: (1) Were being proposed at the federal level; (2) achieved the largest VOC emissions reductions with the least lead time; (3) were judged to be most cost effective in terms of dollars spent per ton of emissions reductions achieved; and (4) could be most efficiently enforced.

The final 15% Plan control measures and associated emission reduction credits are summarized in the table below. Note that the listed reductions associated with I/M and RFG are approximations. The MOBILE model does not lend itself to isolating the credit from individual control programs when multiple programs are simulated because their effects are synergistic. A subsequent table will consider the mobile source controls in total and show that when combined with the remaining controls measures, the state will meet its VOC emissions target of 265.11 TPD.

VOC CONTROL STRATEGIES

[15% Target VOC Reduction=64.65 TPD]

MOBILE CONTROL OPTIONS	
Centralized Enhanced I/M (Gateway Clean Air Program)	19.82
Reformulated Gasoline (RFG)	12.46
Nonroad RFG Benefits	2.62
Fuel Distribution Benefits	0.76
Tier I Standards	0.60
Transportation Control Measures (TCMs)	2.08
Subtotals	39.06
POINT/AREA SOURCE CONTROL OPTIONS	
Hazardous Organic NESHAPs	0.08
Solvent Cleaning	0.91
Petroleum Liquid Storage, Loading, and Transfer	4.20
Open Burning Ban	2.60
Voluntary Reductions	0.14
Landfill Gases	1.48
Alumax Foils, Inc.	3.00
Slay Bulk Terminal	0.74
Architectural and Industrial Maintenance (AIM) Coatings (pending)	3.05
Automobile Refinishing	0.78
Federal Nonroad Small Engine Standards	1.22
Consumer/Commercial Products Solvent Control	3.27
Permanent Plant Closings	3.48
Solvent Metal Cleaning	0.64
Subtotals	25.59
Total Reductions	64.65

A. RACT Fix-ups

Section 182(a)(2)(A) of the Act requires states to make corrections to their RACT rules to make up for deficiencies (e.g., improper exemptions) in existing SIPs. The emissions reductions associated with corrections accounting for missing rules, incorrect emission limits, or required capture systems are not creditable towards the 15 percent reduction requirements of the Act; however, the amount of emissions reductions from such corrections must still be quantified as they are a part of the total required reductions. What follows is a discussion regarding Missouri's RACT fix-ups and the associated emissions reductions.

(1) *Aluminum Foil Rolling* [10 CSR 10–5.451]

Rolling lubricant is used to lubricate aluminum foil as it passes through the mill. The lubricant helps to evenly distribute heat generated by the rolling process and ensures the final product is of uniform thickness. During the process, the rolling lubricant is volatilized and emitted to the atmosphere. Prior to 1989, EPA did not consider such rolling lubricants to be VOC because of their low vapor pressure. In 1989, EPA revised its definition of VOC, removing the

exemption for low vapor pressure organics.

Alumax Foils Inc., located within the city of St. Louis, emits approximately 12.5 TPD of VOCs during the production of aluminum foil. Prior to the change in the definition of VOC, the facility was not considered a large source of VOC emissions. Under the new definition, Alumax is a major source of VOCs as defined in the CAA and is therefore subject to the RACT provisions of the Act. MDNR developed a rule for aluminum foil rolling, 10 CSR 10–5.451, ''Control of Emissions from Aluminum Foil Rolling.'' In addition to addressing the RACT requirements for such facilities, the rule also requires more stringent controls for large aluminum foil rolling mills. The rule was adopted by the MACC, after proper notice and public hearing, on June 29, 1995, and became effective November 30, 1995.

We concur with Missouri's estimate that the RACT portion of the rule will achieve VOC reductions of 0.30 TPD through the use of low vapor pressure rolling lubricant and enhanced recordkeeping and operating procedures. We also concur with the state's estimate that the rule's increased stringency will result in additional VOC reductions of 3.0 TPD.

(2) *Bakery Ovens* [10 CSR 10–5.440]

During 1993, MDNR determined that Continental Baking Company was a major source that was previously unregulated with respect to RACT as required by the CAA. In response, MDNR has promulgated a regulation that will control the VOC emissions from this bakery to RACT levels. The rule, 10 CSR 10–5.440, ''Control of Emissions from Bakery Ovens,'' was effective May 28, 1995. A subsequent amendment became effective December 30, 1996. The rule will require the facility to install a control device to achieve an overall VOC emission reduction of 98 percent from its baking ovens. The VOC emissions reductions achieved by this regulation amount to 0.20 TPD.

(3) *Offset Lithographic Printing* [10 CSR 10–5.442]

Offset lithography is a planographic method of printing, i.e., the printing and nonprinting areas are essentially in the same plane on the surface of a thin metal printing plate. The distinction between the two areas is maintained chemically. The image area is rendered water repellent, and the nonimage area is rendered water receptive. The printing substrate is either fed in a web (continuous roll) or a sheet-fed system. VOCs are emitted from several sources involved in this type of operation. Inks, fountain solutions (alcohol solutions), and cleanup solvents are the primary sources of VOC.

The offset lithography rule will result in a reduction of 0.80 TPD of VOC emissions. A reduction of this magnitude represents approximately a 57 percent decrease in emissions from major point sources within this industrial sector after including adjustments for rule effectiveness. The regulation will limit fountain solution alcohol usage, require the use of low VOC or low vapor pressure cleanup solvents, and require add-on control equipment for heatset web offset presses with actual VOC emissions greater than 10 tons per year (TPY). The control measures in the rule were derived from a draft control technique guideline document developed by EPA.

(4) *Wood Furniture Manufacturing* [10 CSR 10–5.530]

This new rule, 10 CSR 10–5.530, ''Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations,'' limits the VOC emissions from wood furniture manufacturing operations. The rule applies to all wood furniture manufacturing installations in the St. Louis nonattainment area that have the potential to emit (VOC) in quantities equal to or greater than 25 TPY. The national emissions standards for hazardous air pollutants (NESHAP) requirements were considered in establishing RACT control levels. The emission limits are based on two referenced control technologies: waterborne topcoats, and higher-solids sealers and topcoats. VOC emissions from affected facilities are expected to be reduced by 0.06 TPD.

A public hearing on this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

(5) *Batch Processes* [10 CSR 10–5.540]

Rule 10 CSR 10–5.540, ''Control of Emissions from Batch Process Operations,'' limits emissions of VOC from batch process operations. The rule regulates all batch process operations that have a potential to emit greater than or equal to 100 TPY of VOC. The control requirements in this rule shall apply to process vents associated with batch operations at sources falling into seven specific standard industrial classification codes. The control requirements will not apply to certain single unit operations and batch process trains that are considered to be de minimis. However, these single unit operations and batch process trains will be required to follow the recordkeeping and reporting requirements listed in the rule. The rule establishes formulas for determining applicability and test methods for determining compliance. The VOC emission reduction estimates are based on EPA guidance documents. Assuming a 20 percent VOC reduction from affected sources, total VOC reductions amount to 0.05 TPD.

A public hearing regarding this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

(6) *Reactor and Distillation Operations* [10 CSR 10–5.550]

Rule 10 CSR 10–5.550, ''Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry,'' requires RACT for control of VOC emissions from any vent stream originating from a process unit in which a reactor process or distillation operation is located. The rules requirements are consistent with those established in EPA's ''Control Techniques Guideline (CTG) for Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the SOCMI Industry'' (EPA–450/4–91–031), published in August 1993. VOC reductions from the affected sources are estimated to be 0.28 TPD based upon information provided by the affected sources as part of the annual requirement to submit completed Emission Inventory Questionnaires to the state.

A public hearing on this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

(7) *Volatile Organic Liquid (VOL) Storage* [10 CSR 10–5.500]

Rule 10 CSR 10–5.500, ''Control of Emissions from Volatile Organic Liquid Storage,'' limits the VOC emissions from installations with VOL storage vessels. More specifically, this rule shall apply to all storage containers of VOL with a maximum true vapor pressure of one-half pound per square inch or greater in any stationary tank, reservoir, or other container of forty thousand gallon capacity or greater, with certain exceptions. Certain control equipment will be required, e.g., internal floating roofs, door and vent gaskets, pressurized tanks, and closed vent systems to control VOC vapors. Different levels of

control will be required based on the vapor pressure of the stored fluid and the tank storage capacity. The rule also includes recordkeeping and reporting requirements. Assuming a 5 percent VOC reduction from affected sources, total VOC reductions from this rule are minimal at 0.05 pounds per day.

A public hearing regarding this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

(8) *Aerospace Manufacture and Rework Facilities* [10 CSR 10–5.295]

Rule 10 CSR 10–5.295, ''Control of Emissions from Aerospace Manufacture and Rework Facilities,'' establishes VOC limits for coatings and solvents used in manufacturing and/or repairing aerospace vehicles and/or components. The RACT requirements as established in this rule are consistent with the control technology recommended in EPA's ''Control Techniques Guideline (CTG) for Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations'' (EPA–453/R–97/04), published in December 1997. It is not anticipated that the rule will result in any VOC reductions beyond those achieved by 40 CFR Part 63, Subpart GG, National Emission Standard for Aerospace Manufacture and Rework Facilities, with which the affected facilities must comply.

A public hearing on this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

(9) *Generic VOC RACT* [10 CSR 10–5.520]

Rule 10 CSR 10–5.520, ''Control of Emissions from Existing Major Sources,'' requires any facility in the St. Louis ozone nonattainment area that is a major source for VOC and is not affected by an industry or source specific RACT regulation to conduct a study of the available control technologies and submit a RACT control proposal to the state. The rule outlines the requirements of the RACT study and the time frame for both submittal and implementation of RACT measures identified through the study. This rule is estimated to reduce VOC emissions by 237 TPY or 0.65 TPD. However, Missouri has applied only 0.58 TPD towards the total required reductions.

A public hearing on this regulation was held on September 23, 1999, and it was adopted by the MACC on October 28, 1999. It will be effective on February 29, 2000.

B. Mobile Sources

(1) *Centralized Vehicle I/M* [10 CSR 10–5.380]

Corrections to I/M programs are necessary when either: (1) the area's I/M program does not achieve the emission reductions required by EPA's minimum criteria, or (2) the area's program does not meet the standards of its current SIP. The ''basic I/M program'' currently employed in St. Louis was found to be deficient in meeting several EPA requirements. Problems that EPA cited included: improper testing rates, weak document control and security measures, lack of penalties for illegal inspections, faulty waiver procedures, inadequate data collection and analysis, and no method of determining the motorist compliance rate. Missouri must, at a minimum, correct the identified deficiencies. Any emissions reductions achieved through program corrections are not creditable toward the CAA's 15 percent VOC reduction requirement. Missouri estimates and EPA concurs that the noncreditable VOC reductions attributable to I/M program corrections are 1.58 TPD.

Section 182 of the CAA requires states with moderate ozone nonattainment areas to implement at least a basic I/M program. Missouri will replace the present decentralized ''basic I/M program'' with a centralized, test-only I/M program. The emissions reductions achieved by the new program will substantially exceed those achievable through implementation of a basic program.

The program will consist of 12 ''inspection only'' stations. An operating contractor, Environmental Systems Products-Missouri, Inc., will run the emission inspection stations. All vehicles, model year 1971 and newer, registered in St. Charles, Jefferson, and St. Louis counties, and the city of St. Louis are required to be emission inspected. Several types of vehicles will be exempted. These vehicles include pre-1971 model year vehicles, diesel vehicles, alternatively fueled vehicles, motorcycles, motortricycles, agricultural vehicles, and vehicles with a gross vehicle weight rating greater than 8,500 pounds. Model year vehicles 1971 through 1980 will be subject to an idle test. Model year vehicles 1981 and later will be subject to an IM240 test. IM240 is a transient emissions test that requires the subject vehicle to be placed on a dynamometer and put through a driving cycle that involves acceleration and deceleration of the vehicle on a predetermined drive trace. All 1996 and newer vehicles will be subject to a fault code check of the On-Board-Diagnostic system beginning January 1, 2001. A pressure test and purge test will also be required on 1981 and later model year vehicles. The pressure test will consist of only a gas cap check. Vehicle owners whose vehicle fails any portion of the emission inspection will be required to have emissions-related repairs or adjustments made to the vehicle. The vehicle must then pass a subsequent retest. If the vehicle is unable to pass a retest after the owner has incurred emissions-related repair costs a waiver may be granted. The operation of the centralized, test-only I/M program will begin in April 2000.

The reductions associated with the centralized, test-only I/M program are a critical part of the ROPP. MDNR has estimated that 19.82 TPD of VOC emission can be eliminated in the ozone nonattainment area through the implementation of the program. This accounts for over 32 percent of the total 15 percent requirement. MDNR has correctly accounted for the I/M program in the mobile source emissions modeling. The appropriate estimates of vehicle miles traveled were then applied to the mobile source emission factors. The state assumed the I/M program was implemented in 1996 to avoid including reductions associated with fleet turn over which occurred after 1996.

Note that this rulemaking only addresses the state's estimates of the reductions achieved by the I/M program as they relate to the ROPP. EPA is acting on the state's I/M submission, including rule 10 CSR 10–5.380, through a separate rulemaking which will specifically address the program's adherence to the Federal I/M regulations.

(2) *Federal RFG (Onroad Mobile Sources)*

MDNR has determined that a fuel control strategy is necessary to meet the overall 15% ROPP requirement. Accordingly, MDNR asked the Governor to opt in to the RFG program for the St. Louis ozone nonattainment area.

On June 15 and 16, 1998, a St. Louis Fuels Summit was held at the University of Missouri-St. Louis to discuss fuel control options that would improve air quality in the St. Louis ozone nonattainment area. On July 10, 1998, based on the summit proceedings and further investigation of the issues, Governor Carnahan invoked section 211(k)(6) of the CAA by submitting a letter to EPA requesting that the Missouri portion of the St. Louis ozone nonattainment area be subject to the provisions of the Federal RFG program beginning June 1, 1999.

The final Federal rule (64 FR 10366) triggering the applicability of the Federal RFG regulations was printed in the **Federal Register** on March 3, 1999, and became effective on April 4, 1999. Consistent with the Governor's request, the sale of conventional gasoline was prohibited beginning June 1, 1999. For a detailed chronology of events leading to the implementation of the RFG program in St. Louis, the reader is referred to our TSD.

Missouri estimates that implementation of the RFG program will reduce VOC emissions in the Missouri portion of the nonattainment area by 12.46 TPD. MDNR has correctly accounted for the RFG program in the mobile source emissions modeling. The MOBILE5b input files can be found in Appendix #12 of the ROPP.

It is important to note that in the ROPP, Missouri accounted only for reductions associated with phase I of the RFG program. Phase I officially ended on December 31, 1999. Phase II of the program officially began on January 1, 2000. Phase II is expected to reduce VOC emissions by an additional 27 percent (across all areas where RFG is required). According to an October, 15, 1999, EPA document titled ''Estimated Emission Reduction Benefits of RFG Program, 1999–2000,'' EPA estimates that as of January 1, 2000, VOC emissions will be reduced by 3.83 TPD beyond those reductions accounted for in Missouri's ROPP.

(3) *Federal RFG (Nonroad Mobile Sources)*

The RFG program provides exhaust and evaporative emission reductions from nonroad VOC sources. According to an August 18, 1993, technical memorandum concerning ''VOC Emission Benefits from Nonroad Equipment with the use of Federal Phase I Reformulated Gasoline,'' issued by Phil Lorang, director, Emission Planning and Strategies Division, Office of Mobile Sources, nonroad exhaust VOC emissions will be reduced by 3.3 percent and nonroad evaporative VOC emissions will be reduced by 3.2 percent with the use of Phase I RFG relative to the adjusted base year inventory. Total nonroad VOC emissions are 64.3 TPD; therefore, Phase I RFG will provide total (exhaust and evaporative) VOC emission reductions of 2.62 TPD from nonroad sources.

(4) *Transportation Control Measures (TCM)*

One of the requirements of the CAA is that states consider transportation planning activities when developing their SIPs. TCMs can effectively provide for some VOC emissions reductions. Section 174 of the CAA gives the major responsibility for the evaluation, selection, and implementation of TCMs to local officials within a nonattainment area. Local control allows each nonattainment area the opportunity to develop transportation systems that reduce automobile emissions and are compatible with other local transportation goals. The state initially adopted the following TCMs:

a. Work Trip Reductions
1. Activity-center trip reductions
2. Areawide ride sharing programs
b. Transit Improvements
1. Metro-link light rail system
2. Bus enhancements
3. Park-and-ride lots
4. Bicycle facilities
c. Traffic Flow Improvements
1. Signal timing
2. Incident management programs
3. Intersection improvements
d. Gasoline Price Increases
1. Missouri $0.06 fuel tax

Although it was estimated that the adopted TCMs had the potential to reduce VOC emissions by as much as 1.8 TPD, Missouri has only applied one ton per day as credit towards the 15 percent reduction requirement due to the uncertainty associated with the estimation techniques. We concur with Missouri's assessment of the creditable reductions from the above measures.

Additional TCMs are planned in the state's Transportation Improvement Program (TIP) for fiscal years 2000–2002. These TCMs include bus replacements, the addition of bike paths, transit programs, and traffic signalization improvements. The total estimated VOC reductions from these TCMs are 1.08 TPD.

C. Point Sources/Area Sources

(1) *Petroleum Liquid Storage, Loading, and Transfer* [10 CSR 10–5.220]

Rule 10 CSR 10–5.220, ''Control of Petroleum Liquid Storage, Loading, and Transfer,'' requires Stage I and Stage II vapor recovery equipment for petroleum facilities in the St. Louis nonattainment area. The rule incorporates the limit imposed by the new Federal NESHAPs for Stage I which limits total organic compound emissions to 10 milligrams per liter of gasoline loaded at gasoline terminals. It also incorporates EPA's December 1991, ''*Enforcement Guidance for Stage II Vehicle Refueling Control Programs*.'' The rule establishes permitting procedures for gasoline refueling facilities. It sets requirements for gasoline deliveries to underground storage tanks and requires that vent pipes for storage tanks be equipped with pressure vacuum valves. It also establishes an Advisory Committee to provide a forum for discussion between the regulated community and government agencies.

This regulation will result in significant improvements to the Stage I/Stage II program in the nonattainment area. The regulation coupled with an ongoing parallel effort by the three affected air pollution control agencies will provide consistent inspection and enforcement procedures for all the jurisdictions. In addition the regulation incorporates the recommendations made to Missouri by EPA. We concur with the state's estimate of the VOC emissions reductions achieved by the rule.

(2) *Control of Emissions From Solvent Cleanup Operations* [10 CSR 10–5.455]

Rule 10 CSR 10–5.455, ''Control of Emissions from Solvent Cleanup Operations,'' requires large users of cleanup solvents to reduce the amount of emissions from the use of such solvents by 30 percent relative to 1990 levels. This translates to a daily VOC emissions reduction of 0.91 TPD. We concur with the state's emission reduction estimates.

(3) *Permanent Plant Closings*

Nine manufacturing plants have permanently ceased operations in the nonattainment area. All nine are listed as significant emitters of VOCs in the 1990 base year inventory. The VOC reductions from permanent plant closings total 6951 lb/day or 3.48 TPD. The individual plants and their respective 1990 VOC emissions are listed in our TSD. EPA concurs with the state's estimate of the credit associated with permanent plant closings.

(4) *Open Burning Restrictions* [10 CSR 10–5.070]

This rule will reduce VOC emissions from the burning of residential wastes primarily in rural areas where open burning is still allowed. The regulation makes it illegal to burn trash or other man-made refuse. The burning of agricultural wastes from farming operations will still be allowed in areas where it is currently permitted. The burning of yard waste such as leaves will be restricted during the ozone season. It is estimated that VOC emissions will be reduced by 2.6 TPD as a result of the rule. EPA concurs with the emissions reduction credit as applied in the ROPP.

(5) *Traffic Coatings* [10 CSR 10–5.450]

Rule 10 CSR 10–5.450, ''Control of Emissions from Traffic Coatings,'' limits

the VOC content in paints used for traffic coating in the St. Louis nonattainment area to 150 grams of VOC per liter of paint. This limit is identical to that established in EPA's Architectural and Industrial Maintenance (AIM) Coating regulation for which the state has taken credit in the ROPP. As such, the state's rule does not generate any emissions reductions that are applicable to the rate-of-progress requirements of the CAA. Nevertheless, the state has retained the regulation as a component of the revised ROPP.

(6) *VOC Emission Reduction From Source-Initiated Reductions*

Two sources within the nonattainment area, Leonard's Metal, Inc., and Mallinckrodt Specialty Chemical Company, have reduced their VOC emissions such that they are creditable towards the rate-of-progress requirements of the Act. Leonard's Metal entered into a Consent Agreement with EPA stipulating that the company will reduce its use of trichloroethylene and methyl ethyl ketone. Mallinckrodt shut down two processes associated with the production of tannin.

As noted above, Leonard's Metal entered into a Consent Agreement with EPA. The Agreement requires that the facility reduce its emissions of methyl ethyl ketone by 50 percent and its emissions of trichloroethylene by 100 percent by 1996. To date, the facility has reduced its methyl ethyl ketone consumption by greater than 50 percent. Invoices show a decrease in usage from 13 drums (55 gallons each) to 4 drums per year. The total VOC reductions claimed from Leonard's Metal are 0.04 TPD. EPA concurs with the estimated reductions.

The permanent shutdown of certain processes resulted in 214.7 TPY in VOC reductions from Mallinckrodt; however, the company elected to bank 182.5 TPY consistent with Missouri rule 10 CSR 10–6.060, leaving 32.2 TPY or 0.10 TPD (assuming 312 days of operation) creditable towards the 15% Plan. The reductions are equivalent to 32.2 TPY or 0.10 TPD. These emissions have been permanently retired. EPA concurs with the claimed emissions reduction credit.

(7) *Municipal Solid Waste Landfills* [10 CSR 10–5.490]

Six municipal solid waste landfills are located in the St. Louis area. Landfills emit VOC generated during the decomposition of solid waste. The 1990 base year inventory indicates the nonmethane VOCs emitted from these six landfills are 1.51 TPD. The MACC adopted rule 10 CSR 10–5.490, ''Control of Emissions from Municipal Solid Waste Landfills,'' on August 29, 1996, and the rule became effective December 30, 1996. The rule requires the use of gas collection systems which reduce VOC emissions by 98 percent. EPA concurs with the state's estimate that rule 10 CSR 10–5.490 will achieve VOC reductions of 1.48 TPD.

(8) *Solvent Metal Cleaning* [10 CSR 10–5.300]

Section 172(c)(9) of the CAA requires states with ozone nonattainment areas classified as moderate and above, to adopt contingency measures which are to be implemented immediately if the nonattainment area fails to make reasonable further progress or to attain the NAAQS by the applicable attainment date. On February 3, 1998, after proper notice and public hearing, the MACC adopted a revision to 10 CSR 10–5.300, ''Control of Emissions from Solvent Metal Cleaning.'' The rule became effective on May 30, 1998, and was submitted to EPA on June 22, 1998. We found the SIP submission complete on August 31, 1998.

VOC emissions from cold cleaning operations are significant within the St. Louis ozone nonattainment area. The 1990 base year point source emissions from cold cleaning are 9.41 TPD of VOC. These VOCs are emitted from 13 different point sources. The 1990 base year area source emissions from cold cleaners are estimated at 12.62 TPD of VOC. The 1996 VOC emissions from area source cold cleaning and point source cold cleaning are 13.85 and 9.29 TPD, respectively.

Previously, this rule only required that certain operating procedures be followed. The amended rule will require solvents used in cold cleaners have a maximum vapor pressure of 2.0 mmHg at 20 degrees Celsius by September 30, 1998. By April 1, 2001, solvents used in cold cleaners cannot have a maximum vapor pressure greater than 1.0 mmHg at 20 degrees Celsius. VOC emissions reductions resulting from the rule amendments are approximately 9.0 TPD; however, Missouri has requested that only 0.64 TPD be applied to the rate-of-progress requirements. Note that EPA is not only approving the estimates of VOC reduction, but is also specifically proposing to approve the revisions to the rule in today's action on the ROPP.

D. Federal Control Measures

(1) *AIM Coatings*

As required by the CAA, EPA promulgated a Federal rule (63 FR 48848) which was later supplemented (64 FR 34997) to reduce VOC emissions from the use of AIM coatings. The Federal rule affects manufacturers, distributors, retailers, and consumers of various types of paints and coatings. Consistent with EPA guidance, Missouri has estimated that VOC emissions in the St. Louis ozone nonattainment area will be reduced by 20 percent relative to 1990 levels. This translates to VOC emissions reductions of 3.05 TPD.

(2) *Control of VOC Emissions From Benzene Transfer Operations*

The National Emission Standard for Benzene Emissions from Benzene Transfer Operations, codified at 40 CFR Part 61, subpart BB requires owners or operators of benzene production facilities and bulk terminals to install and maintain control devices which reduce benzene emissions to the atmosphere by 98 percent (by weight) by July 23, 1991. There is only one affected source within the Missouri portion of the St. Louis nonattainment area. For purposes of calculating the available credit from this source of reductions, Missouri has assumed that compliance has been achieved and that the difference in emissions reported in 1990 and 1993 is fully creditable. Emissions were reduced over that time frame by approximately 99.5 percent (0.74 TPD). Although this level of reduction may have occurred, credit for this level of reduction is not allowed. The benzene rule regulates the efficiency of the required emissions control device rather than stipulating a specific emission limitation. The appropriate level of credit should have been determined by calculating the difference between a 98 percent reduction in projected 1996 emissions and the base year emissions from this source. EPA estimates the actual available credit to be slightly higher than the state's estimate. Therefore, EPA will accept the state's claimed emission reduction credit towards the 15 percent reduction requirement.

(3) *Control of VOC Emissions From Autobody Refinishing Operations*

As required by the CAA, EPA promulgated a Federal rule (63 FR 48806) limiting the VOC content of various autobody refinishing materials. Consistent with EPA guidance, Missouri has estimated that VOC emissions in the St. Louis area will be reduced by 37 percent relative to 1990 levels. Missouri estimated the VOC inventory from the autobody refinishing industry in 1990 was 2.1 TPD after conducting a detailed survey. Hence, the VOC emissions reductions from the Federal rule are approximately 0.78 TPD.

(4) *Tier I FMVCP*

Section 202 of the CAA requires auto manufacturers to produce vehicles which will meet more stringent vehicle emission standards. These tighter standards are referred to as the ''Tier I'' standards (56 FR 25724, June 5, 1991). Beginning in model year 1994, passenger cars and light-duty trucks must meet these tighter emission standards. For passenger cars and light-duty trucks up to 6000 lbs., these standards will be phased in as a percentage of overall vehicle production over three years: 40 percent, 80 percent, and 100 percent of the vehicles produced in model year 1994, 1995, and 1996 and thereafter, respectively. For gasoline and diesel light-duty trucks over 6000 lbs., the standards will be phased in with 50 percent of new vehicles in model year 1996 and 100 percent in subsequent years. MDNR estimates and EPA concurs that new vehicles entering the fleet will reduce VOC emissions in the Missouri portion of the nonattainment area by 0.6 TPD.

(5) *Hazardous Organic NESHAP (HON)*

The HON consists of four subparts setting standards for emissions of hazardous air pollutants (HAP) from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and six non-SOCMI processes. Many of the HAPs regulated by the HON are also classified as VOCs. Recognizing this overlap, EPA issued a May 6, 1993, policy memorandum from G.T. Helms, Ozone/Carbon Monoxide Programs Branch, indicating that a 5 percent reduction in VOC emissions is expected from sources complying with the HON rule. In anticipation of such reductions, states are allowed to receive 5 percent credit towards the 15 percent reduction requirements of the Act. A single source in the St. Louis nonattainment area is subject to the equipment leak provisions of the HON rule. The 1990 baseline VOC emissions from this facility were estimated at 3380.23 lbs/day during the ozone season. Applying the authorized 5 percent results in emission reduction credit of 169.01 lbs/day or 0.08 TPD.

(6) *Gasoline Detergent Additives*

The Federal detergent additive regulation was promulgated (59 FR 54706) on November 1, 1994. As of January 1, 1995, virtually all gasoline sold in the United States must contain detergent additives to prevent the accumulation of deposits in engines and fuel systems. Among other emissions impacts, preventing such deposits results in fewer VOC emissions from motor vehicles. According to the ''Regulatory Impact Analysis and Regulatory Flexibility Analysis for the Interim Detergent Registration Program and Expected Detergent Certification Program,'' generated by EPA's Office of Mobile Sources, the use of gasoline containing the required additives reduced 1996 VOC emissions by 0.7 percent. This translates to a VOC reduction of 0.72 TPD for the Missouri portion of the St. Louis nonattainment area.

(7) *VOC Emissions Reductions From Federal Nonroad Small Engine Standards*

Phase I of the first national program to reduce emissions from small engines was finalized in the **Federal Register** on August 2, 1995 (60 FR 34582). The Phase I standards take effect with model year 1997. These standards are expected to result in a reduction in VOC emissions of 32 percent after full implementation. An EPA policy memorandum (''Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standard,'' November 28, 1994) states that the new small engine standards will reduce 1996 VOC emissions from these sources by 4.5 percent.

Phase II of the program will affect both handheld and nonhandheld small engines. The Phase II standards will be phased in over model years 2002 through 2005. These standards are expected to reduce emissions of VOC and NO_X by 30 percent below Phase I levels.

The emissions from small spark-ignited engines can be generally classified under ''lawn and garden'' equipment. The emission levels from these types of engines are significant in the St. Louis area. The small engine standards are expected to reduce VOC emissions by approximately 1.22 TPD in the St. Louis ozone nonattainment area.

(8) *VOC Emission Reductions From Consumer and Commercial Products Solvent Control*

Section 183(e) of the CAA required EPA to conduct a study of VOC emissions from consumer and commercial products and report the study's results to Congress. EPA was required to list for regulation those categories of products which account for at least 80 percent of all VOC emissions from consumer and commercial products in ozone nonattainment areas.

On March 15, 1995, EPA submitted its report to Congress. The regulatory schedule was published in the **Federal Register** on March 23, 1995. EPA promulgated the final consumer and commercial products regulation (63 FR 48819) on September 11, 1998. The regulation applies to 24 categories of household, personal care, and automotive products. For the 24 categories covered by the regulation, EPA estimates a reduction of approximately 20 percent from 1990 levels. Based on our guidance, the state has estimated that VOC emissions in the St. Louis ozone nonattainment area will be reduced by 3.27 TPD.

Policy Review

Section 182(b)(1) of the CAA requires all states having ozone nonattainment areas classified as moderate and above to submit a SIP by November 15, 1993, which describes how VOC emissions in each nonattainment area will be reduced by 15 percent (net of growth) during the first six years after enactment, i.e., by November 15, 1996.

A revised ROPP was adopted by the MACC on October 28, 1999, after proper notice and public hearing. The revised ROPP was submitted to EPA on November 12, 1999. The revised plan has been reviewed with respect to the requirements of the CAA and applicable EPA guidance. EPA believes the revised plan is fully approvable.

The correct procedures were utilized in establishing the 1996 target level of VOC emissions and as is illustrated by the table below, the plan includes specific control measures which have or will in the near future reduce VOC emissions to the degree necessary to meet the emissions target. While the table (as extracted from the ROPP) indicates a slight shortfall (0.04 TPD or 80 pounds per day), EPA believes no shortfall exists because rule 10 CSR 10–5.300, which EPA is proposing to approve in this rulemaking, will achieve substantially more reductions (8.36 TPD) than Missouri applied to the ROPP. In addition there are other measures, such as Phase II of the RFG program, for which the state did not take credit.

1996 AREA SOURCE VOC EMISSIONS INCLUDING ROPP CONTROLS

Source category	1996 emissions (lb/day)	1996 emissions (TPD)
Tank Truck Unloading (Stage I)	400	0.20
Vehicle Refueling (Stage II)	6,120	3.06
Underground Storage Tank—Breathing Losses	980	0.49
Tank Trucks in Transit	400	0.20
Aircraft Refueling	180	0.09
Architectural Surface Coatings	25,100	12.55
Auto Refinishing	3,320	1.66
Traffic/Bridge Coatings	3,400	1.70
Solvent Metal Cleaning—Cold Cleaning	26,420	13.21
Dry Cleaning—Petroleum	12,320	6.16
Graphic Arts	1,960	0.98
Cutback Asphalt	12,060	6.03
Consumer/Commercial Solvent Uses	26,240	13.12
Municipal Waste Landfills	60	0.03
Open Burning—On-Site Incineration	380	0.19
Open Burning—Residential	1,400	0.70
Open Burning—Commercial/Institutional	380	0.19
Commercial Bakeries	5,280	2.64
Breweries	1,640	0.82
Pesticide Application	6,360	3.18
Automobile Fluids	2,100	1.05
Lawn Products	3,960	1.98
Deep Fat Fryers	980	0.49
Charbroil	7,340	3.67
Residential Fuel	2,020	1.01
Commercial/Institutional Fuel	480	0.24
Industrial Fuel	280	0.14
Structural Fires	2,340	1.17
Forest Fires	560	0.28
Total	153,340	77.23

1996 NONROAD SOURCE VOC EMISSIONS INCLUDING ROP PLAN CONTROLS

Source category	1996 emissions (lb/day)	1996 emissions (TPD)
Construction Equipment	10,078.53	4.82
Farm Equipment	3,462.73	1.66
Industrial Equipment	13,460.48	6.44
Lawn Equipment	53,524.29	24.45
Off-Highway Vehicles	513.93	0.25
Commercial & Recreational Vessels	44,044.15	21.08
Aircraft Operations	8,163.53	4.08
Railroad Locomotives	562.48	0.28
Total	133,810.10	63.07

1996 MOBILE SOURCE VOC EMISSIONS INCLUDING ROP PLAN CONTROLS

Source category	1996 Emissions (TPD)
1996 Mobile Source VOC Emissions (includes I/M and RFG controls)	71.80
Tier I Standards	−0.60
Transportation Control Measures	−2.08
Federal Gasoline Detergent Additive	−0.72
Total	68.40

1996 VOC EMISSIONS INVENTORY OF ALL SOURCES INCLUDING ROPP CONTROLS

Source Category	1996 VOC Emissions (TPD)
Point	56.37

1996 VOC EMISSIONS INVENTORY OF ALL SOURCES INCLUDING ROPP CONTROLS—Continued

Source Category	1996 VOC Emissions (TPD)
Area Source	77.23
Mobile Source	68.40
Nonroad Source	63.07
Total	265.07
1996 Target Level	265.11
Difference	−0.04

EPA recognizes that some of the control measures in the plan did not provide for the necessary reduction within the time frame prescribed by the CAA. However, EPA believes that SIPs providing for reductions after the November 15, 1996, deadline are approvable, as long as the control measures result in meeting the target level of emissions as soon as practicable. This position was affirmed in a February 12, 1997, memo from John Seitz, OAQPS Director, to the regional division directors. The memo directed the regions to ''Review the SIPs to assure that they contain all measures practicable for the nonattainment area in question that will accelerate to a meaningful extent the date by which the 15 percent reductions are attained.''

Section 3.0 of Missouri's ROPP is dedicated to the evaluation of potential control measures. The state has considered an extensive list of potential control measures and has documented the measures which are not practicable based on considerations such as cost effectiveness and enforceability. Some examples of control measures that were not selected for implementation include rule effectiveness improvements, limits on VOC content of pesticides, and limits on VOC emissions from breweries. Based on reviews of the state's analysis of additional measures and lists of control measures which have been implemented in other nonattainment areas, EPA believes that there are no other measures that Missouri could have implemented that would have substantially accelerated achievement of the target level of VOC emissions. It is important to note that roughly 68 percent of the required control measures contained in Missouri's ROPP have been implemented. Implementation of the most significant outstanding control measure (I/M), which accounts for approximately 30 percent of the required VOC reduction, is scheduled to begin in April 2000. To achieve these reductions, the program will be implemented in two phases, with the second phase beginning in 2002. The state has signed a multiyear contract for operation of the program, all property has been acquired, and test facilities are under construction. EPA is not aware of other practicable measures which will result in comparable emissions reductions that can be implemented sooner than those contained in Missouri's ROPP. Therefore, EPA believes it is reasonable to propose full approval of the program.

Conformity

Transportation conformity requirements are established in section 176(c) of the CAA. Nonattainment areas such as St. Louis must demonstrate that transportation plans and projects do not adversely affect air quality and therefore ''conform'' to the SIP.

The means of demonstrating conformity and therefore fulfilling section 176(c) is contained in 40 CFR Part 93. This rule requires a nonattainment area to identify motor vehicle emissions budgets in control strategy SIPs, like Missouri's ROPP. These budgets represent an estimate of the amount of ozone precursor motor vehicle emissions an area's transportation plan and program can generate without negatively impacting air quality. Motor vehicle emissions budgets can be used for conformity purposes once EPA finds them adequate according to the adequacy criteria in 40 CFR 93.118(e)(4).

Missouri's ROPP establishes a 1996 mobile source emissions budget for VOC of 69.48 TPD. EPA believes the established budget meets the requirement to identify a motor vehicle emissions budget as described above and believes the budget is adequate for conformity purposes. However, Missouri has established VOC and NO_X budgets in its November 12, 1999, submittal of the attainment demonstration. The VOC budget in that submission is 68.73 TPD. On November 29, 1999, EPA announced that it is reviewing the adequacy of these emissions budgets for conformity purposes. EPA will determine the adequacy of Missouri's mobile source emissions budgets in the attainment demonstration in the near future. EPA expects that it will make an adequacy determination on the attainment demonstration budgets before making an adequacy determination on the ROPP budget. If EPA determines that the attainment demonstration budgets are adequate, those budgets will be used for future conformity determinations.

Have the Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR section 51.102. The submittal also satisfied the completeness criteria of 40 CFR Part 51, Appendix V. In addition, as explained above and in more detail in the TSD which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and Part D of Title I. The revision also conforms to the relevant EPA guidance concerning approval of ROPPs.

What Action is EPA Taking?

Based on a thorough review of Missouri's ROPP relative to the CAA and applicable guidance, we are proposing to approve Missouri rule 10 CSR 10–5.300, ''Control of Emissions from Solvent Metal Cleaning,'' and all of the emissions reductions listed in the ROPP. EPA is processing this as a proposed action because we are seeking comments with respect to our evaluation of Missouri's ROPP.

Conclusion: On November 12, 1999, Missouri submitted a revised ROPP. The plan established the 1996 target level of VOC emissions for the Missouri portion of the St. Louis ozone nonattainment area at 265.11 TPD. To meet the emissions target, VOC emissions must be reduced by 104.32 TPD. Of the required 104.32 TPD, 64.38 are creditable towards the rate-of-progress requirements of the CAA. Missouri achieves the required reductions through a combination of 19 state and 9 Federal control measures. With one exception (10 CSR 10.300), EPA will act

on all applicable state regulations in separate rulemakings. EPA's action on the ROPP is limited to rule 10 CSR 10.300 and the estimated reductions from all control measures. EPA intends to take final action on the ROPP when it takes final action on the control measures on which the ROPP relies.

Administrative Requirements

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

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 8, 2000.

Dennis Grams,

Regional Administrator, Region 7.

[FR Doc. 00–3470 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region VII Tracking No. MO 094–1094; FRL–6537–3]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a nitrogen oxides (NO_X) reasonably available control technology (RACT) rule which is applicable to the St. Louis, Missouri, ozone nonattainment area. This rule reduces NO_X emissions in the St. Louis area by requiring major sources to install or comply with RACT as required by the Clean Air Act (Act).

DATES: Comments must be received on or before March 20, 2000.

ADDRESSES: All comments should be addressed to: Kim Johnson, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551–7975.

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

This section provides additional information by addressing the following questions:

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control

strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Has the State Done Previously to Address This Issue?

NO_X emissions combine with volatile organic compound emissions on hot, sunny days to form ground level ozone, commonly known as smog. The purpose of the following rule is to establish RACT requirements for major sources of NO_X which will reduce NO_X emissions to help achieve reductions in ozone levels in the St. Louis ozone nonattainment area. The St. Louis ozone nonattainment area includes Franklin, Jefferson, St. Charles, and St. Louis counties, and St. Louis City in Missouri and Madison, St. Clair, and Monroe counties in Illinois.

The Missouri Department of Natural Resources (MDNR) submitted a NO_X RACT waiver petition dated April 25, 1996. The state requested a determination by EPA under section 182(f) of the CAA that NO_X RACT controls were not necessary in St. Louis for attainment of the ozone NAAQS. EPA has not acted on that request. However, in its demonstration of the attainment of the ozone standard on which EPA will act in a separate rulemaking, Missouri has determined that NO_X RACT controls are needed to attain the ozone standard and the NO_X RACT controls for sources in the Missouri portion of the nonattainment area are utilized in the control strategy for the attainment demonstration. Therefore, now that Missouri has determined that local NO_X reductions are necessary for attainment, the NO_X RACT rule has been submitted accordingly.

On July 1, 1996, Missouri submitted an earlier NO_X RACT SIP. EPA has not acted on the 1996 NO_X RACT SIP. The November 1999 submission supercedes the former SIP submittal.

What Is Being Addressed in This Document?

We are proposing to approve as an amendment to the Missouri SIP, rule 10 CSR 10–5.510, Control of Emissions of Nitrogen Oxides, submitted to us on November 12, 1999. This NO_X RACT rule is applicable to all sources with the potential to emit one hundred (100) tons per year or more of nitrogen oxides in the Missouri portion of the St. Louis nonattainment area. The rule establishes emission limits, work practices, monitoring, testing, recordkeeping and reporting requirements for boilers, stationary internal combustion (IC) turbines, stationary IC engines, incinerators, regenerative container melting glass furnaces, and portland cement kilns.

To provide additional flexibility, the rule allows for emissions averaging, on a monthly basis, between two or more emissions units with similar design and emissions characteristics provided that they are subject to the requirements of the rule and that they are located in the St. Louis nonattainment area.

As explained in more detail in the technical support document (TSD) for this proposal, we have reviewed the NO_X controls and averaging provisions in this rule and have determined that they are consistent with relevant EPA guidance and with NO_X controls approved as RACT for other states.

The rule also requires any other stationary source with the potential to emit one hundred (100) tons per year or more of NO_X emissions, for which an emission limit has not been set, to complete a ''case-by-case'' RACT study to evaluate appropriate controls to minimize NO_X emissions. This ''case-by-case'' analysis must be completed in accord with the procedures established in the rule for identifying all available control technologies and selecting the technology that provides the most effective, cost reasonable reduction technique. The ''case-by-case'' studies must be submitted to MDNR by July 1, 2000. The rule requires all ''case-by-case'' RACT determinations must be approved by MDNR and submitted to EPA.

Missouri has provided documentation showing that all known major NO_X sources are subject to specific RACT rules, so that the ''case-by-case'' RACT requirements would cover sources which may become subject to NO_X RACT in the future due to increases in NO_X emissions.

Therefore, EPA believes that the ''case-by-case'' rule is consistent with EPA policy which provides that, among other reasons, EPA may fully approve a ''generic'' or ''case-by-case'' RACT rule where the state has established specific RACT limits for all known major sources and has determined that, to the best of its knowledge, there are no remaining unregulated sources (November 7, 1996, memorandum from Sally Shaver, Director, Air Quality Strategies and Standards Division, entitled ''Approval Options for Generic RACT Rules Submitted to meet the Non-CTG VOC RACT Requirements and Certain NO_X RACT Requirements.'')

Full approval of this generic RACT rule will not relieve sources or the state of the obligation to ensure that all sources within the regulated area comply with the RACT requirement of the CAA, by adopting and implementing emission limitations. All ''case-by-case'' RACT determinations must be submitted to EPA for inclusion in the Federally approved SIP to ensure that the requirements are acceptable as representing RACT and are enforceable by EPA.

Also, any remaining sources which are currently ''unknown'' are required to determine and comply with RACT. This requirement is enforceable by EPA and by citizen groups under section 304 of the Act. Although this rule is proposed for approval as meeting RACT, if EPA later determines that sources remain unregulated under the Federally approved SIP, EPA could issue a SIP call or, possibly, a finding of nonimplementation of the SIP.

Have The Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR section 51.102. The submittal also satisfied the completeness criteria of 40 CFR Part 51, Appendix V. In addition, as explained above and in more detail in the TSD

which is part of this notice, the revision meets the substantive SIP requirements of the CAA, including section 110 and Part D of Title I. The revision is also consistent with the EPA guidance, including the guidance referenced previously and the ''Nitrogen Oxides Supplement to the General Preamble,'' 57 FR 55620, November 25, 1992.

What Action Is EPA Taking?

We are proposing to approve as an amendment to the Missouri SIP rule 10 CSR 10–5.510, Control of Emissions of Nitrogen Oxides, as meeting the requirement for NO_X RACT which is applicable to the Missouri portions of the St. Louis ozone nonattainment area.

Administrative Requirements

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

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: February 1, 2000.

Leo Alderman,

Acting Regional Administrator, Region VII.

[FR Doc. 00–3471 Filed 2–16–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 093–1093; FRL–6537–4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a set of volatile organic compound (VOC) rules for the St. Louis, Missouri, nonattainment area. These rules are intended to satisfy the Reasonably Available Control Technology (RACT) requirements of section 182(b)(2) of the Clean Air Act (Act) Amendments of 1990. The VOC reductions achieved by the implementation of these rules will be accounted for in the 15% Rate-of-Progress Plan (ROPP) and the attainment demonstration for the St. Louis nonattainment area as required in section 182(b)(1)(A) of the Act. EPA will address the achieved reductions as part of the 15% ROPP and the attainment demonstration in a separate rulemaking.

DATES: Comments must be received on or before March 20, 2000.

ADDRESSES: All comments should be addressed to Kim Johnson, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. Copies of the state submittals are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551–7975.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we, us, or our'' is used, we mean EPA.

This section provides additional information by addressing the following questions:

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us

for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled ''Approval and Promulgations of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is Being Addressed in this Document?

VOC emissions combine with nitrogen oxide emissions on hot, sunny days to form ground level ozone, commonly known as smog. The purpose of the following rules is to establish RACT requirements for major sources of VOC emissions to help reduce ozone concentrations in the St. Louis ozone nonattainment area. The St. Louis ozone nonattainment area includes Franklin, Jefferson, St. Charles, and St. Louis counties, and St. Louis City in Missouri.

We are proposing to approve as an amendment to the Missouri SIP the following rules:

10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading, and Transfer

Missouri has updated its existing rule 10 CSR 10–5.220 to improve the clarity of the regulation and generally strengthen the SIP. This rule restricts VOC emissions from the handling of petroleum liquids in five specific areas. These areas include petroleum storage tanks with a capacity greater than 40,000 gallons, the loading of gasoline into delivery vessels, the transfer of gasoline from delivery vessels into storage containers, gasoline delivery vessels, and the fueling of motor vehicles from storage containers.

The RACT requirements as established in this rule are equivalent with the RACT identified in several of EPA's control techniques guidelines (CTG). The CTGs provide recommended RACT levels for gasoline service stations, bulk gasoline plants, tank truck gasoline loading terminals, fixed roof tanks, floating roof tanks, and Stage II vapor recovery.

The rule contains enforceable requirements for the use of vapor loss control devices and/or vapor recovery systems for petroleum storage tanks, gasoline loading installations, gasoline transfer to gasoline storage tanks or gasoline delivery vessels and the fueling of motor vehicles, and the annual test for a leak tight condition. The rule establishes test methods for gasoline delivery vessels and fueling of motor vehicles. For the five areas where VOC emissions from the handling of petroleum liquids are restricted, the rule also specifies the recordkeeping requirements and requires records to be kept for two years.

10 CSR 10–5.295 Control of Emissions From Aerospace Manufacture and Rework Facilities

This new rule requires all aerospace manufacture and rework facilities in the St. Louis nonattainment area, which emit greater than 25 tons per year, to use low VOC coatings and cleaning solvents.

This Missouri rule contains a list of VOC coating operations used in the aerospace manufacture and rework industry and the corresponding VOC content limit for the coating used in each operation. The rule also specifies appropriate low emission application techniques, using high transfer efficiency equipment such as: flow/curtain application, dip coat application, roll coating, brush coating, cotton-tipped swab application, electrodeposition coating, high volume low pressure spraying, and electrostatic spray application.

The RACT requirements as established in this rule are consistent with the control technology recommended in EPA's ''Control Techniques Guideline (CTG) for Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations'' (EPA–453/R–97/04), published in December 1997.

10 CSR 10–5.500 Control of Emissions From Volatile Organic Liquid Storage

This rule limits the VOC emissions from installations storing large volumes of volatile organic liquids. The control requirements apply to all 40,000 gallon or larger volatile organic liquid storage containers storing liquid with a maximum true vapor pressure of one-half pound per square inch or greater.

The RACT measures defined in this rule include specifications for internal and external floating roofs and installation of a closed vent system for vapor control.

The RACT requirements as established in the rule are identical to the control options described in EPA's ''Alternative Control Techniques (ACT) Document: Volatile Organic Liquid Storage in Floating and Fixed Roof Tanks'' (EPA–453/R–94–001), published in January 1994. EPA believes that this document adequately identifies RACT for volatile organic liquid storage facilities.

10 CSR 10–5.520 Control of Volatile Organic Compound Emissions From Existing Major Sources

This new rule requires major facilities that are not regulated by current category-specific RACT regulations to conduct a RACT study and implement the RACT level controls defined by the study as approved by Missouri. Major facilities are defined as having the potential to emit one hundred (100) tons per year or more of VOCs.

The RACT studies are to be submitted to the Missouri Department of Natural Resources (MDNR) for approval on or before June 1, 2000. Implementation of the RACT controls are to be completed as expeditiously as possible, but no later than September 1, 2002.

The state rule outlines the requirements of the RACT study

including identification of each emission unit subject to the RACT requirement, estimates of the potential and actual emissions from each unit, a ranking of the available control options and their respective control effectiveness, evaluation of the technical feasibility of the available control options, and cost analysis criteria. Testing, monitoring, and recordkeeping and reporting procedures to demonstrate compliance are also required as part of the approved RACT controls for each proposal of RACT controls. Documents supporting the RACT proposals and implementation are required to be kept for a period of five years. The requirements for the RACT studies as defined in this rule are consistent with EPA's policy on generic RACT defined below.

As documentation for this rule, MDNR submitted a ''Demonstration of De Minimis Emission for Missouri Generic Reasonably Available Control Technology (RACT) Regulations 10 CSR 10 5.510 and 10 CSR 10–5.520, November 15, 1999.'' This demonstration is consistent with the EPA memo dated November 7, 1996, from Sally Shaver, Director of Air Quality Strategies and Standard Division, regarding the ''Approval Options for Generic RACT Rules Submitted to meet the Non-CTG VOC RACT Requirements and Certain NO_X RACT Requirements'' which sets forth approval criteria for generic RACT rules.

EPA's above-referenced policy states that full approval of a generic RACT rule may be appropriate if sources accounting for most of the emissions in an area are covered by a specific RACT emission limit, and the generic rule covers only sources which, in the aggregate, represent a de minimis level of emissions. EPA has reviewed the state's demonstration and believes that Missouri has made an adequate showing that full approval of its generic rule is appropriate.

Full approval of this generic RACT rule will not relieve sources or the state of the obligation to ensure that all sources within the regulated area comply with the RACT requirement of the CAA, by adopting and implementing emission limitations. All ''case by case'' RACT determinations must be submitted to EPA for inclusion in the Federally approved SIP to ensure that the requirements are enforceable by EPA.

Also, although Missouri and EPA are not aware of any such sources, any remaining sources not identified in the demonstration or currently ''unknown'' are required to determine and comply with RACT. This requirement is enforceable by EPA and by citizen groups under section 304 of the Act. Although this rule is proposed for approval as meeting RACT, if EPA later determines that sources remain unregulated under the Federally approved SIP, EPA could issue a SIP call or, possibly, a finding of nonimplementation of the SIP.

10 CSR 10–5.530 Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations

This rule limits the VOC emissions from wood furniture manufacturing operations that have the potential to emit equal to or greater than twenty-five (25) tons per year of VOC emissions.

The RACT measures defined in this rule include limiting VOC emissions from finishing operations or installation of a control system that will achieve an equivalent reduction, and developing and maintaining work practice standards which further reduce VOC emissions. Facilities may use low VOC emissions coatings, higher solids coatings, emissions averaging, or a control device to meet the emissions limits. Control devices which meet the requirement of this rule include thermal incinerators, catalytic incinerators with a fixed or fluidized catalyst bed, and carbon adsorbers.

The RACT requirements as established in the rule are equivalent with the RACT controls recommended in EPA's ''Control Techniques Guideline Series Document: Control of Volatile Organic Emissions from Wood Furniture Manufacturing Operations'' (EPA–453/R–96–007), published in April 1996.

10 CSR 10–5.540 Control of Emissions From Batch Process Operations

This rule establishes RACT controls to limit the VOC emissions from batch process operations. The control requirements apply to batch operation sources that have the potential to emit equal to or greater than 100 tons per year of VOC emissions and that are identified by one of seven different four digit standard industrial classification codes under the chemical manufacturing category.

RACT as established by this rule requires the installation of control devices which reduce uncontrolled VOC emissions from a single unit operation by an overall efficiency, on an annual average of at least ninety percent (90 percent), or emission limit of twenty (20) ppmv, per batch cycle. The control equipment specified in this rule to meet the VOC emission reductions include thermal or catalytic afterburners, flares, scrubbers, condensers, or carbon adsorbers.

The RACT requirements as established in the rule are consistent with the control options described in EPA's ''Control of Volatile Organic Compound Emissions from Batch Processes—Alternative Control Techniques (ACT) Information Document'' (EPA–453/R–93–017), published in February 1994. EPA believes this document identifies appropriate RACT levels for batch process operation emissions.

10 CSR 10–5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry

This new rule implements RACT control of VOC emissions from the synthetic organic chemical manufacturing industry (SOCMI). Specifically, this rule requires RACT for control of VOC emissions from any vent stream originating from a process unit in which a reactor process or distillation operation is located.

The control level for RACT in this rule is represented by a VOC emission reduction of 98 weight-percent or reduction to 20 ppmv dry basis, corrected to 3 percent oxygen. This level of control can be achieved by combustion through either thermal incineration or flaring.

The RACT requirements as established in the rule are consistent with the RACT control measures recommended in EPA's ''Control Techniques Guideline (CTG) for Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the SOCMI Industry'' (EPA–450/4–91–031), published in August 1993.

Summary

These source-specific RACT rules and the generic RACT rule were submitted to ensure that all source categories addressed by a CTG or ACT and all major sources of VOC not addressed by a CTG or ACT in the St. Louis nonattainment area are subject to RACT level controls.

On November 15, 1999, MDNR submitted a letter to EPA stating that there are no existing unregulated or uncontrolled shipbuilding and ship repair operations located in the St. Louis ozone nonattainment area. In addition, on December 17, 1999, MDNR submitted an additional letter stating that there are no other known, unregulated major sources of VOC in the St. Louis nonattainment area.

These new VOC RACT rules are consistent with Federal regulations and are consistent with the appropriate EPA control techniques guidelines or alternative control techniques documents. The rules contain enforceable emission limits, appropriate compliance methods, require recordkeeping to determine compliance, and meet all applicable enforceability requirements.

Have the Requirements for Approval of a SIP Revision Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR section 51.102. The submittal also satisfied the completeness criteria of 40 CFR Part 51, Appendix V. In addition, as explained above and in more detail in the technical support document which is part of this notice, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What Action is EPA Taking?

We are proposing to approve as an amendment to the Missouri SIP the following rules applicable to the St. Louis nonattainment area: 10 CSR 10–5.220 Control of Petroleum Liquid Storage, Loading, and Transfer; 10 CSR 10–5.295 Control of Emissions From Aerospace Manufacture and Rework Facilities; 10 CSR 10–5.500 Control of Emissions from Volatile Organic Liquid Storage; 10 CSR 10–5.520 Control of Volatile Organic Compound Emissions From Existing Major Sources; 10 CSR 10–5.530 Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations; 10 CSR 10–5.540 Control of Emissions from Batch Process Operations; 10 CSR 10–5.550 Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry

Conclusion

These rules will reduce VOC emissions in the St. Louis area and meet the RACT requirements of section 182(b)(2) of the Act as amended in 1990.

Administrative Requirements

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

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: January 25, 2000.

Dennis Grams,

Regional Administrator, Region VII.

[FR Doc. 00–3472 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 7 Tracking No. MO 096–1096; FRL–6537–5]

Approval and Promulgation of Implementation Plans; State of Missouri; St. Louis Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the air pollution control State Implementation Plan (SIP) submitted by the State of Missouri. The revised SIP pertains to the St. Louis vehicle I/M program. These revisions require the implementation of a motor vehicle I/M program containing many of the features of an enhanced I/M program in the St. Louis metropolitan area, *i.e.,* Jefferson, St. Louis, and St. Charles counties and St. Louis City. This proposal is being published to meet EPA's statutory obligation under the Clean Air Act (CAA or the Act).

DATES: Comments must be received on or before March 20, 2000.

ADDRESSES: All comments should be addressed to Leland Daniels at the Region 7 address. Copies of the state submittal are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 7, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental

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

FOR FURTHER INFORMATION CONTACT: Lee Daniels at (913) 551–7651.

SUPPLEMENTARY INFORMATION:

I. What Is the Statutory Requirement?

The CAA, as amended in 1990, requires that certain ozone nonattainment areas adopt either ''basic'' or ''enhanced'' I/M programs, depending on the severity of the problem and the population of the area. An I/M program is a way to check whether the emission control system on a vehicle is working correctly and to repair those that are not. All new passenger cars and trucks sold in the United States must meet stringent pollution standards, but they can only retain this low pollution profile if the emission controls and the engine are functioning properly. I/M is designed to ensure that vehicles stay clean in actual customer use. Through periodic vehicle checks and required repairs for vehicles which fail the test, I/M encourages proper vehicle maintenance and discourages tampering with emission control devices.

Since the CAA's inception in 1970, Congress has directed EPA to set national ambient air quality standards for common air pollutants, one of which includes ozone. Under the CAA, these standards must be set at levels that protect public health and welfare with an adequate margin of safety and without consideration of cost. These standards provide information to the American people about whether the air in their community is healthful. Also, the standards present state and local governments with the targets they must meet to achieve clean air.

Moderate ozone nonattainment areas, *e.g.,* St. Louis, fall under the ''basic'' I/M requirements. However, moderate areas such as St. Louis have the option of implementing an enhanced I/M program. The State of Missouri chose to implement an I/M program containing most of the features of an ''enhanced'' program in St. Louis as part of its overall plan for achieving emission reductions to attain the 1-hour ozone standard.

II. What Are the I/M Requirements?

Missouri has developed its I/M program not only to meet the requirements of section 182(b)(4) of the CAA but also to meet the reasonable further progress requirements of section 182. Section 182(b)(1) of the CAA requires states with nonattainment areas classified as moderate and above for ozone to develop a plan to reduce areawide volatile organic compound (VOC) emissions from a 1990 baseline by 15 percent. However, the Act prohibits credit toward the 15 percent reduction for correcting deficiencies in previously established basic I/M programs. Missouri decided to pursue an I/M program containing most of the features of an enhanced program to help the state meet the 15 percent plan requirements.

Section 182(a)(2)(B) of the Act directed EPA to publish updated guidance for state I/M programs, taking into consideration findings of EPA's audits and investigations of these programs. Based on these requirements, EPA promulgated I/M regulations on November 5, 1992 (57 FR 52950), and has promulgated subsequent amendments, codified in 40 Code of Federal Regulations (CFR) Part 51, Subpart S.

The Federal I/M rule establishes minimum performance standards for basic and enhanced I/M programs. The I/M regulations include the following: network type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standards; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations, and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; and on-road testing.

The performance standard for basic I/M programs remains the same as it has been since the initial I/M policy was established in 1978, pursuant to the 1977 CAA Amendments.

Although Missouri has submitted an I/M program containing most of the features of an enhanced program, EPA is proposing to act on the submittal with regard to compliance with the basic I/M requirements in section 182(b)(4) and 40 CFR Part 51, Subpart S, because those are the I/M requirements applicable to St. Louis. However, because the state has chosen to adopt an I/M program containing many features of an enhanced program so that additional emission reductions can be achieved and credit claimed as part of the 15% Rate-Of-Progress Plan and attainment demonstration, EPA's review also includes an analysis of the submission as it relates to requirements for enhanced I/M.

III. What Is the Background on Missouri's Program?

On January 1, 1984, the State of Missouri implemented a basic motor vehicle I/M program in the St. Louis metropolitan area. The St. Louis program is currently decentralized and is jointly administered by the Missouri State Highway Patrol (MSHP) and the Missouri Department of Natural Resources (MDNR).

EPA first audited the St. Louis, Missouri, I/M program in 1985. The audit found that the St. Louis I/M program experienced a significant shortfall in achieving the minimum required VOC emission reductions necessary for an acceptable basic I/M program. As a follow-up to the 1985 audit, EPA conducted a second audit of the St. Louis I/M program in 1987. The follow-up audit showed that the state had not made sufficient progress toward improving the program. Based on the continued low failure rate, unrepresentative reporting on the tampering rate, and an excessive waiver rate, the I/M program again failed to achieve a level of emission reduction consistent with the minimum emission reduction requirement (MERR).

Because the St. Louis I/M program did not meet the MERR, EPA requested the state to submit a corrective action plan (CAP) to correct the St. Louis I/M program deficiencies. As part of the CAP, Missouri implemented computerized BAR–90 (Bureau of Automotive Repair) type analyzers on December 1, 1990.

EPA conducted an audit of the revised program during the week of August 24–28, 1992. Despite improvements following EPA's two previous audits, the St. Louis I/M program still had not shown a level of VOC emission reductions consistent with the MERR for a basic program. The I/M program is an important strategy toward achieving healthful air quality in St. Louis. To maximize progress toward that goal, the State of Missouri and EPA believed the most effective approach would be to implement a centralized, test-only program that includes high-tech testing.

As discussed in EPA's I/M rule, states such as Missouri are required to submit a SIP, including a schedule, analysis, description, legal authority, and adequate evidence of funding and resources for program implementation discussed in 40 CFR 51.372 (a)(1)–(a)(8). The SIP must correct deficiencies in the preexisting program.

In a letter dated November 10, 1999, to Dennis Grams, Regional

Administrator, Stephen Mahfood, MDNR Director, submitted a revised I/M program as an amendment to the SIP. This submittal revises the program which Missouri submitted in 1997, and which EPA proposed to conditionally approve in February 1999 (64 FR 9460, February 26, 1999). The submittal included the SIP revision and a number of attachments including the adopted state statute and regulation, the signed I/M contract, a Memorandum of Understanding with the MSHP, an interagency agreement with the Missouri Department of Revenue (MDOR),the I/M budget, modeling input and output files, sample calculations, a table showing the number of vehicles in the I/M program, procedures and specifications, a list of zip codes for the I/M program, the public education program, and an example of the MDOR contract with fee offices. As explained in more detail below, EPA is proposing action on the November 1999 submission.

IV. What Are the Regulatory Requirements and How Does the State's Plan Meet Those Requirements?

As discussed above, sections 182(b)(4), 182(c)(3), 184(b)(1)(A), 187(a)(6), and 187(b)(1) of the Act require that states adopt and implement regulations for a basic or an enhanced I/M program in certain areas. The following sections of this document summarize the requirements of the Federal I/M regulations and address whether the elements of the state's submittal comply with the Federal rule. The specific requirements for I/M plan submissions are in 40 CFR Part 51, Subpart S, and a list of required SIP elements are in 40 CFR 51.372. For a more detailed discussion of EPA's analysis, the reader should consult the technical support document (TSD) which can be obtained by contacting the EPA Regional Office noted above. EPA's decision for approval is based solely on the state's ability to meet the I/M requirements for a basic program.

Applicability—40 CFR 51.350—Part A and B of the SIP

As required in the I/M rule, any area classified as moderate ozone nonattainment and not required to implement an enhanced I/M program shall implement a basic I/M program in any 1990 census-defined, urbanized area within the nonattainment area with a population of 200,000 or more.

The legal authority for the I/M program is contained in the Missouri Revised Statutes, Sections 643.300–643.355 and implementing regulations in Missouri rule 10 CSR 10–5.380. The statute defines the boundaries for the I/M program which include three counties in Missouri (Jefferson, St. Charles, and St. Louis) and St. Louis City.

The state's submittal contains legal authority and regulations necessary to establish the program boundaries for the areas required by EPA's rule to be included in a basic IM program. Thus, this portion of the SIP is approvable. Missouri's program boundaries are also adequate to meet EPA's enhanced I/M program requirements.

In addition, RSMo Section 307.366 provides authority for the state to implement a basic I/M program in Franklin County. The statute was amended during 1999 in Senate Bill 019 to give the residents of Franklin County the option of annual or biennial emission inspection cycle. The Missouri rule 11 CSR 50–2 has not been amended at this time.

The state intends to extend the program to Franklin County and submit appropriate revisions to EPA.

I/M Performance Standard—40 CFR 51.351 and 51.352—Part C of the SIP

Section 51.351 contains the performance standard for enhanced I/M programs, and 40 CFR 51.352 contains the performance standard for basic I/M programs. In accord with the Federal I/M rule, Missouri's I/M program is designed to meet or exceed the minimum basic performance standard, which is expressed as emission levels in areawide average grams per mile (gpm), for certain pollutants. The performance standards are established using local characteristics, such as vehicle mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards, emission control device inspections, evaporative system function checks (for the enhanced programs I/M performance standard), stringency, waiver rate, compliance rate, and evaluation date. The emission levels achieved by the state's program design are calculated using EPA's most current mobile source emission factor model (MOBILE5b) at the time of submittal. The program meets the high enhanced performance standard for VOCs and NOx for the applicable milestone dates. Therefore, this portion of the SIP meets the performance standard for an high enhanced I/M program which exceeds the requirements for a basic program and is approvable.

Network Type and Program Evaluation—40 CFR 51.353—Part D of the SIP

Basic I/M programs can be centralized, decentralized, or a hybrid at the state's discretion. Missouri has the legal authority for and a contract in place to implement and operate a centralized, test-only network that meets the Federal requirements. By state statute, RSMo Section 643.310, no one operating or employed by an emission inspection station shall repair, diagnose, or maintain motor vehicle emission systems or pollution control devices for compensation of any kind. This portion of the SIP meets the Federal requirements relating to the network type.

A state program is required to demonstrate that it achieves the same emission reductions as the model program described in the Federal rule (40 CFR 51.353) and submit a report every two years starting two years after the initial start date. The SIP shows the random evaluation program will monitor 0.1 percent of 1971 and later model year vehicles. The results will be incorporated into an annual report. The first report will be submitted to EPA two years after the start date and subsequent reports submitted annually by January 1. Therefore, the SIP is approvable with regard to the program evaluation requirements.

Adequate Tools and Resources—40 CFR 51.354—Part E of the SIP

The Federal regulation requires Missouri to provide a description of the resources to be used in the program. The state must provide a detailed budget plan that describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. In addition, the SIP must include public education and assistance and funding for other necessary functions.

The SIP includes a detailed budget plan that describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP also details the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance, and other necessary functions. The SIP meets the Federal requirements for evidence of adequate tools and resources under 40 CFR 51.372 and 51.354.

Test Frequency and Convenience—40 CFR 51.355—Part F of the SIP

The I/M performance standard assumes an annual test frequency;

however, other schedules may be approved if the performance standard is achieved. The Missouri legislation provides the legal authority to implement the biennial program. Missouri's I/M regulation provides for a biennial test frequency and provides for enforcement of the biennial test frequency. The Missouri submittal meets the performance standard. This portion of the SIP meets the Federal requirements.

Although not required for a basic program, enhanced I/M programs shall be designed in such a way as to provide convenient service to motorists required to get their vehicles tested. To meet the enhanced requirements, the state must show that the network of stations is sufficient to ensure short waiting times, short driving distances, and regular testing hours. The state has ensured consumer convenience by both state law, rule and contract provisions regarding station location, accessibility, and operation; equipment availability and reliability; and wait time penalties. Therefore, this portion of the SIP meets the test frequency and convenience requirements for an enhanced I/M program which exceed the requirements for a basic program.

Vehicle Coverage—40 CFR 51.356—Part G of the SIP

The performance standards for enhanced I/M programs assume coverage of all 1968 and later model year light-duty vehicles and light-duty trucks (LDT) up to 8500 pounds gross vehicle weight rating and includes vehicles operating on all fuel types. The standard for basic I/M programs does not include LDTs. Other levels of coverage may be approved if the necessary emission reductions are achieved. Missouri's submittal includes: legal authority necessary to implement and enforce program with respect to vehicles required to be covered in a basic and an enhanced program; a detailed description of the number and types of vehicles to be covered by the program; a plan for how those vehicles are identified, including vehicles that are routinely operated in the area but may not be registered in the area; a description of any special exemptions.

In addition, the I/M rule and the implementing contract provide for an alternative to the emissions inspection for up to 40 percent of the motor vehicles. This provision includes the statutory exemption for the most recent two model year vehicles. Other vehicles that are checked and pass a remote-sensing, clean-screening test twice during a year do not have to have the emission inspection. To reach the 40 percent goal, additional remote-sensing, clean-screening testing, additional model year exemption, or the use of vehicle profiling may be used.

Missouri is authorized in its enabling legislation to impose fleet-testing requirements. Fleet testing will be conducted at official test-only stations. The state's plan for testing fleet vehicles is acceptable and meets the requirements of the Federal I/M regulation. EPA is in the process of revising the regulatory requirements applicable to federal fleets. After EPA revises its rule, the state may need to revise its SIP to reflect the Federal revisions.

This level of coverage is approvable as it meets the requirements for an enhanced I/M program which exceed the requirements for a basic program. In addition, Missouri has legal authority to implement fleet-testing requirements and to implement requirements for special exemptions. Therefore, this portion of the SIP is approvable as it meets the requirements for a basic and an enhanced I/M program.

Test Procedures and Standards—40 CFR 51.357—Part H of the SIP

The Federal rule requires Missouri to have written test procedures and pass/fail standards to be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA document entitled ''IM 240 & Evap Technical Guidance,'' EPA–AA–RSPD–IM–98–1, dated August 1998.

The state's I/M regulation, Missouri rule 10 CSR 10–5.380, includes a description of the test procedures for a transient, idle, evaporative system purge; evaporative system pressure testing; on-board diagnostic (OBD) checks, and for a visual emission control device inspection. The checks of the OBD system will begin no later than January 1, 2001. These test procedures conform to EPA-approved test procedures and are approvable. The state I/M regulation establishes pass/fail exhaust standards (hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen) and test procedures for each applicable model year and vehicle type. The exhaust standards adopted by the state conform to EPA-established standards and are approvable. Initial exhaust standards will be in effect for the first two years and the final standards will start April 5, 2002. This portion of the SIP is approvable.

Test Equipment—40 CFR 51.358—Part I of the SIP

As required by Federal rule, the state submittal contains the written technical specifications for all test equipment to be used in the program. The specifications require the use of computerized test systems. The specifications also include performance features and functional characteristics of the computerized test systems that meet the applicable Federal I/M regulations and are approvable. The SIP meets the requirements of this section.

Quality Control—40 CFR 51.359—Part J of the SIP

The Federal rule requires that quality control measures shall insure that emission measurements equipment is calibrated and maintained properly, and that inspection, calibration records, and control charts are accurately created, recorded, and maintained. In accordance with these requirements, the state's I/M rule and contract address the quality control provisions by providing: quality control standards and criteria for all test equipment; procedures and specifications for the calibration and maintenance of all test equipment; procedures manual for station operations, lane operators, waiver inspector's and station manager's computer handbook, host computer manual, and station installation manual; recordkeeping requirements for equipment maintenance and calibration records, emissions test data, and vehicle repair records; document security measures for inspection result forms, emission inspection certificates of compliance, and emission inspection stickers; and maintenance of an audit trail.

This portion of the submittal complies with the quality control requirements set forth in the Federal I/M regulation and is approvable.

Waivers and Compliance via Diagnostic Inspection—40 CFR 51.360—Part K of the SIP

The Federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements, that permits a motorist to comply without meeting the applicable test standards. For enhanced I/M programs, an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared with the CPI for 1989, is required to qualify for a waiver. For the basic program the minimum expenditure is $75 for pre-1981 vehicles and $200 for 1981 and newer vehicles.

As required, RSMo 643.335 provides legislative authority to issue waivers, set and adjust cost limits, and administer and enforce the waiver system. The Missouri legislation set a $75 waiver cost limit for 1980 and older model year vehicles, a $200 waiver cost limit for 1981 to 1996 model year vehicles, and $450 waiver cost limits for 1997 and newer model year vehicles. The state statute allows these amounts to be adjusted for inflation after January 1, 2001, consistent with an enhanced I/M program. Waivers will be issued for vehicles that do not pass the emission inspection, provided the minimum dollar amount was spent for repairs. The repair record must show that the repair expenditures were not covered by either a recall or manufacturer warranty, and that parts costs and labor costs of recognized technicians total the minimum applicable amount for the model year of the vehicle. However, because Missouri is subject to the basic program requirements, it is only required to meet or exceed the basic I/M requirements of a minimum of $75 for pre-1981 vehicles and $200 for 1981 and newer vehicles. The SIP meets this portion of the regulation and is acceptable.

Motorist Compliance Enforcement—40 CFR 51.361—Part L of the SIP

The Federal regulation requires that compliance will be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved. A basic I/M area may use an alternative enforcement mechanism if it demonstrates that the alternative will be as effective as registration denial.

To register a vehicle subject to the I/M requirements, the MDOR by rule, 12 CSR 10–23.170, requires an owner to present an original, current certificate of emissions inspection no older than 60 days. Thus, the enforcement method used is registration denial. The Missouri SIP commits to a compliance rate of 96 percent which was used in the performance standard modeling demonstration and is approvable. The submittal includes detailed information concerning the registration denial enforcement process, the identification of agencies responsible for performing each applicable activity, and a plan for testing fleet vehicles. Therefore, this portion of the SIP is approvable.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362—Part M of the SIP

The Federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to ensure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

In accord with Federal regulation, Missouri's SIP includes regulations and descriptions of procedural manuals and supporting documents describing how the enforcement program oversight will be quality-controlled and quality-assured and includes the establishment of an information management system. Therefore, this portion of the SIP is approvable.

Quality Assurance—40 CFR 51.363—Part N of the SIP

An ongoing quality assurance program must be implemented to discover, correct, and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors.

The Missouri submittal includes a quality assurance program that includes quality control and quality assurance procedures describing methods for reviewing inspector records, performing equipment audits, and providing formal training to all state enforcement officials. Performance audits of inspectors and stations will consist of both covert and overt audits. Reports will be provided weekly, monthly, quarterly, and annually. In addition, an annual independent audit by a third party will be performed. The SIP meets the requirements of this section.

Enforcement Against Contractors, Stations, and Inspectors—40 CFR 51.364—Part O of the SIP

The EPA regulation requires that enforcement against stations, contractors, and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. Implementation and operation of Missouri's centralized program is done by one contractor. Enforcement of violations performed by the contractor, station, or contractor employee is through provisions of the contract. The contract includes appropriate penalty provisions and includes recordkeeping and enforcement procedures. The SIP meets the requirements of this section.

Data Collection—40 CFR 51.365—Part P of the SIP

Accurate data collection is essential to the management, evaluation, and enforcement of an I/M program. The Federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment, as required under 40 CFR 51.359. The SIP provides a commitment to gather, maintain, summarize, and report all of the data requirements and has listed all the data which will be collected. The contract details the functions the contractor will fulfill and specifies the data to be collected and the record storage format. This test data and quality control will be maintained and summarized by MDNR. The SIP meets the requirements of this section.

Data Analysis and Reporting—40 CFR 51.366—Part Q of the SIP

Data analysis and reporting are required to allow for monitoring and evaluating the program by the state and EPA. The Federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control, and enforcement. These reports are to be submitted by July and will provide statistics during January to December of the previous year. A biennial report will be submitted to EPA that addresses changes in program design, regulations, legal authority, program procedures, and any weaknesses in the program found during the two-year period and how these problems will be or were corrected.

The state has committed to meet all of the data analysis and reporting requirements of this section. The contract specifies the data analysis and reporting the contractor will fulfill. The state commits to submit the reports to EPA as required. The SIP meets the requirements of this section.

Inspector Training and Licensing or Certification—40 CFR 51.367—Part R of the SIP

The Federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

The SIP states that all inspectors are to receive formal training, lists the curricula, sets the minimum examination requirements and states that inspectors must be reexamined

every two years. The curricula and certification examinations will be approved by the state. The contractor will conduct the training and certification examination. The SIP meets the requirements of this section.

Public Information and Consumer Protection—40 CFR 51.368—Part S of the SIP

The Federal I/M regulation requires the SIP to include public information and consumer protection programs.

The state has committed to conduct public information and consumer protection programs. The contract specifies and lists the activities the contractor will perform to provide information to the public. It also specifies the minimum amount of funds to be spent during the life of the contract for public information. Both the state and the contractor will aid motorist to obtain warranty covered repairs whenever a vehicle fails a test. The state will also have a Quality Assurance Facility available to motorists so they can challenge the results of their inspection and report fraud and abuse by inspectors. The state has committed to following up and responding to complaints made by the motorist and the public.

A whistle blower protection component is included in the contract. In addition, state employees are protected from repercussions by a whistle blower statute, RSMo Section 105.055. These portions of the SIP submittal meet the requirements of this section.

Improving Repair Effectiveness—40 CFR 51.369—Part T of the SIP

Effective repair work is the key to achieving program goals. The Federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program; in enhanced areas, a description of the procedures and criteria to be used in meeting the performance monitoring requirements; and a description of the technician training resources available in the community.

Training is required for state-recognized repair technicians and will be provided by non-profit and for-profit schools as well as independent trainers. The state will review and approve courses and set criteria for course curricula and number of class hours. The contractor will provide a telephone information service line to help the repair industry identify and repair emission problems. The state will use a newsletter to provide information and assistance related to the program and vehicle repair.

The motorist must present a completed repair data sheet prior to the vehicle being retested. The sheet will include information on the types of repairs performed, repair costs, and the name of the repair facility. This information together with the results from the retest will be used to evaluate the effectiveness of the repair industry. An annual report will be prepared by the contractor. These portions of the SIP submittal meet the requirements of this section.

Compliance with Recall Notices—40 CFR 51.370—Part U of the SIP

The CAA and Federal regulation require states subject to the enhanced I/M requirements to establish methods to ensure that vehicles that have been recalled for emission-related repairs do receive the repair prior to completing the emission test and/or renewing the vehicle registration.

The Missouri I/M regulation requires owners to comply with emission-related recalls before completing the emission test or renewing the vehicle registration. The contractor will maintain a database of vehicles that have been recalled and can identify them at the test station. Those that have obtained the needed repairs can complete the inspection. The submittal includes a commitment to submit an annual report to EPA that includes the information as required. Therefore, this portion of the SIP meets the requirements for an enhanced I/M program which exceed the requirements for a basic program.

On-Road Testing—40 CFR 51.371—Part V of the SIP

On-road testing is required in enhanced I/M areas and is an option for basic areas. The on-road testing program shall provide information about the emission performance of in-use vehicles. The use of either remote sensing devices (RSD) or roadside pullovers where tailpipe emission testing is done can be used to meet the Federal regulations. The program must include on-road testing of 0.5 percent of the vehicles or 20,000 vehicles, whichever is less in the nonattainment area or the I/M program area. Motorists that have passed an emission test and are found to be high emitters as a result of an on-road test shall be required to pass another emission test.

Enabling authority to implement the on-road testing program and enforce off-cycle inspection and repair requirements is contained in Missouri's legislation. The contractor will use RSD to test 0.5 percent of the vehicles in the I/M program area. The contract contains a description of the program and methods of collecting, analyzing, and reporting data. The state plans to select test limits and perform on-road testing. The on-road testing requirements are optional for basic programs. Therefore, this is not relevant to EPA's proposed action with respect to the basic I/M requirement.

State Implementation Plan Submissions—40 CFR 51.372 and Part 51, Subpart F

States such as Missouri are required to submit a SIP, including a schedule, analysis, description, legal authority, and adequate evidence of funding and resources for program implementation as discussed in EPA's I/M rule. The Federal regulation lists a number of elements that the submittal shall include such as the statutory authority and regulations, specifications and procedures, licensing or certification of station inspectors, date mandatory testing will begin, date full-stringency cutpoints will take effect, an analysis showing the performance standard is met, a description of the geographic coverage of the program, a discussion of the design elements including provisions for Federal facility compliance, and adequate funding. Although the state's submission was not made in the time frames called for in 40 CFR 51.372 (a schedule by November 15, 1992, and a complete program by November 15, 1993), the submittal has addressed the requirements of that section as described above. Missouri's efforts to develop the I/M program are described in more detail in the TSD. The lateness of this submittal does not effect the approvability of the program.

For the I/M rule, MDNR provided a 30-day public comment period and held a public hearing before the Missouri Air Conservation Commission (MACC) on September 23, 1999. The revision was adopted by the MACC on October 28, 1999, and became effective on December 30, 1999. MDNR followed all applicable administrative procedures in proposing and adopting the rule revisions.

In addition, MDNR complied with the requirements of 40 CFR Part 51, Appendix V, for SIP submittals. Missouri has met all the applicable requirements for a SIP revision.

On February 26, 1999, at 64 FR 9460, EPA proposed conditional approval of a prior submittal of Missouri's I/M SIP. As discussed above, Missouri submitted a revised final I/M SIP to EPA on November 12, 1999, which is the subject of today's action. The submission revises and replaces the submission on which EPA based its February 26, 1999,

proposal. Commenters on the February 26, 1999, proposal are encouraged to resubmit comments in light of this reproposal. EPA intends to address only those comments which are relevant to this reproposal. Anyone wishing to submit comments should do so during the comment period established by today's notice.

Implementation Deadline—40 CFR 51.373

The SIP commits to starting the I/M program on April 5, 2000. Before testing can begin, a number of tasks, as described in the SIP submittal and the EPA TSD, must be completed. They include the acquisition of the sites, construction of the test stations, purchase and installation of equipment, writing computer programs, writing procedure manuals, and hiring and training employees. Missouri and its contractor are in the process of completing these tasks. Although EPA regulations call for earlier start dates for I/M programs, EPA believes that the start date of April 5, 2000, is as expeditious as practicable and that the program is not deficient because of the April 5, 2000, start date. It is EPA policy that once the start date in the regulations has passed, SIPs are approvable if the program starts as expeditiously as practicable. EPA anticipates that it will not be taking final action on this proposal prior to the projected start date.

V. What is EPA's Conclusion and Proposed Action?

EPA's review of the material submitted indicates that the state has adopted an I/M program in accordance with the requirements of the Act and the Federal rule. EPA is proposing to approve the Missouri SIP revision for the St. Louis I/M program which was submitted on November 12, 1999. EPA solicits comments on this proposed action. Final rulemaking will occur after consideration of any comments. EPA anticipates that it will not take final action until after the April 5, 2000, start date. Therefore, EPA is not proposing conditional approval based on the start date.

Administrative Requirements

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

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 7, 2000.

Dennis Grams,

Regional Administrator, Region 7.

[FR Doc. 00–3473 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL171–1b; FRL–6536–2]

Approval and Promulgation of State Implementation Plan; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve the incorporation of revised air pollution permitting and emissions standards rules into the Illinois State Implementation Plan. The State submitted its plan request to USEPA on February 5, 1998.

DATES: USEPA must receive written comments on or before March 20, 2000.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the plan and USEPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Kelly at (312) 886–4882 before visiting the Region 5 Office.)

Copies of the plan are also available for inspection at the Illinois Environmental Protection Agency, Division of Air Pollution Control, 1021 North Grand Avenue East, Springfield, Illinois 62707–60015.

FOR FURTHER INFORMATION CONTACT: John Kelly, Environmental Scientist, Permits and Grants Section, Air Programs Branch (AR–18J), USEPA, Region 5, Chicago, Illinois 60604, (312) 886–4882.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' are used we mean USEPA.

Table of Contents

I. What Action is USEPA Taking Today?

The USEPA is proposing to approve the incorporation into the Illinois State Implementation Plan of revised air pollution permitting and emissions standards rules, which the State of Illinois requested. Specifically, we are proposing to approve the incorporation of revisions to Title 35 of the Illinois Administrative Code (35 IAC) *201.146, Exemptions from State Permit Requirements* into the Illinois State Implementation Plan. These revisions clarify, modify and add to the list of emission units and activities which are exempt from State permitting requirements. The State submitted its plan request to USEPA on February 5, 1998.

II. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

In the final rules section of this **Federal Register**, we are approving Illinois' request for a change to the Illinois State Implementation Plan as a direct final rule without prior proposal because we view this action as noncontroversial and anticipate no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless we receive relevant adverse written comment on this action. Should we receive such comment, we will publish a final rule informing you that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. We do not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: February 4, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–3673 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding for a Petition To List the Yellow-billed Cuckoo as Endangered and Commencement of a Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the yellow-billed cuckoo (*Coccyzus americanus*) as endangered, with critical habitat, pursuant to the Endangered Species Act (Act) of 1973, as amended. We find that the petition presents substantial scientific or commercial information to indicate that the listing of the yellow-billed cuckoo may be warranted. Therefore, we are initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, we are soliciting information and data regarding this species.

DATES: The finding in this document was made on February 7, 2000. To be considered in the status review and subsequent 12-month finding for the petition, your information and comments must be received by April 17, 2000.

ADDRESSES: You may submit data, information, comments, or questions concerning this finding to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, California 95825. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Karen Miller at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), or at 916/414–6600.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we must make this finding within 90 days of the receipt of the petition and publish it promptly in the **Federal Register**. If the finding is that substantial information was presented, we are also required to promptly commence a review of the status of the involved species. This finding is based on information contained in the petition, supporting information submitted with the petition, and information otherwise available to us at the time the finding was made. While the Act does not provide for petitions to designate critical habitat, the specific critical habitat designation is petitionable under the Administrative Procedures Act. As required by section 4(a)(3) of the Act, we will consider critical habitat designation if we determine that listing is warranted.

The processing of this petition conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this 90-day petition finding is a Priority 4 action and is being completed in accordance with the current Listing Priority Guidance.

We were previously petitioned to list the western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) in 1986 as endangered in the States of California, Washington, Oregon, Idaho, and Nevada (Manolis *et al.* 1986). We received this petition from Dr. Tim Manolis, Western Field Ornithologists, and it was cosigned by the Animal Protection Institute, Defenders of Wildlife, Sacramento River Preservation Trust, Friends of the River, Planning and Conservation League, Davis

Audubon Society, Sacramento Audubon Society, and the Sierra Club. We published a 90-day finding on January 21, 1987, in the **Federal Register** (52 FR 2239) that the petition presented substantial information indicating that the requested action may be warranted. We acknowledged, in that finding, the difficulties in defining distinct, biologically defensible populations of western yellow-billed cuckoos for possible listing, and the existence of gaps in available information as to its status in certain parts of its range. We published a 12-month finding on December 29, 1988, in the **Federal Register** (53 FR 52746) that the petitioned action was not warranted, finding that the petitioned area did not encompass either a distinct subspecies or a distinct population segment. The finding cited—(1) a study of geographic variation in the species that concluded the morphological differences between eastern and western birds were too small to merit separate subspecies (Banks 1988), and (2) that the petitioned area did not encompass a distinct population segment. It noted that yellow-billed cuckoos near a State line within the petitioned area, such as on the California side of the lower Colorado River, are part of the same population and interbreed with birds immediately across the same State border and outside the petitioned area.

We received another petition on February 9, 1998, and dated February 2, 1998, to list the yellow-billed cuckoo (*Coccyzus americanus*) as an endangered species. The petition was submitted by Robin Silver, Kieran Suckling, and David Noah Greenwald of Southwest Center for Biological Diversity on behalf of 22 groups. The 22 groups are the Maricopa Audubon Society, Tucson Audubon Society, Huachuca Audubon Society, White Mountain Audubon Society, White Mountain Conservation League, Wildlife Damage Review, Sky Island Alliance, San Pedro 100, Zane Grey Chapter of Trout Unlimited, T and E Inc., Biodiversity Legal Foundation, Environmental Protection Information Center, Sierra Nevada Alliance, Wetlands Action Network, Rangewatch, Oregon Natural Desert Association, Oregon Natural Resources Center, Klamath-Siskiyou Wildlands Center, Southern Utah Wilderness Alliance, Wild Utah Forest Campaign, Friends of Nevada Wilderness, and Toiyabe Chapter of the Sierra Club. The petitioners requested that we list the yellow-billed cuckoo as endangered, stating that they believe the yellow-billed cuckoo ''is endangered in a significant portion of its range (*i.e.*, the western United States).'' The petitioners also stated they ''believe this range of endangerment is coterminous with a valid subspecies, the western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)'' and that they would concur with a decision to list only this subspecies. The petitioners also requested that critical habitat be designated. Included in the petition was supporting information relating to the species' taxonomy and ecology, adequacy of existing regulatory mechanisms for the species, the historic and present distribution, current status, and causes of decline in the western United States. This notice announces our 90-day finding for the 1998 petition.

The yellow-billed cuckoo is a medium-sized bird of about 30 centimeters (12 inches) in length, and weighing about 60 grams (2 ounces). The species has a slender, long-tailed profile, with a fairly stout and slightly down-curved bill, which is blue-black with yellow on the basal half of the lower mandible (bill). Plumage is grayish-brown above and white below, with rufous primary flight feathers. The tail feathers are boldly patterned with black and white below. The legs are short and bluish-gray, and adults have a narrow, yellow eye ring. Juveniles resemble adults, except the tail patterning is less distinct, and the lower bill may have little or no yellow. Males and females differ slightly. Males tend to have a slightly larger bill, and the white in the tail tends to form oval spots, whereas in females the white spots tend to be connected and less distinct (Hughes 1999).

In the west, based on historic accounts, the species was widespread and locally common in California and Arizona; locally common in a few river reaches in New Mexico; common very locally in Oregon and Washington; generally local and uncommon in scattered drainages of the arid and semiarid portions of western Colorado, western Wyoming, Idaho, Nevada, and Utah; and, probably uncommon and very local in British Columbia. Hughes (1999) summarizes the species' historic range and status in these areas. The species was listed by the State of California as threatened in 1971 and was reclassified as endangered in 1987. Based on a 1986–87 statewide survey, only three areas in the State support more than about five breeding pairs on a regular basis. In the Pacific Northwest, the last confirmed breeding records were in the 1930s in Washington and in the 1940s in Oregon. The species may now be extirpated from Washington. Arizona probably contains the largest remaining cuckoo population among States west of the Rocky Mountains, but cuckoo numbers in 1999 are substantially less than some previous estimates for Arizona as habitat has declined. In Colorado and Idaho, the species is rare, and in Nevada, the remaining breeding populations are threatened with extinction, if not already extirpated (Hughes 1999). The portion of Texas west of the Pecos River has been identified as within the range of the historic western subspecies (Oberholser and Kincaid 1974), but other authors consider birds from this area most similar to eastern cuckoos (Hughes 1999). The species still occurs in this area, but its conservation status is unknown (Groschupf 1987). The species is widespread and uncommon to common in central and eastern Texas (Oberholser and Kincaid 1974; Rappole and Blacklock 1994).

The species breeds from extreme southern Canada (Quebec and Ontario) south to the Greater Antilles and Mexico (American Ornithologist Union (AOU) 1998). The cuckoo occurs widely and is an uncommon to common breeding bird in the United States east of the Continental Divide. Habitat for the species in the eastern United States, mainly riparian and other broad-leaved woodlands, is widespread. This habitat is in contrast to habitat west of the Continental Divide, where suitable habitat is limited to narrow, and often widely separated, riparian patches. Distribution, population, and trend data we obtained from the Breeding Bird Survey (BBS) program and other available sources indicate that, although regional declines have occurred, the yellow-billed cuckoo is relatively common as a breeding bird in much of the eastern United States (Oberholser and Kincaid 1974; Rappole and Blacklock 1994; BBS 1999; Hughes 1999).

The petitioners included information on factors affecting the species in the western United States, which they define as the historic range of the western subspecies. The petition identifies habitat loss, overgrazing, tamarisk invasion of riparian areas, river management, logging, and pesticides as causes of decline. These factors are consistent with loss, degradation, and fragmentation of riparian habitat as the primary factor causing yellow-billed cuckoo declines in the western United States. Estimates of riparian habitat losses include 90–95 percent for Arizona, 90 percent for New Mexico, 90–99 percent for California, and more than 70 percent nationwide (Noss *et al.* 1995; Ohmart 1994). Much of the remaining habitat is in poor condition

and heavily affected by human use (U.S. Department of Interior 1994; Almand and Krohn 1978). Local extinctions and low colonization rates have also been identified as factors, and pesticides and loss of wintering habitat as potential factors (Hughes 1999).

We reviewed the petition, supporting documentation, and other information available in our files to determine if substantial information is available to indicate that the requested actions may be warranted. We find that the petition presents substantial information indicating that listing a western yellow-billed cuckoo subspecies (*Coccyzus americanus occidentalis*) may be warranted, although the taxonomy of this subspecies is currently unclear. The petitioners stated that ''all existing scientific data supports the AOU conclusion that the western yellow-billed cuckoo is a valid sub-species.'' However, this statement does not represent the AOU's current position. The AOU does not have a current position on the validity of yellow-billed cuckoo subspecies and has stated the need to evaluate the taxonomic standing of the subspecies of North American birds (AOU 1998). The AOU's Committee on Classification and Nomenclature (the body that makes taxonomic decisions for North American birds) has begun a comprehensive review of the taxonomic status of subspecies for North American birds, a task that is expected to take at least several years (Richard C. Banks, U.S. National Museum of Natural History, chair of AOU Committee on Classification and Nomenclature (North America), pers. comm., 1999). The existing scientific data, including that provided by the petitioners, is equivocal (of uncertain significance) on the taxonomic status of western yellow-billed cuckoo subspecies.

The yellow-billed cuckoo was separated into eastern (*Coccyzus americanus americanus*) and western (*Coccyzus americanus occidentalis*) subspecies by Ridgway (1887), who cited a larger average size for birds from the western versus eastern United States. Several ornithologists who have questioned the validity of these subspecies since that time (Todd and Carriker 1922; Swarth 1929; Van Tyne and Sutton 1937; Bent 1940; Monson and Phillips 1981) noted the small magnitude and inconsistency of differences between eastern and western cuckoos and the broad overlap in the size of eastern and western individuals. The yellow-billed cuckoo has been the subject of two taxonomic studies published since 1980. One study concluded that the division of yellow-billed cuckoos into two subspecies was not supported by the morphological data and that all yellow-billed cuckoos in North America should be classified simply as *C. americanus* (Banks 1988, 1990). The second study found small but statistically significant size differences between western and eastern cuckoos (Franzreb and Laymon 1993). This study stated that the recognition of subspecies on the basis of these differences was equivocal (of uncertain significance) and recommended that the subspecies described by Ridgway (1887) be retained, pending further studies (Franzreb and Laymon 1993).

The petitioners cited the above studies' findings of statistically significant differences in morphological measurements between western and eastern cuckoos, but did not provide evidence that these differences meet traditional or other accepted criteria for defining avian subspecies. Banks (1988, 1990) concluded that these differences were not adequate for subspecies recognition. The petition and other information currently available to us do not resolve this taxonomic question for this species. However, we are funding ongoing genetic work that may aid in resolving this issue. Although the available information does not conclusively resolve this issue, we find that the petition presents substantial information that leads us to conclude that further investigation is required, through a status review, to determine if listing the western yellow-billed cuckoo as a subspecies is warranted.

The petitioners stated that they believed the western States constitute a significant portion of the species' range. However, we find that the petition does not provide information to support this statement. The petition does not provide information on the conservation status of the yellow-billed cuckoo outside the western United States and British Columbia, Canada, and the available data do not indicate that the species as a whole may be threatened or endangered in a significant portion of its range. On a gross level, the area of the western States within the species' historic range represents about 27 percent of the total area within the species' U.S. range. However, this number includes the entire area of States and does not represent the distribution or area of habitat suitable or available for the species. The species nests almost exclusively in riparian habitats in the west and occurs widely in riparian habitats in the east (Hughes 1999). More than 95 percent of the riparian habitat area within the species' U.S. range is located east of the Continental Divide, and less than 5 percent is located west of the divide. Further, these percentages overestimate the proportion of cuckoo habitat occurring west of the Continental Divide, as they do not account for the fact that, east of the divide, the cuckoo also nests in a variety of nonriparian habitats, including woodlands, hardwood forests, abandoned farmlands, fencerows, shade trees, and gardens (Hughes 1999).

Although not specifically addressed by the petitioners, we also considered whether substantial information exists indicating that listing of the western yellow-billed cuckoo as a distinct population segment (DPS) as described in our 1996 Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (61 FR 4721) may be warranted. The policy states that we will consider three elements in decisions regarding the status of a possible DPS as endangered or threatened under the Act: (1) Distinctness of a population segment in relation to the remainder of the species to which it belongs, (2) significance of the population segment in relation to the species as a whole, and (3) conservation status of the population segment in relation to the Act's standards for listing as threatened or endangered. Criteria for all three elements must be satisfied to be considered a DPS.

Anecdotal reports have suggested differences between eastern and western birds based on bill color and vocalizations (Franzreb and Laymon 1993), but these differences have not been documented. Western cuckoos have been reported to nest later, on average, than eastern cuckoos (Franzreb and Laymon 1993; Hughes 1999), but the species demonstrates considerable plasticity in timing of nesting (Hamilton and Hamilton 1965; Hughes 1999). These observed differences could represent distinct populations with genetically based adaptations to local conditions, however, equally plausible alternative explanations exist. For example, the observed differences could also represent the interaction between individuals of a relatively uniform but flexible species and local environmental factors. We are not currently aware of any study that has tested the alternative explanations, although the principal study of nesting biology published in a scientific journal (Hamilton and Hamilton 1965) favored the latter interpretation (differences are due to interactions of individuals of a flexible species). This study questioned whether eastern and western cuckoos were distinct, based on observations of

ecology, adaptation to the physical environment, and timing and duration of breeding season. Based on the available scientific information, it is unclear that eastern and western yellow-billed cuckoos are distinct. However, we find that the petition presents substantial information that leads us to conclude that further investigation is required, through a status review, to determine if listing the western yellow-billed cuckoo as a distinct population segment may be warranted.

In making these findings, we recognize that yellow-billed cuckoo populations have declined in portions of their range in the United States, particularly west of the Continental Divide. Loss and degradation of western riparian habitats appears to be a primary factor in these declines. The range of the species has contracted substantially in many regions of the western United States, compared to the range reported for the species in the first several decades of the twentieth century (Gaines and Laymon 1984; Laymon and Halterman 1987; Hughes 1999). Population numbers have also declined substantially in the western United States (Hughes 1999), although scientific data on the magnitude of population changes are unavailable for most regions.

Public Information Solicited

We solicit information regarding the taxonomic status, occurrence, and distribution of the species, and any additional data or scientific information from the public, scientific community, Tribal, local, State, and Federal governments, and other interested parties concerning the status of the yellow-billed cuckoo. Of particular interest is information regarding:

(1) The taxonomy and genetics of the species and whether this information supports classifying the western yellow-billed cuckoo as a valid subspecies;

(2) Behavioral and ecological differences between eastern and western yellow-billed cuckoos; and

(3) Significance of the western population in relation to the species as a whole that may aid in differentiating population segments.

After consideration of additional information received during the public information collection period (see DATES section of this notice), we will prepare a 12-month finding as to whether listing the yellow-billed cuckoo as a species, subspecies, or distinct population segment is warranted.

References Cited

You may request a complete list of all references we cited, as well as others, from the Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

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

Dated: February 7, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00–3652 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012100C]

South Atlantic Fishery Management Council; Public Hearings; Correction

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

ACTION: Correction to notice of public hearings.

SUMMARY: This document contains corrections to the notice of public hearings pertaining to the draft options for an amendment to the Golden Crab Fishery Management Plan.

DATES: Effective February 3, 2000.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366; fax: 843–769–4520; E-mail address: kim.iverson@safmc.noaa.gov.

SUPPLEMENTARY INFORMATION: A notice of public hearings was published in the **Federal Register** on February 3, 2000, notifying the public of the hearings that would be conducted regarding draft options for an amendment to the Golden Crab Fishery Management Plan. That document misidentified the amendment, which must be corrected.

NMFS is correcting the error but is making no other change to the document.

Corrections

Under the Proposed Rules Section, South Atlantic Fishery Management Council; Public Hearings, FR Doc. 00–2404, published on February 3, 2000 (65 FR 5300), on page 5300, please correct the text ''Amendment 1'' to read ''Amendment 3'' in both places: (1) first column, last line and (2) third column, fourth line from the top.

Dated: February 11, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–3856 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No.000214041–0041–01; I.D. 012100C]

RIN 0648–AN50

Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Fishery Line Clipper and Dipnet Requirement; Guidelines for Handling of Sea Turtles Brought Aboard Hawaii-based Pelagic Longline Vessels

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

ACTION: Proposed rule; gear requirements.

SUMMARY: NMFS issues a proposed rule which would require the possession and use of line clippers and dip nets aboard vessels registered for use under a Hawaii longline limited access permit to disengage sea turtles hooked or entangled by longline fishing gear. The proposed rule would require the use of specific methods for the handling, resuscitating, and releasing of sea turtles. The intended effect of the proposed measures is to minimize the mortality of, or injury to, sea turtles hooked or entangled by longline fishing gear.

DATES: Comments on this proposed rule will be accepted through March 3, 2000.

ADDRESSES: Written comments on this action must be mailed to Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700; or faxed to 808–973–2941. Comments will not be accepted if submitted via e-mail or internet. Copies of the environmental assessment prepared for this action may be obtained from Alvin Katekaru or Marilyn Luipold, PIAO.

FOR FURTHER INFORMATION CONTACT: Margaret Dupree or Marilyn Luipold, 808–973–2937.

SUPPLEMENTARY INFORMATION: The Hawaii-based pelagic longline fishery is

managed under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region (FMP). The FMP was prepared by the Western Pacific Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 660.

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA). The Olive ridley (*Lepidochelys olivacea*) is listed as threatened in the Pacific, except for the Mexican nesting population, which is classified as endangered. The leatherback (*Dermochelys coriacea*) and hawksbill (*Eretmochelys imbricata*) are listed as endangered. The loggerhead (*Caretta caretta*) is listed as threatened, and green (*Chelonia mydas*) sea turtles are listed as threatened, except for populations in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Under the ESA and its implementing regulations, the take of sea turtles is generally prohibited, with exceptions as identified in 50 CFR 223.206 and as authorized under section 7 of the ESA. For the purposes of the ESA and for this proposed rule, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Under section 7 of the ESA, NMFS must consult on any Federal actions that may affect listed species under NMFS' jurisdiction and may issue Incidental Take Statements (ITSs) that authorize take incidental to the proposed action, if such take does not jeopardize the continued existence of any listed species. The Hawaii-based pelagic longline fishery is known to take sea turtles incidentally to fishing operations and, therefore, NMFS consulted on the FMP and its subsequent amendments and issued biological opinions with accompanying ITSs in 1985, 1991, 1993, 1994, and 1998. The 1994 ITS required NMFS to conduct a workshop to evaluate procedures for the handling of incidentally caught sea turtles. NMFS held this workshop in March 1995 and guidelines were produced (NMFS Technical Memorandum SWFSC–222, November 1995). In the workshop report, NMFS stated that additional injury may occur as turtles caught on longline gear are retrieved and that turtles cut free with varying lengths of line trailing from the mouth or body may later ingest or become entangled in the line, thereby suffering injury or eventual death by strangulation. Among the recommended guidelines was a requirement to remove any line if the turtle is entangled, to remove the hook or cut the line at the eye of the hook if the turtle is hooked externally, and to cut the line as close to the eye of the hook as possible if the hook is ingested—leaving as little line attached as possible. The 1998 ITS required NMFS to translate the guidelines and educate longline fishermen on turtle handling and release techniques no later than November 2000.

The 1998 ITS also required NMFS to review, within 90 days of notification of an observed leatherback take, the circumstances surrounding the take. During the review of a leatherback take in which 5 meters of line were left attached to the turtle, NMFS determined that an immediate practical method for mitigating the effects of hooking on individual turtles is to cut the leader as close to the hook as possible. A long-handled pruning pole fitted with a specially configured knife was discussed as an option to be used by NMFS' observers to cut line from incidentally caught sea turtles.

In response to litigation, NMFS restated before the U.S. District Court, District of Hawaii, its commitment to developing a line clipping device that would reduce or eliminate line attached to sea turtles incidentally caught in longline gear, and to educating longline fishermen and vessels operators in procedures to safely handle and dehook sea turtles, and to using a line clipping device that would reduce or eliminate line attached to sea turtles incidentally caught in longline gear. Subsequently, on November 26, 1999, the United States District Court, District of Hawaii, entered an Order in *CMC* v. *NMFS* directing NMFS to require, within 4 months of the date of entry of the Order, ''every vessel with a Hawaii longline limited entry permit to carry and use line clippers and dip nets to disengage any hooked or entangled sea turtles with the least harm possible to the turtles.'' Magnuson-Stevens Act National Standard 9, (16 U.S.C. 301(a)(9)), requires NMFS to minimize, to the extent practicable, any sea turtle bycatch.

While specific line clipper devices are not available in the commercial market, line clippers meeting the minimum design standards of this proposed rule may be fashioned from readily available tools and components. One model is an extended reach garden pruning tool, which may be adapted to meet the minimum prescribed design standards. Another model, which may be easily fabricated, is the Arceneaux Line Clipper depicted in figure 1 of this proposed rule. Consequently, line clippers may be fabricated or obtained and put into use in the fishery with little expense or delay. NMFS' proposed minimum design standards are intended to allow users flexibility in adapting line clippers and dip nets for optimum use aboard individual vessels.

The proposed rule would also impose specified handling, resuscitation, and release requirements. All sea turtles brought aboard for dehooking and/or disentanglement would have to be handled in a manner which minimizes injury and promotes post-hooking survival. No other methods of handling would be allowed. Where practicable, comatose sea turtles would have to be brought aboard immediately with a minimum of injury and handled in accordance with the resuscitation and release requirements specified in this proposed rule. If the turtle is too large or hooked in such a manner as to preclude it being brought aboard without causing further damage or injury to the turtle, line clippers would have to be used to clip the line and remove as much line as possible prior to releasing the turtle. If a sea turtle brought aboard appears dead or comatose, resuscitation would have to be performed. The methods and procedures for resuscitation are similar to those imposed by NMFS in shrimp trawl fisheries. Sea turtles that revive and become active or that fail to revive within a 24–hour period would have to be returned to the sea in accordance with this proposed rule release requirements. These release provisions would require that the vessel engine be put in neutral gear so that the propeller is disengaged, the vessel is stopped, and the sea turtle is released away from any deployed fishing gear. The sea turtle would have to be observed to be safely away from the vessel before the propeller is engaged and operations are continued.

NMFS is issuing this proposed rule with a 15-day comment period. Although the line clipper and dip net requirements are ordered by the Court, NMFS is soliciting public comments on the specifics of these requirements, such as the design elements. NMFS will consider public comments as well as further information provided by NMFS observers on the efficiency of line clipping devices and will make a final determination on any necessary modifications to the design standards through final rulemaking.

Classification

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

The NOAA Assistant Administrator for Fisheries finds that this proposed rule must be finalized and become effective on March 24, 2000, to comply with the Order issued by the U.S. District Court, District of Hawaii.

NMFS prepared an initial regulatory flexibility analysis that describes the impact this proposed rule, if adopted, would have on small entities. A copy of this analysis is available from NMFS (see **ADDRESSES**). A summary of the analysis follows.

The analysis describes the reasons why the action is being considered and contains a succinct statement of the objectives of and the legal basis for the proposed rule. These are described earlier in this preamble.

The fishery consists of 114 active vessels, all of which are considered small entities, and all of which would be affected. The rule does not contain any reporting or record keeping requirements and does not duplicate, overlap, or conflict with any other relevant Federal rules.

The preferred alternative, as set forth in this proposed rule, meets the objective of the District Court order while minimizing economic impacts on fishery participants by establishing gear requirements based on performance and design standards, rather than requiring the purchase and use of specific devices. Total cost for the materials to fabricate and/or purchase line clippers and dip nets is estimated to be $250. The exact cost of resuscitating a sea turtle, as described herein, is not known, however, it is expected to be minimal.

In addition to the preferred alternative, two other alternatives were evaluated. The first, a ''no action'' alternative, would impose the least cost burden on small entities; however, this alternative would fail to comply with the November 26, 1999, District Court order. The other alternative would require each permitted Hawaii longline vessel to purchase and carry on board a specific, prefabricated line clipper and sea turtle dip net, as well as require vessel operators to try and resuscitate inactive or comatose turtles. This alternative was rejected in favor of the preferred. Though the preferred alternative also requires resuscitation, it proposes design standards for line clippers and dip nets rather than requiring the purchase of prefabricated items. Specifying design standards encourages innovation and is likely to minimize compliance costs. Moreover, such prefabricated line clippers and dip nets are not readily available in the commercial market.

An informal ESA section 7 consultation on the proposed action was completed on January 20, 2000. The consultation concluded that this action is not likely to adversely affect endangered and threatened species or critical habitat.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Fishing gear, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: February 14, 2000.

Andrew J. Kemmerer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Services.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.22, new paragraphs (cc) and (dd) are added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(cc) Fail to carry line clippers meeting the minimum design standards as specified in § 660.32(a)(1), and a dip net as required under § 660.32(a)(2), on board a vessel registered for use under a Hawaii longline limited access permit.

(dd) Fail to follow the sea turtle handling, resuscitation, and release requirements specified in § 660.32(b) through (d), when operating a vessel registered for use under a Hawaii longline limited access permit.

3. A new § 660.32 is added to read as follows:

§ 660.32 Sea turtle take mitigation measures.

(a) *Possession and use of required mitigation gear.* Line clippers meeting minimum design standards as specified in paragraph (a)(1) of this section and dip nets meeting minimum standards prescribed in paragraph (a)(2) of this section must be carried aboard vessels registered for use under a Hawaii longline limited access permit and must be used to disengage any hooked or entangled sea turtles with the least harm possible to the sea turtles and as close to the hook as possible in accordance with the requirements specified in paragraphs (b) through (d) of this section.

(1) *Line clippers.* Line clippers are intended to cut fishing line as close as possible to hooked or entangled sea turtles. NMFS has established minimum design standards for line clippers. The Arceneaux line clipper (ALC) is a model line clipper that meets these minimum design standards and may be fabricated from readily available and low-cost materials (figure 1). The minimum design standards are as follows:

(i) *A protected cutting blade.* The cutting blade must be curved, recessed, contained in a holder, or otherwise afforded some protection to minimize direct contact of the cutting surface with sea turtles or users of the cutting blade.

(ii) *Cutting blade edge.* The blade must be capable of cutting 2.0–2.1 mm monofilament line and nylon or polypropylene multistrand material commonly known as braided mainline or tarred mainline.

(iii) *An extended reach holder for the cutting blade.* The line clipper must have an extended reach handle or pole of at least 6 ft (1.82 m).

(iv) *Secure fastener.* The cutting blade must be securely fastened to the extended reach handle or pole to ensure effective deployment and use.

(2) *Dip nets.* Dip nets are intended to facilitate safe handling of sea turtles and access to sea turtles for purposes of cutting lines in a manner that minimizes injury and trauma to sea turtles. The minimum design standards for dip nets that meet the requirements of this section nets are:

(i) *An extended reach handle.* The dip net must have an extended reach handle of at least 6 ft (1.82 m) of wood or other rigid material able to support a minimum of 100 lbs (34.1 kg) without breaking or significant bending or distortion.

(ii) *Size of dip net.* The dip net must have a net hoop of at least 31 inches (78.74 cm) inside diameter and a bag depth of at least 38 inches (96.52 cm). The bag mesh openings may be no more than 3 inches x 3 inches (7.62 cm 7.62 cm).

(b) *Handling requirements.* (1) All incidentally taken sea turtles brought aboard for dehooking and/or disentanglement must be handled in a manner to minimize injury and promote post-hooking survival.

(2) When practicable, comatose sea turtles must be brought on board immediately, with a minimum of injury, and handled in accordance with the procedures specified in paragraphs (c) and (d) of this section.

(3) If a sea turtle is too large or hooked in such a manner as to preclude safe boarding without causing further damage/injury to the turtle, line clippers

described in paragraph (a)(1) of this section must be used to clip the line and remove as much line as possible prior to releasing the turtle.

(c) *Resuscitation.* If the sea turtle brought aboard appears dead or comatose, the sea turtle must be placed on its belly (on the bottom shell or plastron) so that the turtle is right side up and its hindquarters elevated at least 6 inches (15.24 cm) for a period of no less than 4 hours and no more than 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. A reflex test, performed by gently touching the eye and pinching the tail of a sea turtle, must be administered by a vessel operator, at least every 3 hours, to determine if the sea turtle is responsive. Sea turtles being resuscitated must be shaded and kept damp or moist but under no circumstance may be placed into a container holding water. A water-soaked towel placed over the eyes, carapace, and flippers is the most effective method in keeping a turtle moist. Those that revive and become active must be returned to the sea in the manner described in paragraph (d) of this section. Sea turtles that fail to revive within the 24–hour period must also be returned to the sea in the manner described in paragraph (d)(1) of this section.

(d) *Release.* Live turtles must be returned to the sea after handling in accordance with the requirements of paragraphs (b) and (c) of this section:

(1) By putting the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and releasing the turtle away from deployed gear; and

(2) Observing that the turtle is safely away from the vessel before engaging the propeller and continuing operations.

BILLING CODE 3510–22–F

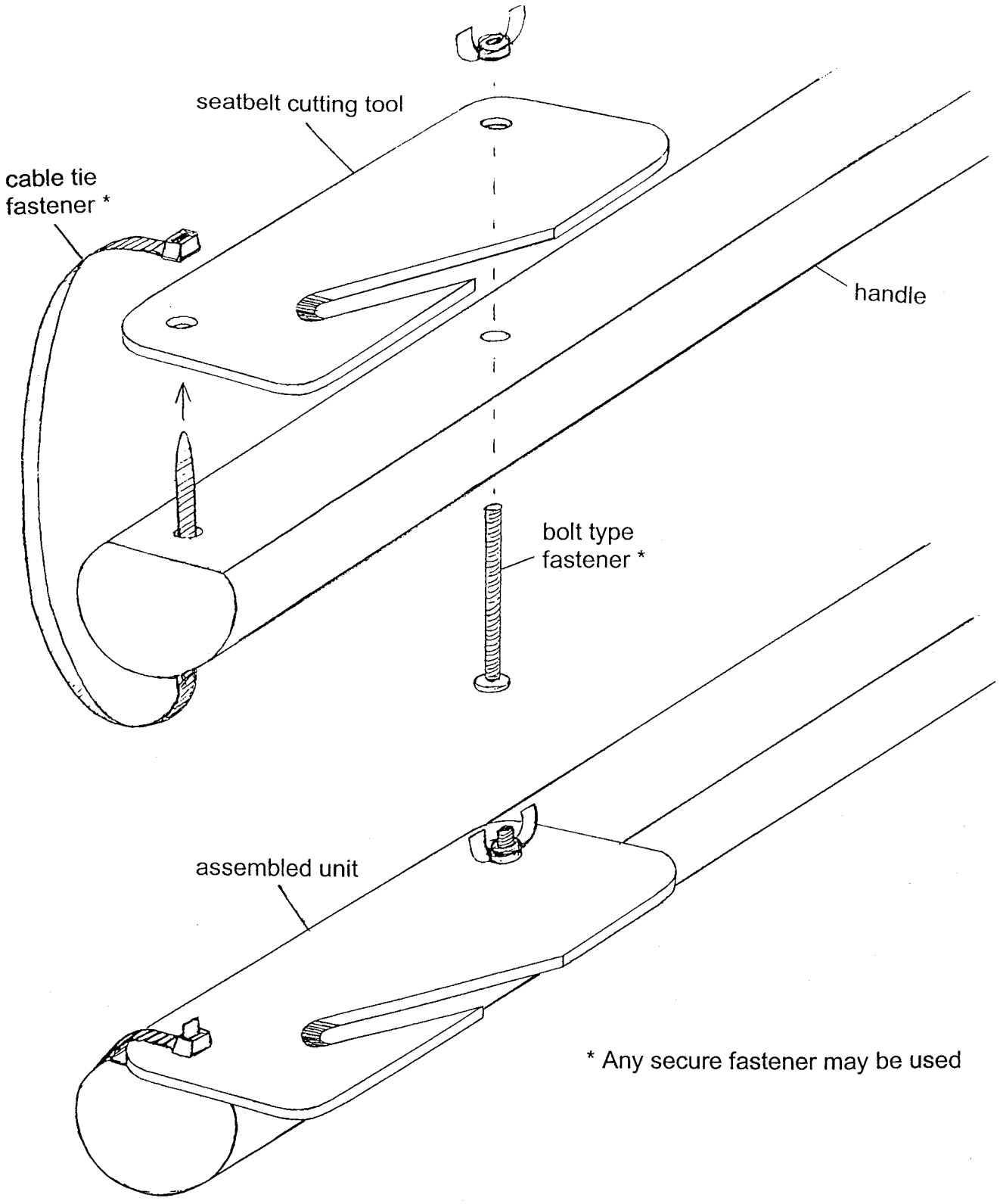

Figure 1 – Sample Fabricated Arceneaux Line Clipper

[FR Doc. 00–3930 Filed 2–16–00; 8:45am]
BILLING CODE 3510–22–C

Notices

Federal Register

Vol. 65, No. 33

Thursday, February 17, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Cargill, Incorporated, of Wayzata, Minnesota, an exclusive license to the U.S. Government's rights in U.S. Patent No. 5,734,046 issued on March 31, 1998, entitled ''Method for manufacturing Limonoid Glucosides.'' Notice of Availability was published in the **Federal Register** on July 18, 1996.

DATES: Comments must be received on or before April 17, 2000.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1158, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license the U.S. Government's rights in this invention as Cargill, Incorporated, submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty (60) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,

Assistant Administrator.

[FR Doc. 00–3744 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–104–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the plant pest, noxious weed, and garbage regulations.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by April 17, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–104–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–104–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: For information regarding the plant pest and noxious weed regulations, contact Ms. Polly Lehtonen, Botanist, Biological Assessment and Taxonomic Support, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–4394. For information regarding the garbage regulations, contact Dr. Elizabeth Klontz, Veterinary Medical Officer, PPQ, APHIS, 4700 River Road Unit 129, Riverdale, MD 20737–1231; (301) 734–7633. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Plant Pest, Noxious Weed, and Garbage Regulations.

OMB Number: 0579–0054.

Expiration Date of Approval: February 29, 2000.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection and Quarantine (PPQ) program of the Animal and Plant Health Inspection Service (APHIS), U. S. Department of Agriculture, is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of pests and weeds not widely distributed in the United States, and eradicating those introduced pests and weeds when eradication is feasible. PPQ is also responsible for preventing plant and animal diseases and pests from entering the United States in waste material derived from, or associated with, fruits, vegetables, meats, or other plant or animal matter commonly referred to as garbage.

The introduction and establishment of new plant and animal pests and diseases or noxious weeds in the United States could cause multimillion dollar losses to U.S. agriculture.

To prevent this from happening, we engage in a number of information collection activities under 7 CFR parts 330 and 360, and 9 CFR part 94, § 94.5, that are designed to allow us to determine whether shipments of regulated articles (such as certain plants and soil) represent a possible risk of introducing or disseminating plant pests or noxious weeds into the United States.

Our primary means of obtaining this vital information is requiring individuals to apply to us for a permit to import regulated articles or to move

these articles interstate. The permit application contains such information as the nature and amount of items to be imported or moved interstate, the country or locality of origin, the intended destination, and the intended port of entry in the United States.

Such data enable us to evaluate the risks associated with the proposed importation or interstate movement of plant pests, noxious weeds, and soil and to develop risk-mitigating conditions, if necessary, for the proposed importation or interstate movement.

We also require the owners or operators of certain garbage-handling facilities to apply to us for a permit so that they can be approved to process regulated garbage in such a way that it no longer poses a threat of disseminating plant pests or livestock and poultry diseases within the United States. We also employ compliance agreements in our programs to help ensure that garbage handlers and others use appropriate mitigation measures. Without these information gathering procedures, we would have no way of detecting and intercepting shipments that pose a potential risk to U.S. agriculture.

We are asking the Office of Management and Budget (OMB) to approve the continued use of this information collection activity.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .80896 hours per response.

Respondents: Importers and shippers of plant pests, noxious weeds, and other regulated articles; State plant health authorities; owners/operators of regulated garbage-handling facilities.

Estimated annual number of respondents: 39,962.

Estimated annual number of responses per respondent: 1.1643.

Estimated annual number of responses: 46,530.

Estimated total annual burden on respondents: 37,641 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 11th day of February 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–3834 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Nutrition Program for the Elderly; Initial Level of Assistance From October 1, 1999 to September 30, 2000

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the initial level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 2000. The Fiscal Year 2000 initial level of assistance is set at $.5404 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Suzanne Rigby, Chief, Schools and Institutions Branch, Food Distribution Division, Food an Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594 or telephone (703) 305–2644.

SUPPLEMENTARY INFORMATION:

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance under Nos. 10.550 and 10.570 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984.)

Paperwork Reduction Act of 1995

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Regulatory Flexibility Act

This action has been reviewed with regards to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). The Administrator of the Food and Nutrition Service (FNS) has certified that this action will not have a significant economic impact and will not affect a substantial number of small entities. The procedures in this notice would primarily affect FNS regional offices, and the State Agencies on aging and local meal providers. While some of these entities constitute small entities, a substantial number will not be affected. Furthermore, any economic impact will not be significant.

Legislative Background

Section 310 of Public Law (Pub. L.) 102–375, the Older Americans Act Amendments of 1992, amended section 311(a)(4) of the Older Americans Act of 1965, 42 U.S.C. 3030a(a)(4), to require the Secretary of Agriculture to maintain an annually programmed level of assistance equal to the greater of: (1) The current appropriation divided by the number of meals served in the preceding fiscal year; or (2) 61 cents per meal adjusted annually beginning with Fiscal Year 1993 to reflect changes in the Consumer Price Index. Section 311(c)(2) of the Older Americans Act (42 U.S.C. 3030a(c)(2)) was amended to provide that the final reimbursement claims must be adjusted so as to utilize the entire program appropriation for the fiscal year for per-meal support. However, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1996 (Pub. L. 104–37) imposed, for Fiscal Year 1996 and succeeding years, the same NPE rate management requirements as applied to Fiscal Year 1994. That is, Title IV, Domestic Food Programs, of the Appropriations Act provides that ''* * * hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate

of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996.''

Notwithstanding the initial rates established by the Older Americans Act, the Department is required to comply with the spending clause of the U.S. Constitution and 31 U.S.C. 1341(a)(1)(A) (known as the Antideficiency Act), which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

Fiscal Year 1999 Level of Assistance

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of $.5539 for Fiscal Year 1999, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the March 3, 1999 **Federal Register** (64 FR 10269).

The Department's meal service projection for Fiscal Year 1999 assumed a slightly higher rate of growth than occurred in the preceding fiscal year. This initial per-meal support level of $.5539 was sustained throughout Fiscal Year 1999, and thus no adjustment was necessary to keep expenditures within the limit of the $140 million NPE appropriation established by Pub. L. 104–180, nor were any funds remaining at the end of Fiscal Year 1999.

Fiscal Year 2000 Initial Level of Assistance

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-meal support level of $.5404, which will not be increased, and which will be decreased only if necessary to keep expenditures within the limit of the $140 million NPE Fiscal Year 2000 appropriation established by Pub. L. 106–78. Any of these funds not paid out for Fiscal Year 2000 reimbursement will, in accordance with Pub. L. 105–277, remain available through Fiscal Year 2000. In the unlikely event that the rate needs to decreased, States will be notified directly.

Dated: January 13, 2000.

Samuel Chambers,

Administrator, Food and Nutrition Service.

[FR Doc. 00–3830 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Recreation Marketing Surveys for Coconino and Pacific Northwest

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intention to request an extension of a currently approved information collection. This collected information enables the Forest Service to keep apprised of the recreational experiences most desired by visitors to National Forest System lands. The information also will help the agency develop a user fee system that will be most compatible with the demands visitors place on recreational sites and facilities. These fees supplement agency funding to help maintain the recreational sites experiencing the most visitor traffic. Adult visitors will be selected at random from two study areas, the Sedona District of the Coconino National Forest in Arizona and the Pacific Northwest Region of the Forest Service in Oregon and Washington.

DATES: Comments must be received in writing on or before April 17, 2000.

ADDRESSES: All comments should be addressed to: Daniel W. McCollum, Rocky Mountain Research Station, 2150 Centre Ave., Building A, Suite 350, Forest Service, USDA, Fort Collins, CO 80526–1891.

Comments also may be submitted via facsimile to (970) 295–5959 or by e-mail to dmccollu/rmrs@fs.fed.us.

The public may inspect comments received at the offices of the Rocky Mountain Research Station, Research Work Unit RM–4851, 2150 Centre Ave., Building A, Suite 350, Fort Collins, Colorado. Visitors are urged to call ahead to facilitate entrance into the offices.

FOR FURTHER INFORMATION CONTACT: Daniel W. McCollum, Rocky Mountain Research Station, at (970) 295–5962.

SUPPLEMENTARY INFORMATION:

Background

The types of and demand for outdoor recreational opportunities on public lands has increased in recent years. Funding often has been insufficient to meet the increased demand for recreational opportunities and, at the same time, protect the natural resources from overuse and degradation. In 1996, the U.S. Congress authorized the Recreation Fee Demonstration Program to allow ''new user fees'' to be collected by four Federal agencies at 100 locations. The purpose of the new user fees is to see if funding provided by the fees would address the problem of insufficient funding for recreational site maintenance and protection of natural resources. User fees are payments visitors must provide in order to utilize certain recreational amenities and sites on National Forest System lands.

The Forest Service is now seeking reactions from recreational visitors whose visit was or is contingent upon paying a fee to utilize a recreational amenity or site. This survey focuses on two sites: (1) The Sedona District of the Coconino National Forest in Arizona and (2) the Pacific Northwest Region of the Forest Service in Oregon and Washington. Responses of individuals who will visit these two sites for recreational experiences in the spring and summer of 2000 will be compared with responses obtained from recreational visitors to these sites in the fall and winter of 1999. Information will be collected in 2001, 2002, and 2003 to see how well the ''new user fees'' are meeting the objective of providing supplemental funding for maintenance of recreational amenities and sites, as well as natural resource protection.

This information collection also seeks to estimate the effects that user fees will have on the future numbers of visitors to National Forest System lands and how fees will influence the recreational experiences individuals will choose.

Description of Information Collection

Title: Recreation Marketing Surveys for Coconino and Pacific Northwest.

OMB Number: 0596–0149.

Expiration Date of Approval: December 31, 1999.

Type of Request: Extension of a previously approved information collection.

Abstract: Forest Service employees and cooperating University of Montana

and Arizona State University researchers, who are specialists in economics, marketing, outdoor recreation, and statistics, will collect the information and analyze it to learn what current recreational visitors and potential recreational visitors desire in terms of recreational experiences. The data also will enable the agency to design a method for payment of fees, which will supplement agency funding and help the agency meet the demands for recreational experiences in an environmentally and socially responsible manner.

This information will be collected for two case studies: (1) the Sedona District of the Coconino National Forest in Arizona, and (2) the Pacific Northwest Region of the Forest Service in Oregon and Washington. The purpose of the Coconino study will be to evaluate the success of a new recreational fee demonstration project. The purpose of the Pacific Northwest Region study is to consider the public's perception of the feasibility of consolidating the 18 to 20 recreation fee demonstration sites into a Region-wide pass (the entire Pacific Northwest Region that includes all of Oregon and all of Washington) or into two State-wide passes (one for Oregon and one for Washington) that would be good at all the sites within the Region or within a single State. The other aspect of the study is to gain the public's perception of the feasibility of modifying the fee structure so the fees charged are the same for identical or similar amenities or experiences at different recreational sites. Both cases will be part of the Recreation Fee Demonstration Program authorized by the 1966 Recreation Fee Demonstration Program to evaluate the role of fees in providing recreational opportunities on the public lands.

For the Coconino National Forest case study, Forest Service personnel will work with Arizona State University personnel, and for the Pacific Northwest Region case study, Forest Service personnel will work with University of Montana personnel to conduct on-site, face-to-face interviews. Respondents will answer questions that include where they live, their planned length of visit, their planned primary recreational activity, whether the area provided them an opportunity for a satisfactory recreational experience, how satisfied they are with the area, their age, race, ethnic background, and their annual income.

Respondents also will be asked to complete an optional mail-back survey containing additional questions, such as whether they would like to have restroom facilities at the site, if restrooms were at the site, whether they were clean, if they would like to have directional signs, geographical maps, the extent to which their visit met their expectations, if they accept that fees will be charged for various recreational activities, their preferred method of paying their fees, if they consider the fee amounts charged to be fair.

Data gathered in this information collection is not available from other sources.

Estimate of annual burden: 30 minutes.

Type of respondents: Individuals visiting the Sedona District of the Coconino National Forest in Arizona and Pacific Northwest Region of the Forest Service in Oregon and Washington.

Estimated annual number of respondents: 2500.

Estimated annual number of responses per respondent: 1.

Estimated total annual burden on respondents: 1,250 hours.

Comment Is Invited

The agency invites comments on the following: (a) Whether the information proposed for the collection is appropriate for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments, including name and address when provided, will become a matter of public record. Comments received in response to this notice will be summarized and included in the request for Office of Management and Budget approval.

Dated: February 10, 2000.

Robert Lewis, Jr.,

Deputy Chief for Research & Development.

[FR Doc. 00–3837 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

Little East Creek Fuels Reduction Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) to reduce the fire hazard and restore damaged components of the ecosystem within the Little East Creek Area. The Record of Decision will disclose how the Forest Service has decided to treat approximately 3,725 acres of blowdown fuels. The proposed action is to treat an estimated 2,122 acres by means such as commercial timber sales, mechanical piling and burning, prescribed fire, and by hand treatment and provide access to non-federally owned lands within the project boundaries. A range of alternatives responsive to significant issues will be developed, including a no-action alternative. The proposed project is located on the LaCroix Ranger District, Cook MN, Superior National Forest. In addition, the LaCroix Ranger District may be requesting the project be considered an emergency under 36 CFR 215.10(d)(1).

DATES: Comments concerning the scope of this project should be received by March 17, 2000.

ADDRESSES: Please send written comments to: LaCroix Ranger District, Superior National Forest, Attn: Little East Creek Fuels Reduction EIS, 320 N HWY 53, Cook, MN 55723.

FOR FURTHER INFORMATION CONTACT: Constance Chaney, District Ranger, or John Galazen, Team Leader, LaCrox Ranger District, Superior National Forest, 320 N HWY 53 Cook, MN 55723, telephone (218) 666–002.

SUPPLEMENTARY INFORMATION: Public participation will be an integral component of the study process and will be especially important at several point during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies, individuals, and organizations that may be interested in, or affected by the proposed activities. The scoping process will include: (1) identification of potential issues,(2) identification of issues to be analyzed in depth, and (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping

comments will be solicited through a scoping package that will be sent to the project mailing list and to the local newspaper. For the Forest Service to best use the scoping input. Comments should be received by February 23, 2000. Issues identified for analysis in the EIS include the potential effects of the project on and the relationship of the project to: fuel hazard reduction, riparian areas and Shipstead Newton Nolan areas, reforestation, temporary roads, inventoried candidate special management complexes, roadless areas, and others.

Based on the results of scoping and the resource capabilities within the Project Area, alternatives, including a non-action alternative, will be developed for the Draft EIS. The Draft EIS is projected to be filed within the Environmental Protection Agency (EPA) in July 2000. The Final EIS is anticipated in October 2000.

The commend period on the draft EIS will be a minimum of 45 days from the date the EPA publishes the Notice of Availability in the **FEDERAL REGISTER.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EISa must structure their participation in the environmental review of the proposal, so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *HRDC,* 435 U.S. 519, 553, (1978)). Environmnental objections that could have been raised at the Draft EIS stage may be waived or dismissed by the courts (*City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this Proposed Action, participate by the close of the 45-day comment period, so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the Final EIS.

To assist the Forest Service in indentifying and considering issues and concerns of the Proposed Act, comments during scoping and on the Draft EIS should be a specific as possible and refer to specific pages or chapter. Comments may address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed. In addressing these points reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR 1503.3. Comments reviewed in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on the Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered. Pursuant to 7 CFR 1.27(d), any person may request the agency to withthold a submission, from the public record, by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Requesters should be aware that under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality. If the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within seven days.

Permits/Authorizations: The proposed action may include prescribed burning and harvesting on Ecological Landtype 18. An amendment to the Superior National Forest Land and Resource Management Plan would be needed for such actions. James W. Sanders, Forest Supervisor, Superior National Forest, would be responsible official for the plan amendment.

Responsible Official: Constance Chaney, LaCroix District Ranger, Superior National Forest, is the responsible official. In making the decision, the responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies. The responsible official will state the rationale for the chosen alternative in the Record of Decision.

Dated: January 11, 2000.

Constance Chaney,

District Ranger.

[FR Doc. 00–3841 Filed 2–16;–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, and 3 (BA–27) Jefferson and Lafourche Parishes, Louisiana

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR part 1500), and the Natural Resources Conservation Service Guidelines (7 CFR part 650), the Natural Resources Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Barataria Basin Landbridge Shoreline Protection Project Phases 1, 2, and 3 (BA–27), Jefferson and Lafourche Parishes, Louisiana.

FOR FURTHER INFORMATION CONTACT: Donald W. Gohmert, State Conservationist, Natural Resources Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302; telephone (318) 473–7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of the federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald W. Gohmert, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This project includes the installation of 71,000 linear feet of shoreline protection to reduce or eliminate shoreline/bankline erosion for portions of Bayous Perot and Rigolettes, Little Lake, and Harvey Cutoff in Jefferson and Lafourche Parishes, Louisiana. It is predicted that the project would prevent the loss of 1,570 acres of brackish and intermediate marsh over 20 years.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. Copies of the FONSI are available at the above address. Information gathered during project development is on file and maybe reviewed by contacting Donald W. Gohmert.

No administrative action on the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: February 4, 2000.

Donald W. Gohmert,

State Conservationist.

[FR Doc. 00–3842 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Meadow Branch Watershed; Robeson County, NC

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Meadow Branch Watershed, Robeson County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mary T. Kollstedt, State Conservationist, Natural Resources Conservation Service, 4405 Bland Road, Suite 205, Raleigh, North Carolina 27609, telephone (919) 873–2101.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mary Kollstedt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Structural measures include 41,600 linear feet of channel excavation; 10,300 linear feet of channel clearing and snagging; 2,400 linear feet of channel maintenance/restoration; and 15 water control structures. This will reduce flood damages on 1,500 acres of cropland, for 10 limited resource farmers, and 140 homes. Water management will be provided for 611 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jacob Crandall, Acting Assistant State Conservationist for Water Resources at 4405 Bland Road, Suite 205, Raleigh, North Carolina 27609.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: February 7, 2000.

Mary T. Kollstedt,

State Conservationist.

[FR Doc. 00–3843 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for the currently approved information collection in support of our program for Complaints and Compensation for Construction Defects.

DATES: Comments on this notice must be received by April 17, 2000 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Melissa Carter, Management Analyst, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Avenue, SW, Washington, DC 20250–0783, Telephone (202) 720–1478.

SUPPLEMENTARY INFORMATION:

Title: RD Instruction 1924–F, ''Complaints and Compensation for Construction Defects.''

OMB Number: 0575–0082.

Expiration Date of Approval: March 31, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: The Complaints and Compensation for Construction Defects program under Section 509C of Title V of the Housing Act of 1949, as amended, provides eligible persons who have structural defects with their Agency financed homes to correct these problems. Structural defects are defects in the dwelling, installation of a manufactured home, or a related facility or a deficiency in the site or site development which directly and significantly reduces the useful life, habitability, or integrity of the dwelling or unit. The defect may be due to faulty material, poor workmanship, or latent causes that existed when the dwelling or unit was constructed. The period in which to place a claim for a defect is within 18 months after the date that financial assistance was granted. If the defect is determined to be structural and is covered by the builders/dealers-contractor's warranty, the contractor is expected to correct the defect. If the contractor cannot or will not correct the defect, the borrower may be compensated for having the defect corrected, under the Complaints and Compensation for Construction Defects program. Provision of this subpart do not apply to dwellings financed with guaranteed Section 502 loans.

Estimate of Burden: Public reporting for this collection of information is estimated to average .26 hours per response.

Respondents: Individuals or households.

Estimated Number of Respondents: 5,000.

Estimated Number of Responses per Respondent: 1.05.

Estimated Number of Responses: 5,250.

Estimated Total Annual Burden on Respondents: 1,350 hours.

Copies of this information collection can be obtained from Brigitte Sumter, Regulations and Paperwork Management Branch, at (202) 692–0042.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information, including a variety of methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Brigitte Sumter, Regulations and Paperwork Management Branch, US Department of Agriculture, Rural Development, STOP 0743, 1400 Independence Avenue, SW, Washington, DC 20250–0743. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 4, 2000.

James C. Kearney,

Administrator, Rural Housing Service.

[FR Doc. 00–3831 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–XV–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Freedom Power Station Plant, Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR Part 1794), has made a finding of No Significant Impact (FONSI) with respect to a project proposed by Southwestern Electric Cooperative, Inc., (SEC) of Greenville, Illinois. The proposed project consists of constructing a natural gas-fired simple cycle, combustion turbine power generation facility near Wright?s Corner in Fayette County, Illinois. The primary purpose of the facility is to meet SEC peak electrical load . The unit will have a peak capacity of 45 MW. The facility will be located on a 1.5 acre tract of land on the East Side of County Highway 4 approximately six miles north of the City of Elmo, Illinois. The power generated from the facility will be distributed through an existing transmission line owned and operated jointly by SEC and Ameren. No additional construction of the transmission facility will be required. Kansas-Nebraska Energy will provide natural gas fuel for the facility. The Kansas-Nebraska Energy gas pipeline is located about 50 feet from the plant site. RUS may provide financing assistance to SEC for the project.

RUS has concluded that the impacts from the proposed project would not be significant and that the proposed action is not a major federal action significantly affecting the quality of the human environment. Therefore, the preparation of an environmental impact statement is not necessary.

FOR FUTHER INFORMATION CONTACT: Nurul Islam, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone: (202) 720–1414. His e-mail address is nislam@rus.usda.gov. Information is also available from Mr. Joe Richardson, Business Development and Marketing Manager, SEC, 525 US Route 40, Greenville, Illinois 62246, telephone (618) 664–1025.

SUPPLEMENTARY INFORMATION: RUS, in accordance with its environmental policies and procedures, required that SEC prepare an Environmental Report (ER) reflecting the potential impacts of the proposed facilities. The ER, which includes input from Federal, State, and local agencies, has been reviewed and adopted as RUS?s Environmental Assessment (EA) for the project in accordance with 7 CFR 1794.41. RUS and SEC published notices of the availability of the EA and solicited public comments per 7 CFR 1794.42. No comments were received. Based on the EA, RUS has concluded that the proposed action will not have a significant effect to various resources, including important farmland, floodplains, wetlands, cultural resources, threatened and endangered species and their critical habitat, air and water quality, and noise. RUS has also determined that there would be no negative impacts of the proposed project on minority communities and low-income communities as a result of the construction of the project.

Copies of the EA and FONSI can be reviewed at the headquarters of SEC and the RUS, at the addresses provided above in this notice.

Dated: February 10, 2000.

Lawrence R. Wolfe,

Acting Director Engineering and Environmental Staff.

[FR Doc. 00–3829 Filed 2–16–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 3–2000]

Foreign-Trade Zone 148, Knoxville, TN; Application for Subzone Status, Matsushita Electronic Components Corporation of America Plant (Capacitors, Automotive Audio Speakers)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Industrial Development Board of Blount County, grantee of FTZ 148, requesting special-purpose subzone status for the electrolytic capacitor and automotive audio speaker manufacturing plant of Matsushita Electronic Components Corporation of America (ACOM) (a subsidiary of Matsushita Electric Industrial Co., Ltd., of Japan), located in Knoxville, Tennessee. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 10, 2000.

The ACOM plant (40 acres/370,000 sq.ft.) is located within the Forks of the River Park at 5105 South National Drive, Knoxville, Tennessee. The facility is used to produce aluminum electrolytic capacitors (HTSUS# 8532.22.0020–85), aluminum etched capacitor foil (7607.19.1000), and automotive audio speakers (8518.29.8000), for export and the domestic market. The production process involves design, assembly, testing, and warehousing. Components purchased from abroad (representing 10 to 100% of overall material value) include: adhesives (epoxide, phenolic), cone paper, cushions, dust caps, flexible wire, eyelets, gaskets, grille, magnets, plates, fasteners, nets, sub cones, supporters, dampers, terminals, tweeters, voice coils, cord assemblies, aluminum etched foil, ammonium adipate, electrolyte, aluminum cases and washers, terminal boards, vent plugs, vinyl sleeves, insulation boards, wax, adhesive tape, positive/negative leads, and separator paper (duty rate range: free—6.5%).

FTZ procedures would exempt ACOM from Customs duty payments on the foreign components used in export production. On its domestic sales, the company would be able to choose the duty rate that applies to finished aluminum electrolytic capacitors (duty free), aluminum etched capacitor foil (5.3%), and automotive audio speakers (4.9%) for the foreign inputs noted above. On ACOM's automotive original equipment sales, the motor vehicle duty rate (2.5%) would apply to the finished automotive audio speakers that are shipped in-bond to U.S. motor vehicle assembly plants with subzone status. The application indicates that subzone status would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 17, 2000. Rebuttal comments in response to material submitted during the foregoing period

may be submitted during the subsequent 15-day period May 2, 2000.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service-Knoxville, 3286 Northpark Blvd., Alcoa, TN 37701

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230–0002

Dated: February 10, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–3847 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1071]

Grant of Authority; Establishment of a Foreign-Trade Zone Martinsburg (Berkeley County), West Virginia

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 to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the West Virginia Economic Development Authority (the Grantee), has made application to the Board (FTZ Docket 9–99, filed 2/19/99), requesting the establishment of a foreign-trade zone in the Martinsburg (Berkeley County), West Virginia area, adjacent to the Front Royal, Virginia, Customs port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register** (64 FR 9473, 2/26/99); 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 are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 240, at the site described in the application, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 7th day of February 2000.

Foreign-Trade Zones Board.

William M. Daley,

Secretary of Commerce, Chairman and Executive Officer.

Attest:

Dennis Puccmelli,

Acting Executive Secretary.

[FR Doc. 00–3848 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[(A–538–802)(A–570–003)(C–535–001)]

Continuation of Antidumping Duty Orders and Countervailing Duty Order: Cotton Shop Towels From Bangladesh, the People's Republic of China, and Pakistan

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

ACTION: Notice of continuation of antidumping duty orders and countervailing duty order: cotton shop towels from Bangladesh, the People's Republic of China, and Pakistan.

SUMMARY: On August 5, 1999, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on cotton shop towels from Bangladesh and the People's Republic of China (''China''), and of the countervailing duty order on cotton shop towels from Pakistan, is likely to lead to continuation or recurrence of dumping or a countervailing subsidy (64 FR 42658, 42656, 42672, respectively). On February 3, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of these antidumping and countervailing duty orders on cotton shop towels would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (65 FR 5369). Therefore, pursuant to 19 CFR 351.218(e)(4), the Department is publishing notice of the continuation of the antidumping duty orders on cotton shop towels from Bangladesh and China, and of the countervailing duty order on cotton shop towels from Pakistan.

EFFECTIVE DATE: February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Melissa G. Skinner, Office of Policy for Import Administratin, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230; telephone: (202) 482–5050 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION

Background

On January 4, 1999, the Department initiated, and the Commission instituted, sunset reviews (64 FR 364 and 64 FR 371, respectively) of the antidumping duty orders on cotton shop towels from Bangladesh and China, and of the countervailing duty order on cotton shop towels from Pakistan, pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the orders to be revoked (*see Final Results of Expedited Sunset Review: Cotton Shop Towels From Bangladesh,* August 5, 1999 (64 FR 42658) and *Final Results of Expedited Sunset Review: Cotton Shop Towels From the People's Republic of China,* August 5, 1999 (64 FR 42656)). Additionally, the Department determined that revocation of the countervailing duty order would likely lead to continuation or recurrence of a countervailing subsidy and notified the Commission of the net countervailable subsidy likely to prevail were the order revoked (*see Final Results of Expedited Sunset Review: Cotton Shop Towels From Pakistan,* August 5, 1999 (64 FR 42672)).

On February 3, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on cotton shop towels from Bangladesh, China, and of the countervailing duty order on cotton shop towels from Pakistan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (*see Cotton Shop Towels From Bangladesh, China, and Pakistan,* 65 FR 5369 (February 3, 2000) and USITC Pub. 3267, Investigation Nos. 701–TA–202 (Review) and 731–TA–103 and 514 (Review) (January 2000)).

Scope

Bangladesh—The merchandise subject to this antidumping duty order is cotton shop towels from Bangladesh. Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100-percent cotton or a blend of materials. Shop towels are currently classifiable under item numbers 6307.10.2005 and 6307.10.2015 of the Harmonized Tariff Schedules of the United States (HTSUS). This review covers imports from all manufacturers and exporters of shop towels from Bangladesh.

China—The merchandise subject to this antidumping duty order is cotton shop towels from the People's Republic of China. Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100-percent cotton or a blend of materials. Shop towels are currently classifiable under item numbers 6307.10.2005 and 6307.10.2015 of the Harmonized Tariff Schedules of the United States (HTSUS).

Pakistan—The subject merchandise is cotton shop towels from Pakistan. This merchandise is classifiable under item number 6307.10.20 of the Harmonized Tariff Schedule (HTS).

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings remain dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of these antidumping duty orders and countervailing duty order would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on cotton shop towels from Bangladesh and from China, and of the countervailing duty order on cotton shop towels from Pakistan. The Department will instruct the U.S. Customs Service to continue to collect antidumping and countervailing duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751 (c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than January 2005.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–3693 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Stainless Steel Flanges from India

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

ACTION: Notice of initiation of new shipper review.

SUMMARY: The Department of Commerce has received a request for a new shipper review of the antidumping duty order on certain stainless steel flanges (SSF) from India issued on February 9, 1994 (59 FR 5994). In accordance with our regulations, we are initiating a new shipper review covering Bhansali Ferromet Pvt. Ltd. (BFPL).

EFFECTIVE DATE: December 10, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Michael Heaney, AD/CVD Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482–3019 or (202) 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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

Background

The Department received a timely request, in accordance with section 751(a)(2)(B) of the Tariff Act and 19 CFR 351.214(b) of the Department's regulations, for a new shipper review of the antidumping duty order on SSF from India, which has a February anniversary date. (*See* Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value, 59 FR 5994 (February 9, 1994).

Initiation of Review

Pursuant to the Department's regulations at 19 CFR 351.214(b), BFPL certified in its August 31, 1999 submission that it did not export subject merchandise to the United States during the period of the investigation (POI) (July 1, 1992 through December 31, 1992), and that it was not affiliated with any exporter or producer of the subject merchandise to the United States during the POI. BFPL submitted documentation establishing the date on which it first shipped the subject merchandise for export to the United States, the volume shipped and the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) of the Tariff Act and section 351.214(d) of the Department's regulations, we are initiating a new shipper review of the antidumping duty order on SSF from India. This review covers the period August 1, 1998 through July 31, 1999. We intend to issue the final results of the review no later than 270 days from the date of publication of this notice.

We will instruct the Customs Service to suspend liquidation of any unliquidated entries of the subject merchandise from BFPL, and allow, at the option of the importer, the posting, until completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by BFPL, in accordance with 19 CFR 351.214(e).

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305(b).

This initiation and this notice are in accordance with section 751(a) of the Tariff Act (19 U.S.C. 1675(a)) and § 351.214 of the Department's regulations (19 CFR 351.214).

Dated: December 10, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD–CVD Enforcement, Group III.

[FR Doc. 00–3845 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–811]

Stainless Steel Wire Rods From France: Amended Final Results of Expedited Sunset Review

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

ACTION: Notice of amendment to final results of expedited sunset review; Stainless steel wire rods from France.

SUMMARY: On January 27, 2000, the Department of Commerce (''the Department'') issued the final results of its expedited sunset review of the antidumping finding on stainless steel wire rods from France (see 65 FR 5317, February 3, 2000). Subsequent to the issuance of the final results, we received comments alleging a ministerial error. After analyzing the comments submitted, we are amending our final results to correct the ministerial error. Based on the correction of the ministerial error, we are correcting the margins listed in the Final Result of Review section of the final results of expedited sunset review from 24.39 percent to 24.51 percent.

EFFECTIVE DATE: February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, DC 20230: telephone (202) 482–1698 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 2000, the Department of Commerce (''the Department'') issued the final results of its expedited sunset review of the antidumping finding on stainless steel wire rods from France (see 65 FR 5317, February 3, 2000). Subsequent to the publication of the final results, we received comments on behalf of AL Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Inc., Talley Metals Technology, Inc., and the United Steelworkers of America, AFL–CIO/CLC (hereinafter referred to as ''domestic interested parties'') alleging a ministerial error.

Clerical Error Allegation

The domestic interested parties allege that, in the final results of its expedited sunset review, the Department agreed with the domestic interested parties that the margins likely to prevail if the order were revoked were the rates from the original investigation. However, the domestic interested parties indicate that the Department mistakenly identified the margins found in the final determination of the investigation [1] (58 FR 68865, December 29, 1993) rather than those from the amended final determination of the investigation (59 FR 4022, January 28, 1994).[2] Specifically, the domestic interested parties allege that the original margin of 24.39 percent was amended to 24.51 percent for the French manufacturers/exporters of the subject merchandise.

After analyzing the comments submitted, we agree that we inadvertently listed wrong dumping margins in the *Final Results of Review* section of our final sunset results. Therefore, we are amending our final results to correct the ministerial error.

Amended Final Results of Review

Based on the correction of the ministerial error, we are correcting the margins listed in the *Final Results of Review* section of the final results of our expedited sunset review as follows:

Manufacturer/Exporter	Margin (percent)
Imphy	24.51
Ugine-Savoie	24.51
All others	24.51

This amendment is issued and published in accordance with sections 751(h) and 777(i) of the Act.

Dated: February 11, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–3849 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel.

SUMMARY: On February 10, 2000 the binational panel issued its decision in the review of the final antidumping duty determination made by the International Trade Administration, respecting Gray Portland Cement and Clinker from Mexico, NAFTA Secretariat File Number USA–97–1904–01. The panel affirmed the final redetermination in all respects. Copies of the panel decision are available from the U.S. Section of the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

PANEL DECISION: The panel affirmed the final re-determination of the International Trade Administration in all respects.

Dated: February 11, 2000.

Caratina L. Alston,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 00–3774 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–GT–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021100B]

Northwest Region Logbook Family of Forms

AGENCY: National Oceanic and Atmospheric Administration

[1] See Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Wire Rods From France, 58 FR 68865 (December 29, 1993).

[2] See Amended Final Determination and Antidumping Duty Order: Certain Stainless Steel Wire Rods from France, 59 FR 4022 (January 28, 1994).

ACTION: Proposed Collection; comments request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 17, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to William L. Robinson, NMFS, 7600 Sand Point Way NE, Seattle WA 98112, 206-526-6140.

SUPPLEMENTARY INFORMATION:

I. Abstract

These data collections deal with Federal reporting requirements for processing vessels and affect participants in the groundfish fishery off Washington, Oregon, and California (WOC). The data collections involve: (1) vessel start/stop reports; (2) catch or receipt reports and logbooks; and (3) product transfer/offloading reports and logbooks. The data collections apply to groundfish processing vessels over 125′ (38.5 meters) in length and catcher vessels delivering to them.

Vessel reports indicate when a vessel has started and stopped operations, and are needed to ensure catch/receipt reports have been received, for observer deployment, and for monitoring the fishery.

Logbooks are the basis for reports submitted to NMFS. The logbooks for processing vessels are used to keep daily and cumulative totals of the catch (or fish received from a catcher vessel), species, disposition, and numbers and species of prohibited species (salmon, halibut, Dungeness crab). Reports of species and amounts caught are submitted on a weekly or daily basis, depending on the duration of the season. Logbooks also are kept by fishing vessels to record specific haul or set information. Logbooks also are used to record transfers or offloading of fish or fish products which facilitates enforcement.

II. Method of Collection

These are written data collections that are prepared and submitted by the vessel owner or operator to the National Marine Fisheries Service, Northwest Regional Office, by mail, fax, electronic mail, or in person.

III. Data

OMB Number: 0648-0271.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: Business or other for-profit (owners and operators of vessels that fish for or process groundfish in ocean waters 0–200 nautical miles off Washington, Oregon, and California).

Estimated Number of Respondents: 86.

Estimated Time Per Response: The expected daily average for vessel start/stop reports is about 1.25 minutes; for entering information in catch/receipt logbooks is 13 minutes for catcher vessels and motherships and 26 minutes for catcher-processors; for weekly reports of fish caught or received is 4.3 minutes per day; for product transfer logs is 20 minutes.

Estimated Total Annual Burden Hours: 1,724.

Estimated Total Annual Cost to Public: $10,306 (averaging about $422 per vessel).

IV. Request for Comments

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

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

Dated: February 9, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–3858 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Sanctuaries System (NMS)

AGENCY: Marine Sanctuaries Division (MSD, Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Intent to Prepare a Programmatic Environmental Impact Statement.

SUMMARY: The Marine Sanctuaries Division (MSD) of the Office of Ocean and Coastal Resource Management intends to prepare a Programmatic Environmental Impact Statement (PEIS). The PEIS will describe and address physical injury to, loss of and destruction of coral and biotic reef communities that result from anthropogenic activities, such as vessel groundings and anchoring within the National Marine Sanctuaries. The PEIS will also describe and characterize the different approaches and methodologies that may be implemented to restore, replace or acquire the equivalent of such injured, destroyed or lost resources.

MSD is publishing this notice in the **Federal Register** in order to advise other agencies and the public of its intent to prepare a PEIS and to obtain suggestions and information on the scope of issues to include in the document.

DATES: Written comments from all interested parties must be received on or before March 22, 2000. A scoping meeting will be held in the spring of 2000, and a Draft PEIS is expected by fall/winter of 2000. The Final PEIS is expected to be completed by the winter of 2001.

ADDRESSES: Written comments and requests for information should be sent to Lisa Symons, NOAA/Marine Sanctuaries Division, 1305 East-West Highway, #11535, Silver Spring, MD 20910, phone (310) 713–3145, ext: 108, email Lisa.Symons@noaa.gov.

Comments and materials received in response to this notice will be available for public inspection, by appointment, at the aforementioned address.

SUPPLEMENTARY INFORMATION: The National Marine Sanctuary System was established under the National Marine Sanctuaries Act (NMSA; also known as title III of the Marine Protection, Research and Sanctuaries Act), 16 U.S.C. 1431 *et seq.* The NMSA authorizes the Secretary of Commerce to

identify and designate certain areas of the marine environment which are of special national significance as National Marine Sanctuaries, and provides authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner that complements existing regulatory authorities. Further, section 312 of the NMSA provides that any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for response costs and damages. Monies received are used to reimburse the Secretary for response actions and damage assessments and to fund the restoration, replacement, or acquisition of the equivalent of injured, destroyed, or lost Sanctuary resources.

As a part of its mission to protect and manage the ecological, historical, educational, recreational, and aesthetic qualities of the National Marine Sanctuaries, MSD will prepare a Reef Restoration PEIS. It is MSD's intent to prepare this PEIS such that a tiered process can be used in the preparation of future environmental documents concerning restoration actions within National Marine Sanctuaries. The PEIS, among other things, will set forth methodologies and guidelines for restoration actions arising out of injuries to sanctuary resources. Accordingly, the PEIS will facilitate the development of both subsequent environmental assessments (EAs) and individual restoration plans designed to restore sanctuary resources.

MSD intends to hold a public scoping meeting prior to the preparation of the Draft PEIS for those persons and/or organizations interested in the development of the Draft PEIS. MSD will also hold a public meeting, which will be held concurrent with the public comment period to accept comments on the Draft PEIS. Notice of these meetings will be published in the **Federal Register**. All substantive comments provided, both written and oral, at the public meeting, will be considered in the preparation of the Final PEIS and will become part of the public record (i.e., names, addresses, letters of comment, comment provided during public meetings).

Comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action and all significant issues are identified. Comments and/or questions concerning the preparation of this PEIS should be directed to the MSD at the address or phone listed above.

Dated: February 11, 2000.

Capt. Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 00–3771 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012100B]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Essential Fish Habitat General Concurrence

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS requests public comments on a proposed essential fish habitat (EFH) General Concurrence with the U.S. Army Corps of Engineers, New England District (COE). The proposed General Concurrence was prepared by NMFS to provide for expedited review of certain COE regulatory actions that may no more than minimally adversely affect EFH, and for which no further consultation is generally required.

DATES: Comments must be received at the appropriate address or fax number (See **ADDRESSES**) no later than 5:00 p.m. eastern standard time on March 3, 2000.

ADDRESSES: Comments should be submitted to Lou Chiarella, NMFS Northeast Region EFH Coordinator, One Blackburn Drive, Gloucester, MA 01930, telephone 978–281–9277, e-mail *lou.chiarella@noaa.gov*. Comments may be submitted via facsimile (fax) to 978–281–9301. Comments will not be accepted if submitted via e-mail or internet. Copies of the proposed General Concurrence may be obtained from the same address. The proposed General Concurrence is also accessible via the internet at http://www.nero.nmfs.gov/ro/doc/hcd/htm.

FOR FURTHER INFORMATION CONTACT: Lou Chiarella, NMFS Northeast Region EFH Coordinator, 978–281–9277, e-mail *lou.chiarella@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1855(b)(2)) requires Federal agencies to consult with the Secretary of Commerce regarding any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH. EFH has been identified by regional fishery management councils pursuant to section 303(a)(7) of the Magnuson-Stevens Act (16 U.S.C. 1853(a)(7)). EFH is defined as ''those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.'' Consultations are governed by the EFH regulations at 50 CFR 600.920. The regulations identify five options for carrying out EFH consultations: use of existing environmental review procedures, General Concurrence, programmatic consultation, abbreviated consultation, and expanded consultation.

General Concurrences are developed by NMFS in coordination with a Federal agency to identify specific types of Federal actions that may adversely affect EFH, but for which no further consultation is generally required because NMFS has determined that the actions will likely result in no more than minimal adverse effects to EFH individually and cumulatively.

For actions to qualify for a General Concurrence, the EFH regulations at 50 CFR 600.920(f)(2) require that the actions meet all of the following criteria: (1) the actions must be similar in nature and similar in their impact on EFH; (2) the actions must not cause greater than minimal adverse effects on EFH when implemented individually; and (3) the actions must not cause greater than minimal cumulative adverse effects on EFH. NMFS prepared the proposed General Concurrence with the COE for activities governed by state programmatic general permits (PGPs) in New England.

State PGPs are COE permits developed pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and/or Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413) for activities that result in minimal environmental impacts. PGPs are issued by the COE for a term of 5 years. PGPs for the New England states include two categories of activities. Category I activities are those with minimal impacts that do not require further authorization by the COE. Since no COE authorization is needed after issuance of the PGP, no Federal action occurs that would trigger the requirement for an EFH consultation for individual Category I activities. Examples of Category I activities covered by these PGPs include certain temporary buoys, Coast Guard approved aids to navigation, and single boat moorings not associated with any boating facility. Category II activities require COE review

and written authorization, and therefore require EFH consultation if they may adversely affect EFH. The proposed General Concurrence would fulfill the EFH consultation requirement for these activities. Examples of Category II activities include minor maintenance dredging and installation of certain recreational docks and piers. The COE solicits comments on the appropriate categorization of activities covered by PGPs prior to reissuing each PGP, and at that time would be required to conduct a separate EFH consultation with NMFS on the anticipated effects of issuing each PGP.

The actions that would be covered by the proposed General Concurrence include all activities listed as Category II within PGPs issued by the COE for Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Pursuant to 50 CFR 600.920(f)(4), NMFS would request notification in advance of COE authorization of Category II activities so that NMFS can make a case-by-case determination on the applicability of this General Concurrence. Those actions that NMFS determines would result in more than minimal adverse effects to EFH would require individual EFH consultation and would not be covered by this General Concurrence. Although NMFS would continue to review all Category II actions, as it does presently, the General Concurrence would result in workload savings for NMFS and the COE for actions with no more than minimal adverse effects to EFH individually and cumulatively. For such actions, the General Concurrence would obviate the need for NMFS to provide EFH Conservation Recommendations and for the COE to provide written responses to those recommendations.

NMFS has coordinated with the New England, Mid-Atlantic, and South Atlantic Fishery Management Councils regarding the development of the proposed General Concurrence. NMFS discussed the proposed General Concurrence with the New England and Mid-Atlantic Councils during public meetings, which afforded an opportunity for public review as required by 50 CFR 600.920(f)(5). However, since the published agendas for these meetings did not include a clear description of the scope and purpose of the proposed General Concurrence, NMFS is publishing this notice to allow an additional opportunity for public review.

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

Dated: February 11, 2000.

Andrew J. Kemmerer,

Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 00–3857 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020900A]

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) Highly Migratory Species Plan Development Team (HMSPDT) will hold a work session which is open to the public.

DATES: The work session will be held on Monday, March 13, 2000, from 1:00 p.m. to 5:00 p.m.; on Tuesday, March 14, 2000, from 8:30 a.m. to 5:00 p.m.; and on Wednesday, March 15, 2000, from 8:30 a.m. to 3:00 p.m.

ADDRESSES: The work session will be held at the Holiday Inn Sea-Tac, Laguardia Room, 17338 International Blvd., Seattle, WA, 98188. Phone: 206–248–1000; Fax: 206–242–7089.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dan Waldeck, Pacific Fishery Management Council, 503–326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to prepare and review draft sections of the fishery management plan (FMP) for highly migratory species (HMS) and related documents for HMS fisheries off the West Coast.

Management measures that may be adopted in the FMP for HMS fisheries off the West Coast include permit and reporting requirements for commercial and recreational harvest of HMS resources, time and/or area closures to minimize gear conflicts or bycatch, adoption or confirmation of state regulations for HMS fisheries, and allocations of some species to non-commercial use. The FMP is likely to include a framework management process to add future new measures, including the potential for collaborative management efforts with other regional fishery management councils with interest in HMS resources. It would also include essential fish habitat and habitat areas of particular concern, including fishing and non-fishing threats, as well as other components of FMPs required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The proposed FMP and its associated environmental impact statement would be the Council's fourth FMP for the exclusive economic zone off the West Coast. Development of the FMP is timely, considering the new mandates under the Magnuson-Stevens Act, efforts by the United Nations to promote conservation and management of HMS resources through domestic and international programs, and the increased scope of activity of the Inter-American Tropical Tuna Commission in HMS fisheries in the eastern Pacific Ocean.

Comments regarding the draft FMP will not be accepted if sent via the e-mail or the Internet.

Although non-emergency issues not contained in the HSMPDT meeting agenda may come before the HMSPDT for discussion, those issues may not be the subject of formal HMSPDT action during these meetings. HMSPDT action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the HMSPDT'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 Mr. John Rhoton at 503–326–6352 at least 5 days prior to the meeting date.

Dated: February 9, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–3859 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Grant of Certificate of Interim Extension of the Term of U.S. Patent No. 4,229,449; roboxetine mesylate

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Interim Patent Term Extension.

SUMMARY: The Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a subsequent one-year interim extension of the term of U.S. Patent No. 4,229,449.

FOR FURTHER INFORMATION CONTACT: Karin Tyson by telephone at (703) 305–9285; by mail marked to her attention and addressed to the Assistant Commissioner for Patents, Box Patent Ext., Washington, D.C. 20231; by fax marked to her attention at (703) 872–9411, or by e-mail to karin.tyson@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to 5 years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. Under Section 156(e)(1), a patent is eligible for term extension only if regulatory review of the claimed product was completed before the original patent term expired.

On October 9, 1998, patent owner Pharmacia & Upjohn, S.p.A., filed an application under 35 U.S.C. 156(d)(5) for interim extension of the term of U.S. Patent No. 4,229,449. On November 12, 1999, a request for a second interim extension under 35 U.S.C. 156(d)(5) was filed. The patent claims the active ingredient roboxetine mesylate. The application indicates that a New Drug Application for the human drug product roboxetine mesylate has been filed and is currently undergoing a regulatory review before the Food and Drug Administration for permission to market or use the product commercially. The original term of the patent expired on January 8, 1999, and has been previously extended under 35 U.S.C.. 156(d)(5) for a period of one year.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Since it is apparent that the regulatory review period will extend beyond the date of expiration of the patent, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate. Accordingly, an interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,229,449 has been granted for a period of one year from January 8, 2000, the expiration date of the patent as previously extended.

Dated: February 10, 2000.

Q. Todd Dickinson,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 00–3836 Filed 2–16–00; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection, Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In accordance with Section 3506(c) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed extension of collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Considerations will be given to all comments received April 17, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to TRICARE Management Activity—Aurora, Office of Appeals and Hearings, 16401 E. Centretech Pkwy, ATTN: Donald F. Wagner, Aurora, CO 80011–9043.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call TRICARE Management Activity, Office of Appeals and Hearings at (303) 676–3411.

Title, Associated Form, and OMB Number: Professional Qualifications Medical/Peer Reviewers, CHAMPUS Form 780, OMB Number 0720–0005.

Needs and Uses: The information collection requirement is necessary to obtain and record the professional qualifications of medical and peer reviewers utilized within CHAMPUS. The form is included as an exhibit in an appeal or hearing case file as evidence of the reviewer's professional qualifications to review the medical documentation contained in the case file.

Affected Public: Business or other for-profit.

Annual Burden Hours: 15.

Annual Number of Respondents: 60.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are medical professionals who provide medical and peer review of cases appealed to the Office of Appeals and Hearings, TRICARE Management Activity. CHAMPUS Form 780 records the professional qualifications of the medical/peer reviewers. The completed form is included as an exhibit in the appeal or hearing case file, and documents for anyone reviewing the file, the professional qualifications of the medical professional who review the case. If the form is not included in the case file, individuals reviewing the file will not have ready access to the qualifications of the reviewing medical professional. Having qualified professionals provide medical and peer review is essential in maintaining the integrity of the appeal and hearing process.

February 11, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–3736 Filed 2–16–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs announced the proposed extension of a currently approved collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed extension of collection of information is

necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received April 17, 2000.

ADDRESSES: Written comments and recommendations on the information collection should be sent to TRICARE Management Activity—Aurora, Office of Program Requirements, 16401 E. Centretech Parkway, ATTN: Graham Kolb, Aurora, CO 80011–9043.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call TRICARE Management Activity, Office of Program Requirements at (303) 676–3580.

Title, Associated Form, and OMB Number: Health Insurance Claim Form, HCFA–1500, OMB Number 0720–0001.

Needs and Uses: This information collection requirement is used by TRICARE/CHAMPUS to determine reimbursement for health care services or supplies rendered by individual professional providers to TRICARE/CHAMPUS beneficiaries. The requested information is used to determine beneficiary eligibility, appropriateness and costs of care, other health insurance liability and whether services received are benefits. Use of this form continues TRICARE/CHAMPUS commitments to use the national standard claim form for reimbursement of services/supplies provided by individual professional providers.

Affected Public: Business or other for profit, State, local or tribal government, Federal government and not for profit institutions.

Annual Burden Hours: 3,625,000.

Number of Respondents: 14,500,000.

Responses Per Respondent: 1.

Average Burden Per Response: 15 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This collection instrument is for use by health care providers under the TRICARE/CHAMPUS Program. TRICARE/CHAMPUS is a health benefits entitlement program for the dependents of active duty Uniformed Services member and deceased sponsors, retirees and their dependents, dependents of Department of Transportation (Coast Guard) sponsors, and certain North Atlantic Treaty Organizations, National Oceanic and Atmospheric Administration, and Public Health Service eligible beneficiaries. The Form 1500 is used by individual professional health care or health care related providers to file for reimbursement of civilian health care services or supplies provided to TRICARE/CHAMPUS beneficiaries. This is the national standard claim form accepted by all major commercial and government payers.

Dated: February 11, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–3740 Filed 2–16–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Department of Defense Historical Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense Historical Advisory Committee was renewed, effective January 23, 2000, in consonance with the public interest, and in accordance with the provisions of the ''Federal Advisory Committee Act.''

The DoD Historical Advisory Committee consists of three subcommittees (Historical Records Declassification Advisory Panel, the Department of the Army's Historical Advisory Subcommittee, and the Secretary of the Navy's Subcommittee on Naval History) which advise the Office of the Secretary of Defense and the Secretaries of the Army and Navy regarding the professional standards, historical methodology, program priorities, liaison with professional groups, and adequacy of resources associated with Department of Defense historical programs.

The DoD Historical Advisory Committee will continue to be well balanced in terms of the interests groups represented and functions to be performed. The forty-two members include distinguished representatives from academia, current U.S. Government and private sector historians, authors and librarians, and retired general officers of general/flag rank.

FOR FURTHER INFORMATION: Contact Ms. Jennifer Spaeth, DoD Committee Management Officer, 703–695–4281.

Dated: February 11, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–3735 Filed 2–16–00; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–43), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 7 March 2000 through 8 March 2000.

Time of Meeting: 0800–1700 (March 7), 0830–1630 (March 8).

Place: Presidential Towers—9th Floor Conference Room (9200).

Agenda: The Army Science Board's (ASB) Issue Group Study on ''Countermine Warfare and Joint Opportunities for the Future'' will meet for their initial ''kick-off'' meeting. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Debra Butler (Staff Assistant) at (703) 601–1581.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 00–3865 Filed 2–16–00; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed changes and extension for three years beyond the current expiration of the Forms EIA–851, ''Domestic Uranium Production Report,'' and EIA–858, ''Uranium Industry Annual Survey.''

DATES: Written comments must be submitted on or before April 17, 2000. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Douglas Bonnar, Office of Coal, Nuclear, Electric and Alternate Fuels, EI–52, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585. Alternatively, Mr. Bonnar may be reached by phone at 202–426–1249, by e-mail to douglas.bonnar@eia.doe.gov, or by FAX 202–426–1311.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Douglas Bonnar at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the Department of Energy Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under Section 3507(h) of the Paperwork Reduction Act of 1995.

The EIA–851 collects data on uranium production at conventional mills and nonconventional plants (byproduct recovery and in-situ leach plants). The Form EIA–858 collects data on uranium raw materials activities (Schedule A) and uranium marketing activities (Schedule B). Data collected on these forms provide a comprehensive statistical characterization of the domestic uranium industry. Published data from these surveys are used by Congress, Federal and State agencies, the uranium and nuclear-electric industries, and the general public. Published data appear in the EIA publications, ''Uranium Industry Annual,'' and the ''Annual Energy Review.''

II. Current Actions

This action is an extension with minor changes proposed to the existing collections. In keeping with its mandated responsibilities, EIA proposes to extend the information collection aspects of EIA–851, ''Domestic Uranium Production Report,'' and EIA–858, ''Uranium Industry Annual Survey'' for three years from the currently approved OMB expiration date (10/31/2000).

Proposed change in the EIA–858 Schedule B and Instructions: Replace ''Utilities'' with ''Owners or Operators of Civilian Nuclear Power Reactors,'' in Item 2 ''Enrichment Services Purchases by Utilities;'' Item 4 ''Utility Uranium Inventory Policy;'' and Item 5 ''Uranium Used in Fuel Assemblies in the Survey Year (Utilities Only)'' because of recent civilian nuclear reactor ownership by nonutility power producers.

Recommended change to the EIA–858 computer processing system: Transfer the EIA–858 form from DOS-based to Windows-based program and/or consider an optional collection of data through the Internet.

Recommended changes in the EIA–858 Schedule B and Instructions:

(1) Change the country codes to be consistent with the Nuclear Regulatory Commission in Item 1E ''Country Codes.''

(2) Delete the market-related ''no floor'' and ''floor'' pricing mechanisms from Item 1F ''Uranium Deliveries,'' columns 10–11 of ''Pricing Mechanisms.''

(3) Have less than the seven different uranium inventory types in Item 3 ''Uranium Inventories.''

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments. Please indicate to which form(s) your comments apply.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

B. Can the information be submitted by the due date?

C. Public reporting burden for this collection is estimated to average 3 hours per response on Form EIA–851 and 25 hours per response on Form EIA–858. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information. Please comment on the accuracy of the estimate.

D. The agency estimates that the only costs to the respondents are for the time it will take them to complete the collection. Please comment if respondents will incur start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection.

E. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

F. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User

A. Is the information useful at the levels of detail indicated on the form?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC., February 10, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–3838 Filed 2–16–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1513–000]

California Independent System Operator Corporation; Notice of Filing

February 8, 2000.

Take notice that on February 2, 2000, the California Independent System Operator Corporation (ISO), tendered for filing a notice of termination of the Scheduling Coordinator Agreement (SCA) between the ISO and the Montana Power Trading & Marketing Company. The ISO requests that the SCA be terminated effective March 20, 2000.

The ISO also requests waiver of the Commission's sixty-day prior notice requirement, pursuant to Section 35.3 of the Commission's regulations, 18 CFR 35.3 in order to permit this effective date.

The ISO states that copies of this filing have been served on all parties in the above-referenced docket.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 23, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3757 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–190–015]

Colorado Interstate Gas Company; Notice of Compliance Filing

February 11, 2000.

Take notice that on February 8, 2000, Colorado Interstate Gas Company (CIG) filed an Annual Report of Revenue Credits pursuant to the Stipulation and Agreement (S&A) in Docket No. RP96–190–000, filed August 27, 1997 and accepted by Commission Letter Order dated October 16, 1997.

CIG's S&A states in Section 1.13 CIG shall file an annual report no later than February 15th containing the amount of negotiated rate revenues, negotiated rate revenue credits and interruptible storage revenue credits it has distributed pursuant to the S&A for each twelve month period beginning October 1, 1996.

CIG has no contracts under negotiated rates for the period October 1, 1998 through September 30, 1999. CIG's Interruptible Storage Revenue Credits have been included in the firm shippers' January 2000 invoices pursuant to CIG's FERC Gas Tariff First Revised Volume No. 1, Article 33.

CIG states that copies of this filing have been served on each shipper listed on Schedule A of the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 18, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3765 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER00–586–000, ER00–816–000, ER00–840–000, ER00–891–000, and ER00–895–000 (Not consolidated)]

Madison Gas & Electric Company, Ameren Services Co., Tenaska Alabama Partners, L.P., Delano Energy Company and Onondaga Cogeneration Limited Partnership; Notice of Issuance of Order

February 11, 2000.

Madison Gas & Electric Company, Ameren Services Co., Tenaska Alabama Partners, L.P., Delano Energy Company, and Onondaga Cogeneration Limited Partnership (hereafter, ''the Applicants'') filed with the Commission rate schedules in the above-captioned proceedings, respectively, under which the Applicants will engage in wholesale electric power and energy transactions at market-based rates, and for certain waivers and authorizations. In particular, certain of the Applicants may also have requested in their respective applications that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by the Applicants. On February 9, 2000, the Commission issued an order that accepted the rate schedules for sales of capacity and energy at market-based rates (Order), in the above-docketed proceedings.

The Commission's February 9, 2000 Order granted, for those Applicants that sought such approval, their request for blanket approval under Part 34, subject to the conditions found in Appendix B in Ordering Paragraphs (2), (3), and (5):

(2) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commissiion's blanket approval of issuances of securities or assumptions of liabilities by the Applicants should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(3) Absent a request to be heard within the period set forth in Ordering Paragraph (2) above, if the Applicants have requested such authorization, the Applicants are hereby authorized to issue securities and assume obligations and liabilities as guarantor, indorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for

some lawful object within the corporate purposes of the Applicants, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(5) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of the Applicants' issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 10, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. This issuance may also be viewed on the Internet at *http://www.ferc.fed.us/*online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3768 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–190–001]

National Fuel Gas Distribution Corporation; Notice for Limited Extension of Waiver

February 11, 2000.

Take notice that on January 31, 2000, pursuant to Rule 212 of the Rules and Regulations of the Commission, 18 CFR 385.212 and to the Commission's February 24, 1999 order in the above-captioned proceeding,[1] National Fuel Gas Distribution Corporation (National Fuel Distribution) tendered for filing a Motion For Extension of Limited Extension of Waiver and Report on Tennessee Flexibility Issues (Motion) of the Commission's ''shipper must have title'' policy.

Pursuant to the Commission's initial order on National Fuel Distribution's waiver of the title policy, National Fuel distribution's waiver will expire on April 1, 2000.

National Fuel Distribution states that it is seeking Commission action before April 1, 2000, so that its current customer choice program in Pennsylvania may continue as approved during the time National Fuel Distribution acquires the certain additional flexibility on its interstate pipelines essential to permitting the release of capacity to its customers.

National Fuel Distribution requests that the Commission grant it an extension of its waiver of the shipper must have title policy for its capacity in New York for a term ending November 1, 2000, and for its retained capacity in Pennsylvania, for a term not to exceed one-year, subject to a quarterly reporting obligation.

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 on or before February 18, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3764 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

[1] *National Fuel Gas Distribution Corp.* 86 FERC ¶ 61,179 (1999).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–431–000]

Natural Gas Pipeline Company of America; Notice of Conference

February 11, 2000.

Take notice that the conference in the above-captioned proceeding has been scheduled for Tuesday February 22, 2000, beginning at 10:00 am., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All interested parties are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3769 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3—Pennsylvania]

Pennsylvania Electric Co./GPU Genco; Notice of Meeting

February 11, 2000.

The applicant has scheduled two meetings to present and discuss issues relevant to the Alternative Licensing Process. The meetings will be held on February 23, 2000, at the Holiday Inn, PA Route 68, Clarion, Pennsylvania. At 10:00 am, there will be a meeting for resource agencies, and at 7:00 pm, there will be a meeting for the general public. The agenda for the meeting follows below:

- Findings of completed studies.
- Presentation on alternatives to be discussed in the APEA.
- Discussion of Scoping Document 2 and Draft Operations Protocol.
- Relicensing schedule update.

If you want to attend the meeting, require directions, or have other questions, please contact Thomas Teitt at (814) 533–8028.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3762 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR00–10–000]

PG&E West Texas Pipeline, L.P.; Notice of Changes to Statement of Operating Conditions

February 11, 2000.

Take notice that on December 21, 1999, PG&E West Texas Pipeline, L.P. (PG&E) filed a revised Statement of Operating Conditions to reflect operational changes subsequent to its acquisition in 1997 by PG&E Corporation.

Any person desiring to participate in this proceeding must file a motion to intervene with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before February 28, 2000. 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3767 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1464–00]

PJM Interconnection, L.L.C.; Notice of Filing

February 8, 2000.

Take notice that on February 1, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing an executed service agreement for long-term firm point-to-point transmission service with PECO Energy Company—Power Team for 378 MW (between PJM and Virginia Power).

Copies of this filing were served upon PECO Energy Company—Power Team.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 22, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3758 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER00–298–000, ER00–298–001 and EL00–41–000]

PJM Interconnection, L.L.C.; Notice of Initiation of Proceeding and Refund Effective Date

February 11, 2000.

Take notice that on February 10, 2000, the Commission issued an order in the above-referenced dockets initiating an investigation in Docket No. EL00–41–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL00–41–000, established pursuant to section 206(b) of the Federal Power Act, will be 60 days following publication of this notice in the **Federal Register.**

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3770 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2030–031 and 11832–000]

Portland General Electric Company and The Confederated Tribes of the Warm Springs Reservation of Oregon; Notice

February 11, 2000.

Barry Smoler, of the Commission's office of the General Counsel, (202) 208–1269, has been assigned to facilitate any discussions that may transpire in the above-captioned proceedings. He has been separated from and will not participate as, advisory staff in these proceedings.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3763 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Wholesale Electric Transactions Electronic Tagging Demonstration

February 11, 2000.

Take notice that on Friday, February 25, 2000, Southern Company Services, Inc. and Enron Power Marketing, Inc. will make a presentation before the Commission, interested staff, and interested members of the public, on the use of electronic tagging in the implementation of wholesale electricity transactions. The presentation will illustrate for a representative electric interchange transaction, what information is required and how an electronic tag is prepared and submitted by a transmission customer, and how it is verified and accepted by the transmission provider, in order to implement the transaction.

The presentation will be held on February 25, 2000, beginning at 10:00 am, in the Commission Meeting Room 2nd Floor, 888 First Street, NE, Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3759 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–178–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes to FERC Gas Tariff

February 11, 2000.

Take notice that on February 4, 2000, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, Eighteenth Revised Sheet No. 28. The attached tariff sheet is proposed to be effective February 1, 2000.

Transco states that the purpose of the instant filing is to track rate changes attributable to storage service purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X–28 the costs of which are included in the rates and charges payable under Transco's Rate Schedule S–2. The filing is being made pursuant to tracking provisions under Section 26 of the General Terms and Conditions of Transco's Third Revised Volume No. 1 Tariff.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections

385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3766 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL99–75–003, et al.]

California Electricity Oversight Board, et al.; Electric Rate and Corporate Regulation Filings

February 9, 2000.

Take notice that the following filings have been made with the Commission:

1. California Electricity Oversight Board

[Docket No. EL99–75–003]

Take notice that on January 31, 2000, the California Independent System Operator Corporation (ISO) tendered for filing Amended and Restated Bylaws, as revised December 1999. The Amended and Revised Bylaws are intended to comply with the Commission's Order in the above-captioned docket.

The ISO states that this filing has been served upon all persons on the official service list in the above-identified dockets.

Comment date: March 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. PanCanadian Energy Services Inc., Shell Energy Services Company, L.L.C., DTE Energy Trading, Inc., PG&E Energy Services, Energy Trading, Corporation H.Q. Energy Services (U.S.) Inc., Columbia Energy, C.C. Pace Resources, Inc., Energy PM, Inc. and Hartford Power Sales, L.L.C.

[Docket Nos. ER90–168–044, ER99–2109–003, ER97–3834–009, ER95–1614–022, ER97–851–011, ER97–3667–009, ER94–1181–022, ER98–2918–006 and ER95–393–026]

Take notice that on January 27, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

3. Western Systems Power Pool

[Docket No. ER91–195–041]

Take notice that on January 31, 2000, the Western Systems Power Pool (WSPP) filed certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992 Order On Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order.

Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

4. AEP Power Marketing, Inc., Duke Energy Merchants, L.L.C., Duke Energy Trading and Marketing, L.L.C., International Energy Consultants, Aquila Energy Marketing Corporation, IGI Resources, Inc., El Paso Power Services Company, LG&E Energy Marketing Inc., InPower Marketing Corp., NYSEG Solutions, Inc., WKE Station Two Inc., Sonat Power Marketing L.P., Entergy Power Marketing Corp., Engage Energy US, L.P., and Unitil Resources, Inc.

[Docket Nos. ER96–2495–014, ER99–4485–002, ER99–2774–002, ER99–3130–001, ER99–1751–005, ER95–1034–018, ER95–428–023, ER94–1188–032, ER99–3964–002, ER99–220–004, ER98–1278–007, ER96–2343–015, ER95–1615–021, ER97–654–013 and ER97–2462–010]

Take notice that on January 31, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

5. CL Power Sales Seven, L.L.C., CL Power Sales Two, L.L.C., CL Power Sales One, L.L.C., CP Power Sales Fifteen, L.L.C., CP Power Sales Fourteen, L.L.C., CP Power Sales Thirteen, L.L.C., CP Power Sales Twelve, L.L.C., CP Power Sales Eleven, L.L.C., CP Power Sales Nineteen, L.L.C., CP Power Sales Seventeen, L.L.C., CP Power Sales Eighteen, L.L.C., and CP Power Sales Twenty, L.L.C.

[Docket Nos. ER96–2652–046, ER95–892–049, ER95–892–050, ER99–890–005, ER99–891–005, ER99–892–005, ER99–3201–001, ER99–894–005, ER99–4228–002, ER99–4229–002, ER99–4230–002, ER99–4231–001 and]

Take notice that on January 27, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

6. Pepco Services, Inc.

[Docket No. ER98–3096–006]

Take notice that on January 31, 2000, Pepco Services, Inc. filed their quarterly report for the quarter ending December 31, 1999, for information only.

7. Select Energy, Inc., North American Energy, Inc., Duke/Louis Dreyfus, L.L.C., CLECO Marketing & Trading LLC, Energy Services, Inc., Questar Energy Trading Company, Exact Power Co., Inc., Direct Electric Inc., Panda Guadalupe Power Marketing, LLC, Calpine Power Services Company, Edison Source, Panda Power Corporation, Sempra Energy Trading Corp., WPS-Power Development, Inc., Edison Mission Marketing & Trading Inc., Energy International Power Marketing Corporation, Commonwealth Energy Corporation, ICC Energy Corporation, and PG&E Energy Trading—Power

[Docket Nos. ER99–14–006, ER98–242–009, ER96–108–020, ER99–2300–003, ER95–1021–018, ER96–404–017, ER97–382–012, ER94–1161–021, ER98–3901–002, ER94–1545–021, ER96–2150–016, ER98–447–008, ER94–1691–027, ER96–1088–030, ER99–852–005, ER98–2059–007, ER97–4253–008, ER96–1819–013, and ER95–1625–023]

Take notice that on January 31, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

8. FPL Energy Services, Inc., FirstEnergy Trading Services, Inc., Citizens Power Sales, Cook Inlet Energy Supply, Anker Power Services, Inc., Coral Power, L.L.C., CL Power Sales Ten, L.L.C., CL Power Sales Nine, L.L.C., CL Power Sales Eight, L.L.C., CL Power Sales Six, L.L.C., ConAgra Energy Service, Inc., Sunoco Power Marketing L.L.C., and WPS Energy Services, Inc.

[Docket Nos. ER99–2337–003, ER99–2516–002, ER94–1685–028, ER96–1410–017, ER97–3788–009, ER96–25–019, ER96–2652–042, ER96–2652–043, ER96–2652–044, ER96–2652–045, ER95–1751–017, ER97–870–012, and ER96–1088–029]

Take notice that on January 27, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

9. Duquesne Light Company and PECO Energy Company

[Docket Nos. ER00–1224–000 and ER00–1335–000]

Take notice that on January 28, 2000, the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Alcoa Power Generating, Inc., Alcoa Inc., et al., Tapoco, Inc. and Yadkin, Inc.

[Docket Nos. ER00–1372–000, EC99–74–000; Project Nos. 2169–012 and 2197–039]

Take notice that on January 28, 2000, Alcoa Power Generating Inc. (APGI) gave notice to the Commission of the consummation of an internal corporate reorganization among Alcoa Inc. (Alcoa) power subsidiaries resulting in an entity named Alcoa Power Generating Inc. APGI also requested Commission authorization to rename the licensee of Project No. 2169 from Tapoco, Inc. (Tapoco) to APGI. In accordance with Sections 35.16 and 131.51 of the Commission's regulations, 18 CFR 35.16, 131.51, APGI adopted and ratified all applicable rate schedules filed with the FERC by Tapoco and one filed by Colockum Transmission Company, Inc. APGI also filed to have the Commission records reflect the transfer of the Project No. 2197 hydroelectric license from Yadkin, Inc. to APGI as a result of the internal corporate reorganization.

Comment date: February 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. California Power Exchange Corporation, Medical Area Total Energy Plant, Inc., CSW Power Marketing, Inc., Lowell Cogeneration Company Limited, Partnership, South Glens Falls Energy, LLC, Oklahoma Gas and Electric Co., Fitchburg Gas and Electric Light Company, Western Kentucky Energy Corp., CLECO Corporation, Montana-Dakota Utilities Co., New York State Electric & Gas Corporation, Indeck-Pepperell Power Associates, Inc., Northern States Power Company (Minnesota), and Northern States Power Company (Wisconsin), EME Homer City Generation, L.P., Northeast Utilities Service Company and Unitil Power Corp.

[Docket Nos. ER00–1388–000, ER00–1396–000, ER00–1416–000, ER00–1417–000, ER00–1418–000, ER00–1420–000, ER00–1421–000, ER00–1422–000, ER00–1423–000, ER00–1424–000, ER00–1425–000, ER00–1426–000, ER00–1427–000, ER00–1428–000, ER00–1429–000 and ER00–1430–000]

Take notice that on January 31, 2000, the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. EME Midwest Generation LLC, Entergy Services, Inc., Portland General Electric Company, AmerGen Energy Company, L.L.C., Carthage Energy, LLC, Northeast Generation Company, UAE Lowell Power LLC, Logan Generating Company, L.P., Geysers Power Company, LLC, UtiliCorp United, Inc., The Dayton Power and Light, Southern Energy Lovett, L.L.C., Southern Energy NY-GEN, L.L.C., Southern Energy Bowline, L.L.C., and Tenaska Georgia Partners, L.P., Tenaska Gateway Partners, Ltd.

[Docket Nos. ER00–1431–000, ER00–1432–000, ER00–1433–000, ER00–1434–000, ER00–1435–000, ER00–1436–000, ER00–1437–000, ER00–1438–000, ER00–1440–000, ER00–1441–000, ER00–1442–000, ER00–1443–000, ER00–1444–000, ER00–1445–000, ER00–1446–000, and ER00–1447–000]

Take notice that on January 31, 2000, the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: February 29 , 2000, in accordance with Standard Paragraph E at the end of this notice.

13. California Independent System Operator Corporation

[Docket No. ER00–866–000]

Take notice that on February 4, 2000, the California Independent System Operator Corporation (ISO), tendered for filing a Notice To Withdraw Amendment No. 24 to the ISO Tariff—Revised Long-Term Grid Planning Process—and Request To Terminate Proceeding.

The ISO states that it is withdrawing Amendment No. 24, which was originally filed on December 21, 1999, and has requested termination of the proceeding in light of the comprehensive review that it will be undertaking of its congestion management protocols and in an effort to respond to the concerns expressed by its stakeholders.

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. California Power Exchange Corporation

[Docket No. ER00–1395–000]

Take notice that on January 31, 2000, California Power Exchange Corporation (CalPX), on behalf of its CalPX Trading Services Division (CTS), filed an index of CTS customers through December 31, 1999. This quarterly filing is required by the Commission's May 26, 1999 order in Docket No. ER99–2229–000, authorizing the establishment of a Block-Forward Market.

Comment date: February 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Automated Power Exchange, Inc.

[Docket No. ER00–1439–000]

Take notice that on January 31, 2000, Automated Power Exchange, Inc. (APX) filed its annual informational report. APX requested confidential treatment of the filing. The report reports transactions for the year 1999.

Comment date: February 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Commonwealth Edison Company, DPL Energy, Duke Energy St. Francis, LLC, NRG Power Marketing Inc., Astoria Gas Turbine Power LLC, Arthur Kill Power LLC, Huntley Power LLC, Dunkirk Power LLC, Mid-American Power LLC, Brooklyn Navy Yard Cogeneration Partners, L.P., Monroe Power Company, ISO New England Inc., Carolina Power & Light Company, The Detroit Edison Company, and American Electric Power Service Corporation

[Docket Nos. ER00–1448–000, ER00–1449–000, ER00–1450–000, ER00–1451–000, ER00–1456–000, ER00–1457–000, ER00–1458–000, ER00–1454–000, ER00–1459–000, ER00–1487–000, and ER00–1518–000]

Take notice that on January 31, 2000, the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. MidAmerican Energy Company

[Docket No. ER00–1452–000]

Take notice that on January 31, 2000, MidAmerican Energy Company, tendered for filing a proposed change in its Rate Schedule for Power Sales, FERC Electric Rate Schedule, Original Volume No. 5. The proposed change consists of certain reused tariff sheets consistent with the quarterly filing requirement.

MidAmerican states that it is submitting these tariff sheets for the purpose of complying with the requirements set forth in Southern Company Services, Inc., 75 FERC 61,130 (1996), relating to quarterly filings by public utilities of summaries of short-term market-based power transactions. The tariff sheets contain summaries of such transactions under the Rate Schedule for Power Sales for the applicable quarter.

MidAmerican proposes an effective date of the first day of the applicable quarter for the rate schedule change.

Accordingly, MidAmerican requests a waiver of the 60-day notice requirement for this filing. MidAmerican states that this date is consistent with the requirements of the Southern Company Services, Inc. order and the effective date authorized in Docket No. ER96–2459–000.

Copies of the filing were served upon MidAmerican's customers under the Rate Schedule for Power Sales and the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: February 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. InPower Marketing Corporation

[Docket No. ER00–1519–000]

Take notice that, on February 1, 2000, Inpower Marketing Corporation tendered for filing a Rate Schedule for purchases of electricity and power from independent power producers for resale under which InPower Marketing Corporation may purchase energy or capacity and energy from small independent power producers meeting certain specified requirements.

Comment date: February 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Niagara Mohawk Power Corporation

[Docket No. ER00–1521–000]

Take notice that on February 3, 2000, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Constellation Power Source, Inc. (Constellation). This Transmission Service Agreement specifies that Constellation has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and Constellation to enter into separately scheduled transactions under which Niagara Mohawk will provide firm transmission service for Constellation as the parties may mutually agree.

Niagara Mohawk requests an effective date of July 1, 1998. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and Constellation.

Comment date: February 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Southern Company Services, Inc.

[Docket No. ER00–1522–000]

Take notice that on February 3, 2000, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), filed one (1) umbrella service agreement for firm point-to-point transmission service between SCS, as agent for Southern Company, and Northern States Power Company (NSP) and one (1) umbrella service agreement for non-firm point-to-point transmission service between SCS, as agent for Southern Company, and NSP under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Original Volume No. 5).

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. Southern California Edison Company

[Docket No. ER00–1523–000]

Take notice that on February 3, 2000, Southern California Edison Company (SCE), tendered for filing the Letter of Agreement for the Capital Additions on the Radial Lines at Ormond Beach Generating Station (Letter of Agreement) between SCE and Reliant Energy Ormond Beach, L.L.C. (Reliant Energy).

The Letter of Agreement provides the terms and conditions under which Reliant Energy will pay SCE for the replacement of six 220 kV coupling capacitor voltage transformers on the radial lines at Ormond Beach Generating Station.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. Reliant Energy Services, Inc.

[Docket No. ER00–1526–000]

Take notice that on February 4, 2000, Reliant Energy Services, Inc. (RES), tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. 824d (1994), and Part 35 of the Commission's regulations, 18 CFR 35 (1999) a petition for an order accepting for filing its FERC Electric Rate Schedule Nos. 2, 3, 4, 5 and 6 providing, respectively, for the sale of designated ancillary services at market-based rates (i) to the California Independent System Operator Corporation (CAISO) and to entities that are self-supplying ancillary services to the CAISO, (ii) to customers within the New England Power Pool, (iii) to customers purchasing in the Pennsylvania-New Jersey-Maryland Interchange Energy Market and in bilateral sales within the Pennsylvania-New Jersey-Maryland power pool, (iv) through the ancillary services market administered by the New York Independent System Operator and (v) outside those ISO markets.

RES, an indirect, wholly-owned subsidiary of Reliant Energy, Incorporated, is a power marketer authorized to sell electric energy and capacity at wholesale at market-based rates. RES requests waiver of the prior notice requirements of Section 35.3 of the Commission's regulations, 18 CFR 35.3 (1999), to permit its FERC Electric

Rate Schedule Nos. 2, 3, 4, 5 and 6 to become effective as of the date of its filing.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc.

[Docket No. ER00–1527–000]

Take notice that on February 4, 2000 Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc. (Montana-Dakota), tendered for filing amendments to a certain Interconnection and Common Use Agreement entered into between Montana-Dakota and Basin Electric Power Cooperative, Inc. (Basin).

Copies of the filing were served on Basin and on the interested utility regulatory agencies.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Southern California Edison Company

[Docket No. ER00–1528–000]

Take notice that on February 4, 2000, Southern California Edison Company (SCE), tendered for filing a Service Agreement for Wholesale Distribution Service and an Interconnection Facilities Agreement between Nuevo Energy Company (Nuevo) and SCE.

These agreements specify the terms and conditions pursuant to which SCE will interconnect Nuevo's generation to its electrical system and provide up to 5.6 MW of Distribution Service to Nuevo.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3756 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–892–051, et al.]

CL Power Sales Three, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

February 10, 2000.

Take notice that the following filings have been made with the Commission:

1. CL Power Sales Three, L.L.C., CL Power Sales Four, L.L.C.; and CP Power Sales Five, L.L.C.

[Docket Nos. ER95–892–051; ER95–892–052; and ER00–856–001]

Take notice that on January 27, 2000, CL Power Sales Three, LLC, CL Power Sales Four, LLC, and CP Power Sales Five, LLC, filed a quarterly report for the quarter ending December 31, 1999, for information only.

2. Michael A. Levin

[Docket No. ID–3450–000]

Take notice that on February 1, 2000, Michael A. Levin filed an abbreviated application for authorization to hold interlocking positions as President, Vice President and Chief Operating Officer of Sunlaw Energy Corporation; President, Vice President and Chief Operating Officer of Sunlaw Operating Corporation; President, Vice President, and Chief Operating Officer of Sunlaw Environmental Technologies, Inc.; and Vice President and Manager of Goal Line Environmental Technologies, LLC.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Irwin Woodland

[Docket No. ID–3451–000]

Take notice that on February 1, 2000, Irwin Woodland filed an abbreviated application for authorization to continue to hold interlocking positions as Director of Sunlaw Energy Corporation; Director of Sunlaw Operating Corporation; Director of Sunlaw Environmental Technologies, Inc.; and Secretary of Goal Line Management LLC.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Michael B. Martin

[Docket No. ID–3452–000]

Take notice that on February 1, 2000, Michael B. Martin filed an abbreviated application for authorization to continue to hold interlocking positions as Chief Financial Officer and Secretary of Sunlaw Energy Corporation; Chief Financial Officer and Secretary of Sunlaw Operating Corporation; Chief Financial Officer and Secretary of Goal Line Environmental Technologies LLC.; Chief Financial Officer and Secretary of Sunlaw Environmental Technologies, Inc.; and Chief Financial Officer and Secretary of Goal Line Management LLC.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Wayne R. Gould

[Docket No. ID–3453–000]

Take notice that on February 1, 2000, Wayne R. Gould filed an abbreviated application for authorization to hold interlocking positions as Vice President of Sunlaw Energy Corporation and Manager of Goal Line Environmental Technologies LLC.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER00–555–002]

Take notice that on February 7, 2000, the California Independent System Operator Corporation (ISO), tendered for filing proposed changes in its FERC Electric Tariff, Volume No. I to comply with the Commission's order in California Independent System Operator Corp., 90 FERC 61,0006 (2000).

The ISO states that this filing has been served upon all parties in this proceeding.

Comment date: February 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Central Illinois Light Company

[Docket No. ER00–727–000]

Take notice that on February 7, 2000, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing additional information concerning its Service Agreement under its Market Rate Power Sales Tariff with its affiliate, NewEnergy, Inc.

CILCO requested an effective date of December 6, 1999, and requested a waiver of the Commission's notice requirements.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: February 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Vermont Electric Power Company, Inc.

[Docket No. ER00–979–000]

Take notice that on February 4, 2000, Vermont Electric Power Company, Inc. (VELCO), tendered for filing pursuant to Section 205 of the Federal Power Act, a supplemental filing modifying the provisions of the transmission formula rate originally proposed in the above-captioned docket on December 30, 1999. The modifications clarify the manner in which the formula operates. VELCO requests that the formula, as revised, become effective on March 1, 2000, and that the Commission grant waiver of any and all applicable requirements to the extent necessary to establish such effective date.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Louisiana Generating LLC

[Docket Nos. ER00–1259–000 and EL00–38–000]

Take notice that on February 4, 2000, Louisiana Generating LLC (Seller), tendered for filing a supplement to its petition of January 27, 2000 in the above dockets. The supplemental filing replaces two attachments to the January 27, 2000 petition, which erroneously had attached to it a superceded version of two contracts for which Seller seeks market-based rate approval.

Comment date: February 25, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Central Vermont Public Service Corporation, Commonwealth Electric Company, Brownsville Power 1, L.L.C., New England Power Company, Caledonia Power 1, L.L.C., New Albany Power 1, L.L.C., CinCap VI, LLC, The Cincinnati Gas & Electric Company and PSI Energy, Inc., Reliant Energy Indian River, LLC, Reliant Energy Etiwanda, LLC, El Dorado Energy, LLC, Reliant Energy Mandalay, LLC, Reliant Energy Ormond Beach, LLC, Reliant Energy Ellwood, LLC, Reliant Energy Coolwater, LLC, SOWEGA Power LLC, Public Service Company of Colorado, Alliance for Cooperative Energy Services Power Marketing LLC, Mantua Creek Generating Company, L.P., Central Hudson Gas & Electric Corporation, and Northbrook New York, LLC.

[Docket Nos. ER00–1466–000; ER00–1467–000; ER00–1468–000; ER00–1469–000; ER00–1470–000; ER00–1471–000; ER00–1472–000; ER00–1473–000; ER00–1474–000; ER00–1475–000; ER00–1476–000; ER00–1477–000; ER00–1478–000; ER00–1479–000; ER00–1480–000; ER00–1481–000; ER00–1482–000; ER00–1494–000; ER00–1495–000; ER00–1496–000; and ER00–1524–000]

Take notice that on February 1, 2000, the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: March 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Carolina Power & Light Company

[Docket No. ER00–1491–000]

Take notice that on February 3, 2000, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with Allegheny Energy Supply Company, LLC under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. CP&L is requesting an effective date of January 20, 2000 for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–1492–000]

Take notice that on February 3, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Supplement No. 22 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements to make service available as of January 5, 2000 to Duke Energy Trading and Marketing, L.L.C.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–1493–000]

Take notice that on February 3, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Supplement No. 23 to add two (2) new Customers to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Allegheny Energy Supply requests a waiver of notice requirements to make service available as of January 7, 2000 to Aquila Energy Marketing Corporation and New York State Electric & Gas Corporation.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Ameren Services Company

[Docket No. ER00–1498–000]

Take notice that on February 3, 2000, Ameren Services Company (ASC), the transmission provider, tendered for filing Service Agreements for Long-Term Firm Pointto-Point Transmission Services between ASC and ComEd Wholesale Marketing (3 Agreements) and NSP Energy Marketing (the Parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER 96–677–004.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Entergy Services, Inc.

[Docket No. ER00-1499–000]

Take notice that on February 3, 2000, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., tendered for filing the Twenty-Ninth Amendment (Amendment) to the Power Coordination, Interchange and Transmission Service Agreement (PCITA) between Entergy Arkansas, Inc. and Arkansas Electric Cooperative Corporation (AECC). Entergy Services states that, among other things, the Amendment modifies the capacity available at existing points of delivery between Entergy Arkansas, Inc., and AECC.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. UtiliCorp United Inc.

[Docket No. ER00–1500–000]

Take notice that on February 3, 2000, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with British Columbia Power Exchange Corporation for service under its Short-Term Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. UtiliCorp United Inc.

[Docket No. ER00–1501–000]

Take notice that on February 3, 2000, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with British Columbia Power Exchange Corporation for service under its Non-Firm Point-to-Point open access service tariff for its operating divisions, Missouri Public Service, WestPlains Energy-Kansas and WestPlains Energy-Colorado.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Bonnie Mine Energy, LLC

[Docket No. ER00–1502–000]

Take notice that on February 3, 2000, Bonnie Mine Energy, LLC, a limited liability company organized under the laws of Delaware, petitioned the Commission for acceptance of its market-based rate schedule, waiver of certain requirements under Subparts B and C of Part 35 of the Commission's regulations, and preapproval of transactions under Part 34 of the regulations. Bonnie Mine Energy, LLC is developing an approximately 800 MW gas-fired generating facility in Polk County, Florida.

Comment date: February 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Central Illinois Public Service Corporation

[Docket No. ER00–1505–000]

Take notice that on February 2, 2000, Central Illinois Public Service Corporation (AmerenCIPS), tendered for filing an Agreement Among the City of Farmington, MO, Central Illinois Public Service Corporation, and Union Electric Company (the Agreement). AmerenCIPS states that under the Agreement, responsibility for providing wholesale electric service to the City of Farmington, MO (Farmington) is being transferred to it from Union Electric Company (AmerenUE), an affiliated electric utility. AmerenCIPS further states that the rates, terms and conditions under which service is being supplied to Farmington will not be affected by the transfer, but that the term of an existing Wholesale Electric Service Agreement with Farmington is being extended to December 31, 2001.

AmerenCIPS is proposing to make the Agreement effective as of February 1, 2000.

Comment date: February 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Fibertek Energy, LLC

[Docket No. ER00–1529–000]

Take notice that on February 2, 2000, Fibertek Energy, LLC filed a letter with the Federal Energy Regulatory Commission (FERC or Commission) saying that they would no longer be selling electricity at wholesale pursuant to its FERC Electric Tariff No. 1, approved by the Commission on July 1, 1999 (88 FERC ¶ 61,005). Fibertek Energy, LLC is therefor withdrawing said rate schedule.

Comment date: February 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3826 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–40–000]

Florida Gas Transmission Company; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed FGT Phase V Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit

February 11, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Florida Gas Transmission Company (FGT) Phase V Expansion Project in various counties of Mississippi, Alabama, and Florida.[1] These facilities would consist of about 215.4 miles of pipeline, 15.7 miles of rehabilitated mainline, and 89,765 horsepower (hp) of additional compression. This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner on FGT's proposed route and receive this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of

[1] Florida Gas Transmission Company's application in Docket No. CP00–40–000 was filed with the Commission under Section 7(c) of the Natural Gas Act on December 1, 1999.

eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice FGT provided to landowners along and adjacent to the proposed route. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

This notice is being sent to landowners of property crossed by and adjacent to FGT's proposed route; Federal, state, and local agencies; elected officials; environmental and public interest groups; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; and local libraries and newspapers. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Additionally, with this notice we are asking those Federal, state, local and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their agencies' responsibilities. Agencies who would like to request cooperating agency status should follow the instructions for filing comments described below.

The U.S. Forest Service, Ocala National Forest, has expressed an interest in being a cooperating agency for this EIS.

Summary of the Proposed Project

FGT proposes to build additional new natural gas pipeline and compression facilities to transport an annual average of 269,695 million British thermal units (MMBtu) per day of natural gas to serve new markets, primarily electric generation facilities, in Florida. FGT requests Commission authorization to:

- Construct about 215.4 miles of pipeline including:
  - —91.2 miles of looping [2] on the existing mainline in Mississippi, Alabama, and Florida;
  - —29.1 miles of new lateral in Alabama; and
  - —95.1 miles of new laterals and lateral loops in Florida;
- Rehabilitate about 15.7 miles of pipeline in Florida that was previously abandoned in place;
- Install a total of about 89,765 hp of compression at seven existing, one previously planned [3], and two new compressor stations in Alabama and Florida;
- Construct one regulator station in Florida; and
- Construct one meter station in Alabama.

FGT will also acquire from Koch Gateway Pipeline Company (KGPC) an interest in KGPC's Mobile Bay Lateral that would give FGT the rights to about 50 percent of the available capacity on system. Concurrent with the FGT's filing, KGPC filed an application in Docket No. CP00–39–000 for approval to abandon by sale to FGT the interest in its Mobile Bay Lateral.

The general location of FGT's proposed project facilities is shown on the map attached as appendix 1 and a more detailed description of the facilities is included in appendix 2.[4]

Land Requirements for Construction

Construction of FGT's proposed pipeline facilities would require about 2,957 acres of land including the construction right-of-way, extra workspaces, and contractor/pipe yards. In general, FGT proposes to use a 75- to 100-foot-wide construction right-of-way. Following construction and restoration of the right-of-way and temporary work spaces, FGT would retain a 30- to 50-foot-wide permanent pipeline right-of-way. Total land requirements for the new permanent right-of-way would be about 695 acres.

FGT proposes to acquire 14 acres for the two proposed compressor stations, although only 6 acres would be used during construction. Once construction is complete, the stations would occupy a total of 3 acres, and the 3 acres used for construction would be restored. The remaining 11 acres would be held as buffer and would not be disturbed.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to solicit and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS.

Our independent analysis of the issues will be in the Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, affected landowners and other interested individuals, Indian tribes, newspapers, libraries, and the Commission's official service list for this proceeding. A 45-day comment period will be allotted for review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received on the Draft EIS and will be used by the Commission in its decision-making process to determine whether to approve the project.

Currently Identified Environmental Issues

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by FGT. These issues are listed below. This is a preliminary list of issues and may be changed based on your comments and our analysis.

- Soils and Geology
  - —Impact on prime farmland soils.
  - —Mixing of topsoil and subsoil during construction.
  - —Compaction of soil by heavy equipment.
  - —Erosion control and right-of-way restoration.
  - —Impact on mineral resources.
  - —Potential geologic hazards including sinkholes.
- Water Resources
  - —Impact on 51 perennial waterbodies including the Mobile, St. John's and

[2] A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

[3] FGT requested authorization in Docket No. CP99–94–000 to construct Compressor Station 24. Its approval is still pending before the Commission.

[4] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

Wekiva Rivers, and Globe Creek.
—Impact on groundwater and surface water supplies.
—Impact on areas with shallow groundwater.
—Effect of crossing waterbodies with contaminated sediments.
—Potential for erosion and sediment transport to area waterbodies.
—Impact on wetland hydrology.
- Biological Resources
—Short- and long-term effects of right-of-way clearing and maintenance on wetlands, forests, riparian areas, and vegetation communities so special concern.
—Impact on wildlife and fishery habitats.
—Impact on Green Swamp conservation area.
—Potential impact on Federal- and State-listed threatened or endangered species.
—Potential impact on U.S. Forest Service-listed sensitive species.
- Cultural Resources
—Effect on historic and prehistoric sites.
—Native American concerns.
- Socioeconomics
—Effect of the construction workforce on demands for services in surrounding areas.
- Land Use
—Impact on residential areas (81 residences within 50 feet of the construction work area).
—Impact on public lands and special use areas including the Ocala National Forest, Camp Blanding Recreation Area, Little-Big Econ State Forest, James A. Van Fleet State Trail, and various state wildlife management and reserve areas.
—Impact on future land uses and consistency with local land use plans and zoning.
—Visual effect of the new aboveground facilities on surrounding areas.
- Air Quality and Noise
—Construction impact on local air quality and noise environment.
—Impact on local air quality and noise environment resulting from the installation of new compression equipment and the construction and operation of two new compressor stations.
- Pipeline Reliability and Safety
- Cumulative Impact
—Effect of the Phase V Expansion Project combined with that of other projects that have been or may be proposed in the same region and similar time frames.
- Nonjurisdictional Facilities
—Consideration of the effects of construction of the associated facilities that may be constructed by U.S. Agri-Chemicals Corporation; Jacksonville Electric Authority; Palmetto Power, L.L.C.; TECO/Peoples Gas System; City of Tallahassee; Duke Energy North America; Gulf Power Company; and Florida Power and Light Company.
- Alternatives
—Evaluation of possible alternatives to the proposed project or portions of the project, and identification of recommendations on how to lessen or avoid impacts on the various resource areas.

Public Participation and Scoping Meetings

You can make a difference by sending a letter addressing your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1A, Washington, DC 20426.
- Label one of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1;
- Reference Docket No. CP00–040–000;
- Mail your comments so that they will be received in Washington, D.C. on or before March 15, 2000.

All commenters will be retained on our mailing list. If you do not want to send comments at this time but still want to stay informed and receive copies of the Draft and Final EISs, you must return the attached Information Request (appendix 4). If you do not send comments or return the Information Request, you will be taken off the mailing list.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meetings the FERC will conduct in the project area. The locations and times for these meetings are listed below.

Schedule of Public Scoping Meetings for the FGT Phase V Expansion Project Environmental Impact Statement

February 28, 2000, 7:00 PM, University of Mobile, Moorer Auditorium, Thomas T. Martin Fine Arts Building, Main Campus, College Parkway, Prichard, AL, (334) 675–5990.
February 29, 2000, 7:00 PM, Southport Elementary School, Cafeteria Room, 1835 Bridge Street, Southport, FL 32409, (850) 265–2810.
March 1, 2000, 7:00 PM, City of Crystal River, City Hall, Council Chambers, 123 NW Highway 19, Crystal River, FL (352) 795–6511.
March 2, 2000, 7:00 PM, County Service Building, Seminole County Commission, Chambers, Room 1028, 1101 East 1st Street, Sanford, FL, (407) 665–7211.

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. FGT representatives will be present at the scoping meetings to described their proposal. Interested groups and individuals are encouraged to attend the meetings and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of each meeting will be made so that your comments will be accurately recorded.

Site Visit

On the dates of the meetings, we will also be conducting limited site visits to the project area. Anyone interested in participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only

intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in the proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS Menu, and following the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2747.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3761 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

February 11, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Exempt

1. CP00–65–000, 2–1–00, David Densmore.
2. CP00–14–000, 1–7–00, Tino Ferrufino.
3. CP00–14–000, 1–10–00, Sneed Collard.
4. CP00–14–000, 1–19–00, Sneed Collard.
5. CP00–14–000, 1–26–00, Bill Chamberlain, Mike Ricks.
6. Project No. 1927–008, 1–28–00, Vince Yearick.
7. CP98–150–000 and CP98–151–000, 1–26–00, Gordon P. Buckley.
8. CP99–392–000 and CP00–17–000, 2–2–00, Susan Smillie.
9. CP99–94–000, 11–2–99, George Craciun.
10. Project No. 1494–200, 1–31–00, Teresa Hicks.
11. Project No. 77–110, 1–14–00, Don L. Klima.
12. Project No. 3755 and Project No. 3756, 2–1–00, Heather H. Anderson.

Prohibited

1. ER00–996–000 and ER00–971–000, 2–9–00, ISO Competitive Market Group.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–3760 Filed 2–16–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6538–7]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Call Sandy Farmer at (202) 260–2740, or E-mail at ''farmer.sandy@epa.gov'', and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 0152.06; Notice of Arrival of Pesticides and Devices; in 19 CFR part 12; was approved 12/06/99; OMB No. 2070–0020; expires 12/31/2002.

EPA ICR No. 0261.13; Notification of regulated Waste Activity; in 40 CFR parts 262, 263, 264, 266, 270, 273, and 279; was approved 12/15/99; OMB No. 2050–0028; expires 12/31/2002.

EPA ICR No. 1571.06; General Hazardous Waste Facility Standards; in 40 CFR parts 264, 265, and 270; was approved 12/22/99; OMB No. 2050–0120; expires 12/31/2002.

EPA ICR No. 0658.07; NSPS for Pressure-Sensitive Tape and Label Surface Coating Operations; in 40 CFR part 60, subpart RR; was approved 01/11/2000; OMB No. 2060–0004; expires 01/31/2003.

EPA ICR No. 0649.07; NSPS for Metal Furniture Coating; in 40 CFR part 60, subpart EE; was approved 01/11/2000; OMB No. 2060–0106; expires 01/31/2003.

EPA ICR No. 1167.06; NSPS for Lime Manufacturing; in 40 CFR part 60, subpart HH; was approved 01/11/2000; OMB No. 2060–0063; expires 01/31/2003.

EPA ICR No. 0998.06; Standards of Performance of Volatile Organic Compound (VOC) Emissions for the Synthetic Organic Chemical Manufacturing Industry (SOCMI), Air Oxidation Unit Processes; in 40 CFR part 60, subpart NNN; was approved 01/11/2000; OMB No. 2060–0197; expires 01/31/2003.

EPA ICR No. 0663.07; NSPS for Beverage Can Surface Coating; in 40 CFR part 60, subpart WW; was approved 01/11/2000; expires 01/31/2003.

EPA ICR No. 1127.06; NSPS for Hot Mix Asphalt Facilities; in 40 CFR part 60, subpart I; was approved 01/11/2000; OMB No. 2060–0083; expires 01/31/2003.

EPA ICR No. 0997.06; NSPS for Petroleum Dry Cleaners; in 40 CFR part 60, subpart JJJ; was approved 01/11/2000; OMB No. 2060–0079; expires 01/31/2003.

EPA ICR No. 1156.08; NSPS for Synthetic Fiber Production Facilities; in 40 CFR part 60, subpart HHH; was approved 01/11/2000; OMB No. 2060–0059; expires 01/31/2003.

EPA ICR No. 0660.07; NSPS for Metal Coil Surface Coating; in 40 CFR part 60, subpart TT; was approved 01/11/2000; OMB No. 2060–0107; expires 01/31/2003.

EPA ICR No. 1130.06; NSPS for Grain Elevators; in 40 CFR part 60, subpart DD; was approved 01/11/2000; OMB No. 2060–0082; expires 01/31/2003.

EPA ICR No. 0659.08; NSPS for Large Appliance Surface Coating; in 40 CFR part 60, subpart SS; was approved 01/11/2000; OMB No. 2060–0108; expires 01/31/2003.

Action Withdrawn

EPA ICR No. 1906.01; Agricultural Health Study: Pesticide Exposure Study; on 12/13/99 this collection was withdrawn from review by EPA.

Extensions of Expiration Dates

EPA ICR No. 0282.10; Emission Defect Information and Voluntary Emission Recall Reports; in 40 CFR parts 85 and 91; OMB No. 2060–0048; on 11/29/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1715.02; TSCA Section 402 and Section 404 Training and Certification, Accreditation, and Standards for Lead-Based Paint Activities; in 40 CFR part 745; OMB No. 2070–0155; on 11/30/99 OMB extended the expiration date through 05/31/2000.

EPA ICR No. 0113.06; NESHAP for Mercury; OMB No. 2060–0097; in 40 CFR part 61, subpart E; on 12/07/99 OMB extended the expiration date through 02/29/2000.

EPA ICR No. 1052.05; NSPS for Fossil-Fuel-Fired Steam Generating Units; in 40 CFR part 60, subpart D; OMB No. 2060–0026; on 12/07/99 OMB extended the expiration date through 02/29/2000.

EPA ICR No. 1687.03; NESHAP for Aerospace Manufacturing and Rework Operations; in 40 CFR part 63, subpart GG; OMB No. 2060–0314; on 12/13/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 0275.06; Pre-award Compliance Review Report; in 40 CFR part 7; OMB No. 2090–0014; on 12/16/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1362.03; National Emission Standards for Coke Oven Batteries; in 40 CFR part 63, subpart L; OMB No. 2060–0253; on 12/22/99 OMB extended the expiration date through 04/30/2000.

EPA ICR No. 0597.06; Maximum Residue Limit (M.L.) Petitions on Food/Feed Crops and New Inert Ingredients; in 40 CFR parts 177, 178, and 180; OMB No. 2070–0024; on 12/27/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 0922.05; Data Call-In for Special Review Chemicals; in 40 CFR part 158; OMB No. 2070–0057; on 12/27/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1504.03; Data Generation for Registration Activities; in 40 CFR part 158; OMB No. 2070–0107; on 12/27/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1088.08; NSPS for Industrial Commercial Institutional Steam Generating Units; in 40 CFR part 60, subpart Db; OMB No. 2060–0072; on 12/27/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1764.01; National Volatile Organic Compound Emission Standards for Consumer Products; in 40 CFR part 59, subpart C; OMB No. 2060–0348; on 12/29/99 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1739.02; National Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry; in 40 CFR part 63, subpart KK; OMB No. 2060–0335; on 01/04/2000 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1178.04; NSPS for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; in 40 CFR part 60, subpart RRR; OMB No. 2060–0269; on 01/05/2000 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1765.01; National Volatile Organic Compound Emission Standards for Automobile Refinish Coating; in 40 CFR part 59, subpart D; OMB No. 2060–0353; on 01/05/2000 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1381.05; Recordkeeping and Reporting Requirements for Solid Waste Disposal Facilities and Practices; in 40 CFR part 258; OMB No. 2050–0122; on 01/10/2000 OMB extended the expiration date through 04/30/2000.

EPA ICR No. 1086.05; Standards of Performance for Onshore Natural Gas Processing Plants; in 40 CFR part 60, subpart KKK and LLL; OMB No. 2060–0120; on 01/10/2000 OMB extended the expiration date through 03/31/2000.

EPA ICR No. 1128.05; Information Requirements for Secondary Lead Smelters, Standards of Performance for New Stationary Sources; in 40 CFR part 60, subpart L; OMB No. 2060–0080; on 01/10/2000 OMB extended the expiration date through 03/31/2000.

Change in Expiration Date

EPA ICR No. 1830.01; Collection of 1997 Iron and Steel Industry Data; OMB No. 2040–0193; at EPA's request, on 12/07/99 OMB changed the expiration date from 08/31/2001 to 12/31/1999.

Dated: February 10, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–3852 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6539–1]

Announcement Regarding Implementation of the Section 112(g) Program in the State of Connecticut and the Commonwealth of Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On September 23, 1998, the Environmental Protection Agency (EPA)

announced in the **Federal Register** that it would implement section 112(g) of the Clean Air Act and the provisions of 40 CFR part 63, subpart B, in Connecticut and Massachusetts for one year starting on June 29, 1998. This program requires pre-construction permits reflecting case-by-case maximum achievable control technology (MACT) determinations for constructed or reconstructed major sources in source categories for which national emission standards for hazardous air pollutants (NESHAPs) have not yet been promulgated. With this document, EPA-New England announces that it will continue to implement the section 112(g) program for the State of Connecticut and the Commonwealth of Massachusetts until December 29, 2000, or the effective date of the state section 112(g) program, whichever is earlier. In each state, the state will issue pre-construction permits reflecting these requirements to the extent allowed by state law and subject to EPA's written concurrence. To the extent the state lacks authority to issue such permits, EPA will issue the case-by-case MACT determination.

FOR FURTHER INFORMATION CONTACT: For more information about the implementation of the Section 112(g) programs by Region I, please contact Susan Lancey, telephone (617) 918–1656 or E-mail lancey.susan@epa.gov, Office of Ecosystem Protection, One Congress Street, Suite 1100 (CAP) Boston, MA, 02114–2023.

SUPPLEMENTARY INFORMATION: The regulations regarding the implementation of section 112(g) of the Clean Air Act for constructed or reconstructed sources as well as guidance for the State permitting authorities are found in 40 CFR 63.40–63.44 (subpart B). The final rule was published in the **Federal Register** on December 27, 1996 (61 FR 68384). Subpart B requires State or local permitting agencies to implement the section 112(g) program promulgated in subpart B, or the State or local permitting authorities may request that EPA implement the program for that State or local agency for a limited period. As promulgated in 1996, the EPA regional office was allowed to implement the program for no more than one year from June 29, 1998. Under this provision, EPA-New England, Connecticut Department of Environmental Protection (CT DEP) and Massachusetts Department of Environmental Protection (MA DEP) agreed that EPA would implement the 112(g) program for this limited period as announced in the **Federal Register** on September 23, 1998. Subsequently, on June 30, 1999 (64 FR 35029), EPA amended the rule by providing a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis, if the permitting authority has not yet established procedures requiring MACT on constructed or reconstructed major sources. With this document, EPA-New England, CT DEP and MA DEP extend the period under which the regional office will implement this program. Effective on June 29, 1998, no person may construct or reconstruct any major source of HAP in Massachusetts and Connecticut for which no applicable NESHAP has been promulgated unless that person applies for and obtains a Notice of MACT approval under the procedures set forth in 40 CFR 63.43 (f)–(h). The application should be submitted to EPA-New England at the address given above and to the appropriate state office.

In Connecticut, where the CT DEP has the authority to issue a pre-construction permit to a constructed or reconstructed source under the Regulations of Connecticut State Agencies (RSCA), CT DEP will issue the Notice of MACT approval to those subject sources after EPA concurs in writing on the MACT determination. Where existing authority under Connecticut regulations does not provide for such determinations, EPA-New England will issue the Notice of MACT approval.

In Massachusetts, where the MA DEP has the authority to issue a pre-construction permit to a constructed or reconstructed source under Massachusetts regulations, Plan Approval 310 CMR 7.02(2), MA DEP will issue the Notice of MACT approval to those subject sources after EPA concurs in writing on the MACT determination. Where existing authority under Massachusetts regulations does not provide for such determinations, EPA-New England will issue the Notice of MACT approval.

To apply for and obtain a Notice of MACT approval from the EPA regional office, any source subject to subpart B must fulfill the following requirements. First, the constructed or reconstructed major source must recommend a MACT emission limitation or requirement that must not be less stringent than the emission control which is achieved in practice by the best controlled similar source (section 63.43(d)(1)). The recommended MACT emission limitation must achieve the maximum degree of reduction in emissions of HAP which can be achieved by utilizing the recommended control techniques. The recommended MACT emission limitation must consider the non-air quality health and environmental impacts as well as the associated energy requirements (section 63.43(d)(2)). Furthermore, the constructed or reconstructed major source may recommend a specific design, equipment, or work practice standard, and EPA may approve such a standard, if it determines that it is not feasible to prescribe or enforce an emission limitation under section 112(h)(2) of the Clean Air Act (section 63.43(d)(3)). Finally, if the EPA has proposed a relevant emission standard through either section 112(d) or section 112(h) of the Clean Air Act or adopted a presumptive MACT for the relevant source category, then the MACT requirements applied to the constructed or reconstructed major source must take into consideration those MACT emission limitations and requirements of the proposed standards or presumptive MACT determination (section 63.43(d)(4)).

In reviewing and approving any application for a Notice of MACT approval, EPA will utilize the procedures set forth in 40 CFR 63.43 (f)–(h).

Dated: February 3, 2000.

Mindy S. Lubber,

Acting Regional Administrator, EPA-New England.

[FR Doc. 00–3853 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6538–9]

Environmental Protection Agency and International City/County Management Association Superfund Relocation Policy Meeting

AGENCY: Environmental Protection Agency (EPA) and International City/County Management Association (ICMA).

ACTION: Notice of public meeting.

SUMMARY: This document advises the public that the Environmental Protection Agency and the International City/County Management Association will hold a public meeting to discuss comments received on the ''Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions.''

DATES: The meeting dates are Thursday, March 2, 2000, 8:30 a.m. to 5:00 p.m. and Friday, March 3, 2000, 8:00 a.m. to 4:00 p.m. (EST).

ADDRESSES: The meeting will be held at International City/County Management Association, 777 North Capitol St., NE Washington, D.C. 20002–4201 in ICMA Training Center A–1st Floor.

SUPPLEMENTARY INFORMATION: EPA issued the ''Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions'' on June 30, 1999, and published a notice of availability with request for comment on the policy in the **Federal Register** on July 8, 1999 (64 FR 37012).

The objectives of this meeting will be to provide EPA and ICMA with substantive comments and feedback on the ''Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions,'' to gain stakeholder input on issues arising during implementation of a relocation and to engage a diverse group of stakeholders in a dialogue on the characteristics of a successful relocation.

Members of the public may request copies of the ''Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions'' by postal mail from Docket Coordinator, Headquarters, U.S. EPA, CERCLA Docket Office, (Mail Code 5201G), Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460, 703–603–9232, or (800) 424–9346. The Interim Policy is also available on the Internet at http://www.epa.gov/oerrpage/superfund/tools/topics/relocation.

The meeting is open to the public and written comments will be accepted up until the time of the meeting. Written comments may be directed to the above address.

FOR FURTHER INFORMATION CONTACT: Pat Carey, U.S. EPA, 1200 Pennsylvania Avenue, NW (MC5204G), Washington, D.C. 20460, phone: (703) 603–8772, facsimile: (703) 603–9100 or email: *carey.pat@epa.gov*.

Dated: February 10, 2000.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 00–3851 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30487A; FRL–6491–8]

Plant-Pesticide Corn Rootworm Product; Registration Application; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice reopens the comment period of the Agency's December 22, 1999 notice announcing receipt of an application to register a pesticide product containing a new active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Comments, identified by the docket control number OPP–30487A, must be received on or before March 20, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–30487A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; fax number: (703) 308–7026; e-mail address: mendelsohn.mike@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/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30487A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis 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.

C. How and to Whom Do I Submit Comments?

You may submit your comments through the mail, in person, or electronically. Please follow the instructions that are provided in the notice. Do not submit any information electronically that you consider to be CBI. To ensure proper receipt by EPA, be sure to identify docket control number OPP–30487A in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection

Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: ''oppdocket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–30487A. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice extension.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What Action is EPA Taking?

EPA is reopening the comment period for the Agency's notice that published in the **Federal Register** of December 22, 1999 (64 FR 71753) (FRL–6399–3). The notice announced receipt of an application submitted by Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198, to register the pesticide product Corn Rootworm Protected Corn Hybrids, (EPA File Symbol 524–LRA) containing a new active ingredient *Bacillus thuringiensis* Cry3Bb protein and the genetic material necessary for its production (Vector ZMIR14L) in corn for full commercial registration on corn. The active ingredient is not included in any previously registered product pursuant to section 3(c)(4) of FIFRA, as amended. The original comment period ended on January 21, 2000. In response to a request, the comment period is being reopened until March 20, 2000.

B. What is the Agency's Authority for Taking this Action?

The Agency is taking this action under the authority of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 8, 2000.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 00–3854 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–917; FRL–6490–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance for Certain Pesticide Chemicals in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

DATES: Comments, identified by docket control number PF–917 must be received on or before March 20, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–917 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Linda Werrell, Registration Support Branch, Registration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8033; e-mail address: werrell.linda@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'' 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 PF–917. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–917 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: *''opp-docket@epa.gov*,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–917. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 9, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

AgrEvo USA Company

PP 0F06080

EPA has received a pesticide petition (0F06080) from AgrEvo USA Company (acting as registered United States Agent for Hoechst Schering AgrEvo SA), 2711 Centerville Road, Wilmington, DE 19808 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of deltamethrin in or on the raw agricultural commodities (RAC) bulb vegetables, cucurbit vegetables, leafy vegetables, fruiting vegetables, carrots, potatoes, radishes, artichokes, cauliflower, broccoli, cabbage, mustard greens, tree nuts, stone fruits, pome fruits, ruminant and poultry commodities, milk, milkfat, eggs, soybeans, sunflowers, field corn, and sorghum. Based on the fact that tralomethrin, another synthetic pyrethroid insecticide, is rapidly metabolized in plants and animals to deltamethrin, and the toxicological profile of the two compounds is similar, it is appropriate to consider a combined exposure assessment for tralomethrin and deltamethrin. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. Deltamethrin metabolism studies in tomatoes, corn, apples, and cotton demonstrate the same metabolic pathway. Furthermore, plant metabolism studies have been conducted following application of tralomethrin in cotton, corn, cabbage, and tomatoes. These studies have demonstrated that the metabolism of tralomethrin involves debromination to deltamethrin and its isomers. Thus, a similar metabolic pathway has been shown to occur in a variety of crops following either direct application of deltamethrin (cotton, corn, apples, and tomatoes) or in-plant formation of deltamethrin via debromination of applied tralomethrin (tomatoes, cotton, corn, and cabbage). As a result of this substantial information base, it is concluded that the residues of toxicological concern in/on growing crops following application of tralomethrin or deltamethrin are tralomethrin, cis-deltamethrin, and its isomers, trans-deltamethrin and alpha-R-deltamethrin.

2. *Analytical method*. Analytical methods for determining residues of tralomethrin and deltamethrin in various commodities for which registrations have been approved, or are being sought, have been submitted to the Agency. These methods, are based on gas liquid chromatography (GLC) equipped with an electron capture detector (ECD) and a DB-1 (or equivalent) capillary column, and are used for the determination of tralomethrin, cis-deltamethrin, trans-deltamethrin, and alpha-R-deltamethrin in various RACs, animal derived, and processed commodies. These methods were independently validated and are appropriate for the determination of residues of tralomethrin and deltamethrin in various food and feed commodies after application of these ingredients to target growing crops, and after use in food/feed handling establishments.

3. *Magnitude of residues*. Residues of tralomethrin, deltamethrin, and its metabolites are not expected to exceed the established and/or proposed tolerance levels as a result of the use of these active ingredients (a.i.) on target crops, or at target sites.

B. Toxicological Profile

1. *Acute toxicity*. The acute oral LD_{50} values of deltamethrin in the rat were 66.7 milligrams/kilograms (mg/kg) for males and 86 mg/kg for females, and for tralomethrin 99 mg/kg for males and 157 mg/kg for females when administered in sesame oil. The oral LD_{50} for deltamethrin when administered in aqueous methyl cellulose was greater than 5,000 mg/kg for both sexes. The dermal LD_{50} in rabbits was greater than 2,000 mg/kg for both materials. Inhalation 4–hour LC_{50} values in the rat were 2.2 milligrams/liter (mg/L) for deltamethrin and greater than 0.286 mg/L for tralomethrin.

2. *Genotoxicity*. No indication of genotoxicity was noted in a battery of *in vivo* and *in vitro* studies conducted with either deltamethrin or tralomethrin.

3. *Reproductive and developmental toxicity*—i. *Deltamethrin*. A rat development toxicity study conducted with deltamethrin indicated a maternal no observed adverse effect level (NOAEL) of 3.3 mg/kg/day based on clinical observations, decreased weight gain and mortality. The developmental NOAEL was 11 mg/kg/day highest dose tested (HDT).

In a rabbit development toxicity study with deltamethrin, the maternal NOAEL was considered to be 10 mg/kg/day based on decreased defecation at 25 and 100 mg/kg/day, and mortality at 100 mg/kg/day. The developmental NOAEL was considered to be 25 mg/kg/day based on retarded ossification of the public and tail bones at 100 mg/kg HDT.

A 3–generation rat reproduction study and a more recent, 2–generation rat reproduction study with deltamethrin indicated the NOAEL for both parents and offspring was 80 ppm (4-12 mg/kg/day for adults and 18-44 mg/kg/day for offspring) based on clinical signs of toxicity, reduced weight gain and mortality at 320 ppm HDT.

ii. *Tralomethrin*. In a rat developmental toxicity study with tralomethrin, the NOAEL for maternal and developmental toxicity was judged to be greater than or equal to 18 mg/kg/day HDT.

No evidence of developmental toxicity was observed in either of two rabbit developmental toxicity studies conducted with tralomethrin. In one study, the maternal NOAEL was 12.5 mg/kg/day based on mortality while the developmental NOAEL was judged to be greater than or equal to 25 mg/kg/day HDT. In the second study, the maternal NOAEL was 8 mg/kg/day based on body weight (bwt) effects while the developmental NOAEL was 32 mg/kg/day HDT.

In a 2–generation reproduction study with tralomethrin in rats, the parental NOAEL was 0.75 mg/kg/day based on body weight deficits while the NOAEL for offspring was 3.0 mg/kg/day, also based on body weight deficits.

4. *Subchronic toxicity*—i. *Deltamethrin*. A 90–day rat oral toxicity study was conducted with deltamethrin which was administered by gavage. The NOAEL was judged to be 1.0 mg/kg/day based on reduced body weight gain and slight hypersensitivity. In a more recent 90–day rat dietary study with deltamethrin, the NOAEL was judged to be 300 parts per million (ppm) (23.9 mg/kg/day for males, 30.5 mg/kg/day for females) based on uncoordinated movement, unsteady gait, tremors, increased sensitivity to sound, shakes and spasmodic convulsions. The difference in the NOAELs between the two studies is attributed to the different routes of exposure (gavage in oil versus administered in diet).

A 12–week study was conducted with deltamethrin in mice. The NOAEL was 300 ppm (61.5 mg/kg/day in males and 77.0 mg/kg/day in females) based on chronic contractions, convulsions, poor condition, decreased weight gain and mortality.

Two 13–week dog studies were conducted with deltamethrin. In the first study, beagle dogs were administered deltamethrin by capsule using PEG 200 as a vehicle. The NOAEL for this study was 1 mg/kg/day based on

tremors, unsteadiness, jerking movements, salivation, vomiting, liquid feces and/or dilation of the pupils. In the second study, deltamethrin was administered by capsule without a vehicle to beagle dogs. The NOAEL for this study was 10 mg/kg/day based on unsteady gait, tremors, head shaking, vomiting, and salivation. The difference in toxicity between the two studies is attributed to the enhanced absorption resulting from the use of PEG 200 as a vehicle in the first study.

A 21–day dermal toxicity study was conducted with deltamethrin in rats. The NOAEL for systemic toxicity was determined to be 1,000 mg/kg/day.

In a subchronic inhalation study, rats were exposed to aerosolized deltamethrin for 6 hours per day, 5 days per week, for a total of 14 days over 3 weeks. Based on slightly decreased body weights and neurological effects at higher dose levels (HDLs), it was concluded that 3 µg/l was the no observable effect concentration (NOEC) for systemic effects in this study.

ii. *Tralomethrin*. Tralomethrin was administered by gavage in corn oil to rats for 13 weeks. Based on mortality, decreased activity and motor control, soft stools, labored breathing and significantly lower absolute and relative mean liver weights, the NOAEL was considered to be 1 mg/kg/day. Tralomethrin was administered by capsule to beagle dogs for 13 weeks. The NOAEL for this study was 1.0 mg/kg/day based on refusal of milk supplement, tremors, exaggerated patellar response, unsteadiness and uncoordinated movement.

A 21–day dermal toxicity study was conducted with tralomethrin on rats. No systemic effects were observed, therefore, the systemic NOAEL for this study was 1,000 mg/kg/day.

5. *Chronic toxicity*—i. *Deltamethrin*. Deltamethrin was administered in the diet to beagle dogs for 2 years. No treatment-related effects were observed and the NOAEL was judged to be 40 ppm (1.1 mg/kg/day). In a more recent study, deltamethrin was administered by capsule (without a vehicle) to beagle dogs for 1 year. The NOAEL in this study was considered to be 1 mg/kg/day based on clinical signs, decreased food consumption and changes in several hematology and blood chemistry parameters.

Two rat chronic toxicity/oncogenicity studies were conducted with deltamethrin. In the first study, the test substance was administered via the diet to rats for 2 years. The NOAEL for this study was 20 ppm (1 mg/kg/day) based on slightly decreased weight gain. In a more recent study, deltamethrin was administered to rats in the diet for 2 years. The NOAEL for this study was considered to be 25 ppm (1.1 and 1.5 mg/kg/day for males and females, respectively) based on neurological signs, weight gain effects and increased incidence and severity of eosinophilic hepatocytes and/or ballon cells. No evidence of carcinogenicity was noted in either study.

Two mouse oncogenicity studies were conducted with deltamethrin. In the first study, deltamethrin was administered in the diet for 2 years. No adverse effects were observed and the NOAEL was judged to be 100 ppm (12 and 15 mg/kg/day, respectively, for males and females). In a more recent study, deltamethrin was administered in the diet to mice for 97 weeks. The NOAEL was considered to be 1,000 ppm (15.7 and 19.6 mg/kg/day) based on a higher incidence of poor physical condition and a slight transient weight reduction. There was no evidence of oncogenicity in either study.

ii. *Tralomethrin*. Tralomethrin was administered to beagle dogs by capsule for 1 year at initial dosages of 0, 0.75, 3.0, and 10.0 mg/kg/day. Due to trembling, ataxia, prostration and convulsions, the high dosage was lowered to 8 mg/kg/day at study week 4 and lowered again to 6 mg/kg/day on study week 14. On the 14 weeks of study, the 0.75 mg/kg/day dosage was raised to 1.0 mg/kg/day. Based on body weight changes, convulsions, tremors, ataxia and salivation the NOAEL for this study was considered to be 1 mg/kg/day.

Tralomethrin was administered by gavage to rats for 24 months. The NOAEL for this study was 0.75 mg/kg/day based on salivation, uncoordinated movement, inability to support weight on limbs and decreased body weights parameters. No evidence of carcinogenicity was observed.

A 2–year mouse oncogenicity study was conducted with tralomethrin administered by gavage. The NOAEL was judged to be 0.75 mg/kg/day based on higher incidences of dermatitis and mortality, salivation, uncoordinated involuntary movements and aggressiveness. No evidence of oncogenicity was observed.

6. *Animal metabolism*—i. *Deltamethrin*. The absorption of deltamethrin appears to be highly dependent upon the route and vehicle of administration. Once absorbed, deltamethrin is rapidly and extensively metabolized and excreted, primarily within the first 48 hours.

ii. *Tralomethrin*. Tralomethrin is rapidly metabolized to deltamethrin after debromination. The metabolic pattern of the *in vivo* debrominated tralomethrin is exactly the same as that of the metabolic pattern of deltamethrin.

7. *Endocrine disruption*. No special studies have been conducted to investigate the potential of deltamethrin or tralomethrin to induce estrogenic or other endocrine effects. However, the standard battery of required toxicity studies has been completed. These studies include an evaluation of the potential effects on reproduction and development, and an evaluation of the pathology of the endocrine organs following repeated or long-term exposure These studies are generally considered to be sufficient to detect any endocrine effects, yet no such effects were detected. Thus, the potential for deltamethrin or tralomethrin to produce any significant endocrine effects is considered to be minimal.

8. *Neurotoxicity*. Acute delayed neurotoxicity studies in hens were conducted for both deltamethrin and tralomethrin. In both cases, the study results were negative indicating that neither material causes delayed neurotoxicity.

In an acute neurotoxicity study with deltamethrin in rats, mortality and numerous clinical signs of neurotoxicity (including altered gait, salivation, tremors, convulsions, writhing, and reduced grip strength) were noted after a single oral administration of a dose of 50 mg/kg. In addition, potential effects (limited to a single male and female) were observed at a dose level of 15 mg/kg. Therefore, the NOAEL for this study was 5 mg/kg.

In a subchronic neurotoxicity study with deltamethrin in rats, mortality, decreased weight gain and numerous clinical signs of neurotoxicity (including writhing, hind limb splay, convulsions, lurching, and reduced grip strength) were noted after daily dietary administration for 13 consecutive weeks at 800 ppm. The NOAEL for systemic toxicity and neurotoxicity in this study was found to be 200 ppm (14 and 16 mg/kg/day for males and females, respectively).

C. Aggregate Exposure

Based on the fact that tralomethrin is rapidly metabolized in plants and animals to deltamethrin, and the toxicological profile of the two compounds is similar, it is appropriate to consider combined exposure assessments for tralomethrin and deltamethrin.

Deltamethrin and tralomethrin are broad spectrum insecticides used to control pests of crops, ornamental plants and turf, and domestic indoor and outdoor (including dog collars and

direct application to livestock), commercial, and industrial food use areas. Thus, aggregate non-occupational exposure could include exposures resulting from non-food uses in addition to consumption of potential residues in food and water. Exposure via drinking water is expected to be negligible since deltamethrin binds tightly to soil and rapidly degrades in water.

1. *Dietary exposure*—i. *Food*. Food tolerances have been established for residues of tralomethrin and/or deltamethrin and its metabolites in or on a variety of RACs. These tolerances, in support of registrations, currently exist for residues of tralomethrin on broccoli, cottonseed, head lettuce, leaf lettuce, soybeans, sunflower seed, and cottonseed oil. Also, tolerances in support of registrations currently exist for deltamethrin on cottonseed and cottonseed oil. Additionally, tolerances have been established for tralomethrin to support its use in food/feed handling establishments, and for deltamethrin on tomatoes and concentrated tomato products to support the importation of tomato commodities treated with deltamethrin. Further, a food/feed handling establishment tolerance has recently been established for deltamethrin. Additional tolerances are being proposed for deltamethrin in the subject pesticide tolerance petition. Potential acute exposures from these relevant food commodities were estimated using a Tier 3 acute dietary risk assessment (Monte Carlo Analysis) following EPA guidance. Potential chronic exposures from food commodities under the established food and feed additive tolerances for deltamethrin and tralomethrin, plus the tolerances for deltamethrin associated with use in food/feed handling areas, and the tolerances proposed in this petition for deltamethrin, were estimated using Dietary Exposure Evaluation Model NOVIGEN's (DEEM). This chronic risk assessment was conducted using anticipated residues based on field trial or monitoring data, percent crop treated, and percent food handling establishments treated.

ii. *Drinking water*. USEPA's Standard Operating Procedure (SOP) for Drinking Water Exposure and Risk Assessments was used to perform the drinking water analysis for deltamethrin. The SOP compares a calculated drinking water level of comparison drinking water levels of concern (DWLOC) value to the drinking water estimated concentrations (DWEC) value. The DWEC value results from either the monitoring data residues and modeled water residues. If the DWLOC value exceeds the DWEC value then there is reasonable certainty that no harm will result from aggregate exposure.

The calculated DWLOC for short-term exposure for all adults, children 1-6, and infants were estimated to be 1,787 parts per billion (ppb), 463 ppb, and 556 ppb, respectively. All of these DWLOC values exceed the short-term modeled deltamethrin water residue of 0.063 ppb. The calculated DWLOC for chronic exposure for all adults, children 1-6, and infants were estimated to be 356 ppb, 185 ppb, and 112 ppb, respectively. All of these DWLOC values exceed the chronic modeled deltamethrin water residue of 0.004 ppb. Therefore, there is reasonable certainty that no harm will result from water exposure to deltamethrin residues.

2. *Non-dietary exposure*. As noted above, deltamethrin and tralomethrin are broad spectrum insecticides registered for use on a variety of food and feed commodities. Additionally, registrations are held for non-agricultural applications including turf and lawn care treatments, broadcast carpet treatments (professional use only), indoor fogger, spot, crack and crevice treatments, dog collars, insect baits, lawn and garden sprays and indoor and outdoor residential, industrial and institutional sites including those for food/feed handling establishments.

To evaluate non-dietary exposure, the ''flea infestation control'' scenario was chosen to represent a plausible but worst case non-dietary (indoor and outdoor) non-occupational exposure. This scenario provides a situation where deltamethrin and/or tralomethrin are commonly used and can be used concurrently for a multitude of uses, e.g., spot and/or broadcast treatment of infested indoor surfaces such as carpets and rugs, treatment of pets and treatment of the lawn. This hypothetical situation provides a very conservative, upper bound estimate of potential non-dietary exposures. Consequently, if health risks are acceptable under these conditions, the potential risks associated with other more likely scenarios would also be acceptable.

Because tralomethrin is rapidly metabolized to deltamethrin, and the toxicology profiles of deltamethrin and tralomethrin are virtually identical, an aggregate (non-dietary + chronic dietary) exposure/risk assessment was conducted for the combination of both active ingredients. The total exposure to both materials was expressed as ''deltamethrin equivalents'' and this was compared to the toxicology endpoints identified for deltamethrin.

D. Cumulative Effects

When considering a tolerance, the Agency must consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' AgrEvo USA Company believes that ''available information'' in this context includes not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments.

Further, AgrEvo does not have, at this time, available data to determine whether tralomethrin and deltamethrin have a common mechanism of toxicity with other substances. For the purposes of this tolerance action, therefore, no assumption has been made that tralomethrin and deltamethrin have a common mechanism of toxicity with other substances.

E. Safety Determination

1. *U.S. population—in general*. The toxicity and residue data base for deltamethrin and tralomethrin is considered to be valid, reliable and essentially complete according to existing regulatory requirements. No evidence of oncogenicity has been observed for either compound. In accordance with EPA's ''Toxicology Endpoint Selection Process'' Guidance Document for acute exposures, the toxicology endpoint from the deltamethrin rat acute neurotoxicity study, 5.0 mg/kg/day, was used. For chronic exposures to deltamethrin and tralomethrin, the Reference Dose (RfD) of 0.01 mg/kg bwt/day established for deltamethrin based on the NOAEL from the 2–year rat feeding study and a 100-fold safety factor to account for inter-species extrapolation and intraspecies variation was used.

For the overall U.S. population, acute dietary exposure at the 99.9th percentile results in a Margin of Exposure (MOE) of 1,430. For the overall U.S. population, chronic dietary exposure results in a utilization of 1.1% of the RfD. Using an upper bound estimate of potential non-dietary exposures for a worst case scenario (flea treatment) results in a MOE of at least 59,229 for adults. Utilizing the scenario of chronic dietary exposure plus an upper bound estimate of potential non-dietary exposure from a worst case scenario (flea treatment), it is shown that for aggregate exposure to deltamethrin and tralomethrin there is an MOE of 15,559 for adults. For acute and short-term exposures there is generally no concern

for MOEs greater than 100. For chronic exposure, there is generally no concern for exposure below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

In conclusion, there is reasonable certainty that no harm will result to the U.S. population, in general, from dietary or aggregate exposure to deltamethrin and/or tralomethrin.

2. *Infants and children*. Data from developmental toxicity studies in rats and rabbits, and multigeneration reproduction studies in rats, are generally used to assess the potential for increased sensitivity of infants and children. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development. Reproduction studies provide information relating to reproductive and other effects on adults and offspring from prenatal and postnatal exposure to the pesticide. None of these studies conducted with deltamethrin or tralomethrin indicated developmental or reproductive effects as a result of exposure to these materials.

FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base. Based on the current toxicological data requirements, the data base relative to prenatal and postnatal effects in children is complete. Although no indication of increased susceptibility to younger animals was noted in any of the above studies, or in the majority of studies with other pyrethroids, several publications have reported that deltamethrin is more toxic to neonate and weanling animals than to adults. However, a joint industry group was unable to reproduce these findings. Furthermore, the RfD (0.01 mg/kg/day) that has been established for deltamethrin is already more than 1,000-fold lower than the lowest NOAEL from the developmental and reproduction studies. Therefore, the RfD of 0.01 mg/kg/day is appropriate for assessing chronic aggregate risk to infants and children and an additional uncertainty factor is not warranted. Also, the NOAEL of 5.0 mg/kg/day from the rat acute neurotoxicity study is appropriate to use in acute dietary, short-term non-dietary, and aggregate exposure assessments.

For the population subgroup described as infants, less than 1–year old, the MOE for acute dietary exposure at the 99.9th percentile is 2,319. For the population subgroup described as children 1-6 years old, the MOE for acute dietary exposure is 1,117 for the 99.9th percentile. For infants less than 1–year old, chronic dietary exposure results in a utilization of 0.8% of the RfD, and for children 1-6 years old 2.3% of the RfD is utilized. Using an upper bound estimate of potential non-dietary exposures for a worst case scenario (flea treatment) results in an MOE of at least 15,015 for infants less than 1–year old, and an MOE of at least 15,974 for children 1-6 years old. Utilizing the scenario of chronic dietary exposure plus an upper bound estimate of potential non-dietary exposure from a worst case scenario (flea treatment) it is shown that for aggregate exposure to deltamethrin and tralomethrin, there is an MOE of 4,934 for infants less than 1–year old, and an MOE of 4,250 for children 1-6 years old. For acute and short-term exposures there is generally no concern for MOEs greater than 100. For chronic exposure, there is generally no concern for exposure below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health.

In summary, there is reasonable certainty that no harm will result to infants and children from aggregate exposure to either deltamethrin or tralomethrin.

F. International Tolerances

Deltamethrin is a broad spectrum insecticide used throughout the world to control pests of livestock, crops, ornamentals plants and turf, and household, commercial, and industrial food use areas. A reevaluation of the maximum residue limits (MRLs) was conducted in 1994, in accordance with the EC Directive (91/414/EEC) Registration Requirements for Plant Protection Products. A comparison of the proposed/current CODEX MRLs and proposed/established tolerances for deltamethrin is presented below:

Commodity	Proposed Tolerance (USEPA) (ppm)	Proposed/ Current MRL (CODEX) (ppm)
Almond hulls	0.25	---
Apples, wet pomace	1.2	---
Artichokes	0.5	0.05
Broccoli	0.5	0.2
Bulb vegetables	1.5	0.1
Cabbage (w/wrapper leaves)	1.5	---
Cabbage (w/o wrapper leaves)	0.15	0.2
Carrots	0.15	0.01
Cauliflower	0.15	0.2
Corn, field grain	0.06	1.0
Corn, forage (field)	0.7	---
Corn, fodder (field)	7.0	0.5
Corn, refined oil	0.6	---
Corn, flour	0.18	---
Corn, meal	0.12	---
Corn, milled by products	0.18	---
Cucurbit vegetables	0.06	0.2
Eggs	0.02	---
Fruiting vegetables	0.25	0.2
Leafy vegetables	4.5	0.5
Milk, fat (reflecting 0.02 ppm in whole milk)	0.1	0.01 (milk)
Mustard greens	4.5	0.2
Pome fruit	0.2	0.1
Potatoes	0.04	0.01
Poultry, fat	0.05	0.01

Commodity	Proposed Tolerance (USEPA) (ppm)	Proposed/ Current MRL (CODEX) (ppm)
Poultry, mbyp	0.02	---
Poultry, meat	0.02	0.01
Prunes	2.4	---
Radishes (roots)	0.15	0.01
Radishes (tops)	4.0	---
Ruminant meat	0.02	0.5
Rumant fat	0.04	0.5
Ruminant mbyp	0.02	0.5
Sorghum, grain	0.5	1.0
Sorghum, forage	0.5	---
Sorghum, fodder	2.0	0.5

Commodity	Proposed Tolerance (USEPA) (ppm)	Proposed/ Current MRL (CODEX) (ppm)
Soybeans	0.05	0.1
Stone fruit	0.6	0.05
Sunflower seed	0.05	0.1
Tree nuts	0.1	---
Wheat gluten	1.4	---
Wheat, grain	2.0	1.0
Wheat, grain dust	2.7	---

As far as can be determined, no CODEX MRLs are established or proposed for tralomethrin.

[FR Doc. 00–3855 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 2, 2000.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Patrick Lewis Carnal, Lexington, Tennessee; to acquire additional voting shares of Community National Corporation, Lexington, Tennessee, and thereby indirectly acquire additional voting shares of Community National Bank of Tennessee, Lexington, Tennessee.

Board of Governors of the Federal Reserve System, February 11, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–3772 Filed 2–16–00; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Office of Communications; Cancellation of a Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The following Standard Form is cancelled: OF 67, Activity Schedule.

This form is being converted to a calendar item under the Federal Supply Schedule program.

DATES: Effective February 17, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

Dated: February 7, 2000.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 00–3752 Filed 2–16–00; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Federal Supply Service; Move Management Services (MMS) and the General Services Administration's (GSA's) Centralized Household Goods Traffic Management Program (CHAMP)

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of changes to the MMS Statement of work (SOW).

SUMMARY: This notice announces changes GSA has made to the MMS SOW as a result of: (1) Comments solicited and received on our April 2, 1999 **Federal Register** notice (64 FR 15976); (2) subsequent meetings with the licensed-broker, carrier, and forwarder industries and GSA customer agencies; and (3) comments solicited and received on GSA's December 13, 1999, posting on the Electronic Posting Service (EPS) of a revised draft MMS SOW. The SOW provides for the transition of licensed-broker-provided MMS from GSA's CHAMP to the Governmentwide Employee Relocation Services Schedule as a separate line item. The transition is necessary to comply with statutory authority (49

U.S.C. 13712). Comments received on the April 2, 1999, **Federal Register** notice; deliberations with the licensed-broker, carrier, and forwarder industries and our customers; and comments received on the December 13, 1999, EPS posting of the revised SOW were all carefully considered and resulted in the changes announced in this notice.

FOR FURTHER INFORMATION CONTACT: Larry Tucker, Senior Program Analyst, Transportation Management Division, FSS/GSA, 703–305–5745.

SUPPLEMENTARY INFORMATION: GSA published a notice in the **Federal Register** on April 2, 1999 (64 FR 15976–15978) soliciting comments on the SOW to be used in transitioning licensed-broker-provided MMS from CHAMP to the Governmentwide Employee Relocation Services Schedule as a separate line item. GSA carefully reviewed the comments received and met with our customers and household goods industry representatives to determine how best to accommodate, within the context of the recommended changes, the affected parties. First and foremost our customer agencies want flexibility and choice. Based on the outcome of our deliberations we revised the SOW and posted it for comment on the EPS on December 13, 1999. We are instituting the following changes to satisfy the expressed wishes of our customers and to accommodate industry to the maximum extent possible.

• Carriers/forwarders will continue to provide MMS under CHAMP's Household Goods Tender of Service (HTOS).

• We will solicit two rate levels under the HTOS:

—One for general transportation; and
—One for MMS included in the rate.

• MMS contractor commissions assessed to carriers will be prohibited under the HTOS.

• We will transition licensed brokers to the Governmentwide Employee Relocation Services Schedule.

• Agencies may specify on a shipment-by-shipment basis, or on an up-front overall shipment basis, whether they want the schedule MMS contractor to use a CHAMP carrier and rate or whether they will accept the contractor's commercial arrangement(s) with a carrier(s).

• When a CHAMP carrier and rate are used, pricing will be on a flat fee basis with commissions prohibited.

• When an agency specifies use of a contractor's commercial arrangement(s), it will not be restricted to using a CHAMP carrier and rate and may instead use the contractor's supplier network and pricing options.

• Commissions will not be prohibited when an agency specifies use of a contractor's commercial arrangement(s).

• (GSA will have a 2-tiered industrial funding fee (IFF):

• If an agency selects use of a CHAMP carrier and rate, both a $145 IFF (embedded in the CHAMP carrier's rate under the Household Goods Tender of Service) and a 1% IFF (embedded in MMS pricing under the schedule) will apply; or

• If an agency uses the contractor's commercial arrangement, a 1% IFF (embedded in MMS pricing under the schedule) will apply. GSA plans to issue the refreshed solicitation for the relocation services multiple award schedule (MAS) within this first calendar year quarter. Since this is an MAS, each offer will be evaluated on its own merits. Contractors already on schedule will have the option of continuing to do business under their current award as is or to submit an offer on the new special item number (SIN).

The comments GSA received on the April 2, 1999, **Federal Register** notice and on the December 13, 1999, EPS posting of the revised SOW will be reconciled in a forthcoming EPS posting. The EPS may be accessed on the Internet at *http://www.eps.gov.* Click on ''EPS for Vendors'' and ''Posted Dates'' for GSA.

Dated: February 15, 2000.

Allan Zaic,

Assistant Commissioner, Office of Transportation and Property Management.

[FR Doc. 00–3914 Filed 2–16–00; 8:45 am]

BILLING CODE 6820–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 00033]

Childhood Lead Poisoning Prevention Programs (CLPPP) Notice of Availability of Funds; Amendment

A notice announcing the availability of Fiscal Year 2000 funds to fund a cooperative agreement program for new State and competing continuation State and local programs which was published in the **Federal Register** on February 10, 2000, [Vol. 65, No. 28, Pages 6607–6613]. The notice is amended as follows:

On page 6610, First Column, under Section F. Submission and Deadline, the submission due date should read on or before April 12, 2000.

Dated: February 11, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–3788 Filed 2–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS–2000–06]

Fiscal Year 2000 Family Violence Prevention and Services Discretionary Funds Program; Availability of Funds and Request for Applications

AGENCY: Office of Community Services (OCS), Administration for Children and Families (ACF), DHHS

ACTION: Announcement of the availability of funds and request for applications under the Office of Community Services' Family Violence Prevention and Services Discretionary Funds Program.

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), announces its Family Violence Prevention and Services discretionary funds program for fiscal year (FY) 2000. Funding for grants under this announcement is authorized by the Family Violence Prevention and Services Act, Public Law 102–295, as amended, governing discretionary programs for family violence prevention and services. Applicants should note that the award of grants under this program announcement is subject to the availability of funds. This announcement contains all forms and instructions for submitting an application.

CLOSING DATE: The closing date for submission of applications is May 15, 2000. Applications postmarked after the closing date will be classified as late. Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailing. Detailed application submission instructions, including the addresses where applications must be received, are found in Part IV of this announcement.

MAILING ADDRESS: Applications should be mailed to the Department of Health and Human Services, Administration for

Children and Families, Office of Grants Management/OCSE, 4th Floor Aerospace Center, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; Attention: Application for Family Violence Prevention and Services Program.

NUMBER OF COPIES REQUIRED: One signed original application and four copies should be submitted at the time of initial submission. (OMB–0970–0062, expiration date 10/31/2001).

ACKNOWLEDGMENT OF RECEIPT: An acknowledgment will be mailed to all applicants with an identification number which will be noted on the acknowledgment. This number must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the application deadline, applicants must notify ACF by telephone (202) 401–5103. Applicant should also submit a mailing label for the acknowledgment.

(**Note:** To facilitate receipt of this acknowledgment from ACF, applicant should include a cover letter with the application containing an E-mail address and facsimile (FAX) number if these items are available to applicant.)

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families, Office of Community Services, Division of State Assistance, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447. Contact: Sunni Knight (202) 401–5319, James Gray (202) 401–5705, William Riley (202) 401–5529.

FOR A COPY OF THE ANNOUNCEMENT, CONTACT: Administration for Children and Families, Office of Community Services, 370 L'Enfant Promenade, S.W., 5th Floor West, Washington, DC 20447.

In addition, the announcement will be accessible on the OCS website for reading or printing at: ''http://www.acf.dhhs.gov/programs/ocs/'' under ''Funding Opportunities''.

SUPPLEMENTARY INFORMATION: The Office of Community Services, Administration for Children and Families, announces that applications are being accepted for funding for FY 2000 projects on:

FV–01–00—Specialized Outreach Demonstration Projects for Services to Underserved and Diverse Populations;

FV–02–00—Minority Training Grant Stipends in Domestic Violence for Historically Black, Hispanic-serving and Tribal Colleges and Universities;

FV–03–00—Public Information/Community Awareness Campaign Projects for the Prevention of Family Violence; and

FV–04–00—Connecting Faith Based Organizations with Domestic Violence Organizations.

This program announcement consists of four parts.

Part I provides information on the family violence prevention and services program and the statutory funding authority applicable to this announcement.

Part II describes the priority areas under which applications for FY 2000 family violence funding are being requested.

Part III describes the applicable evaluation criteria.

Part IV provides other information and instructions for the development and submission of applications.

Part I. Introduction

Title III of the Child Abuse Amendments of 1984, (Pub. L. 98–457, 42 U.S.C. 10401, *et seq.*) is entitled the Family Violence Prevention and Services Act (the Act). The Act was first implemented in FY 1986, was reauthorized and amended in 1992 by Pub. L. 102–295, and was amended and reauthorized for fiscal years 1996 through 2000 by Pub. L. 103–322, the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill). The Act was most recently amended by Pub. L. 104–235, the ''Child Abuse Prevention and Treatment Act Amendment of 1996.''

The purpose of this legislation is to assist States in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and provide immediate shelter and related assistance for victims of family violence and their dependents.

We expect to fund four priority areas in FY 2000.

1. In order to further the commitment of bringing diverse voices to the table, OCS intends to support a minimum of three projects that convene researchers, activists, survivors, and practitioners who have been advocates of a more cultural orientation towards eliminating domestic violence.

2. The provision of training grant stipends to Historically Black, Hispanic-Serving and Tribal Colleges and Universities will assist in generating skill-building and training opportunities particularly responsive to issues of cultural content and the extent to which some minority groups participate in the domestic violence system.

3. The public information/community awareness projects will provide information on resources, facilities, and service alternatives available to family violence victims and their dependents, community organizations, local school districts, and other individuals seeking assistance.

4. Collaborative efforts between faith community/spiritual organizations and the domestic violence community that will create additional points of entry for persons in abusive relationships as they seek services and more informed responses.

Part II. Fiscal Year 2000 Family Violence Projects

1. Priority Area Number FV–01–00: Specialized Outreach Demonstration Projects for Services to Underserved and Diverse Populations

Background

The Office of Community Services at the Administration for Children and Families is aware of the importance of moving beyond a ''one size fits all'' approach in the development and implementation of Federal policies and programs to address domestic violence in ethnically and racially diverse communities. In order to further their commitment of bringing diverse voices to the table, OCS intends to support at least three projects for the convening of researchers, activists, and practitioners who have been advocating a more culturally oriented response to the problems of domestic violence within specific racial/ethnic communities. OCS is confident that these projects will assist OCS, domestic violence organizations and organizations servicing these communities nationwide to identify and develop model programs and policies. Moreover, these projects will provide needed services for individuals and families that are respectful of cultural and community characteristics.

These anticipated projects will be part of a major effort to improve the comprehensive response of the domestic violence community and the Administration for Children and Families to victims of family violence and their dependents in underserved populations and to diverse populations. The Family Violence Program within the Office of Community Services is supportive of and will continue to support the development of comprehensive outreach activities focused on underserved populations. The efforts and activities supported through these demonstration projects will assist the service delivery, research, practitioner, and policy communities to improve services to and make better-informed decisions.

The projects to be funded under this priority area will operate as a network. This network will provide an informed and articulate forum by which scholars, practitioners, survivors, and witnesses of domestic violence have the

opportunity to articulate their perspectives. Their concerns, issues, and perspectives will be considered through research findings, the examination of current service delivery systems and intervention mechanisms, and the identification of appropriate and effective responses to prevent family violence in their respective communities.

Program Purpose

On a nationwide basis, the expertise within each of the Outreach Demonstration projects will offer assistance on resource information, policy analysis and review, and training for public and private organizations in the domestic violence community. This assistance will be available to the entire domestic violence community as well as the specific communities served by the demonstrations.

Eligible Applicants

Public or private non-profit educational institutions that have domestic violence institutes, centers or programs related to culturally specific issues in domestic violence; private non-profit organizations and/or collaborations that focus primarily on issues of domestic violence in racial and ethnic underserved communities. All applicants must have documented organizational experience in the areas of domestic violence prevention and services, and experience and relevance to the specific underserved population to whom assistance would be provided. Each applicant must have an advisory board/steering committee and staffing which is reflective of the targeted underserved community.

Minimum Requirements for Project Design

The Office of Community Services seeks to support a coordinated demonstration effort to underserved and diverse communities. The OCS will support at least three demonstrations, each of which is staffed and/or supported by expert and multi-disciplined teams that are culturally responsive and competent in regard to the issues of domestic violence in their particular community.

Areas of emphasis to be developed in the applicants' proposals are:

The description of the immediacy of the need(s) to be addressed as an outreach demonstration and the provision of information on the specific services your current organization provides, and a general description of services to be provided as a demonstration;

The technical assistance, training and consultations needed to improve the cultural relevancy of service delivery, resource utilization, and state-of-the-art techniques related to program implementation, service delivery, and evaluation;

The development of a network of culturally competent professionals in domestic violence and the coordination of their input and expertise to assist persons, programs or agencies requesting assistance or information;

The presentation of the technical approach and specific strategies for assistance to the field that is national in scope, culturally specific in emphasis, and includes the use of an expert panel and/or working groups;

The description of efforts that will be initiated with other national advocacy and domestic violence organizations, other national and technical assistance resource centers and clearinghouses and articulate how the initiation of or continued coordination with them will enhance the demonstration efforts;

The provision of a detailed discussion or plan which proposes the implementation of special projects related to policy issues, training curricula, service delivery models or other aspects of services, related to the prevention of domestic violence;

The provision of a workplan and evaluation schedule, and a plan for a report on the effectiveness of the project one-year after the effective date of the grant award;

The description of the Outreach Demonstration Staff and supportive expertise including the steering committee, organizational or institutional affiliations, capability, and domestic violence experience; and

A description of the organizational and administrative structure, the management plan, and the cost structure within which the project will operate; describe the administrative, operational and organizational relationships to be established with other centers and technical assistance entities to establish an effective national network.

Form of Award

The Office of Community Services intends to support the Outreach Demonstrations through Cooperative Agreement awards. A Cooperative Agreement is an award instrument of financial assistance when substantial involvement is anticipated between the awarding office and the recipient during performance of the contemplated project. The Office of Community Services will outline a plan of interaction with the grantee for implementation under the cooperative agreement. The respective responsibilities of the OCS and the successful applicant will be identified and incorporated into the agreement during the pre-award negotiations. It is anticipated that the cooperative agreement will not change the project requirements for the grantee in this announcement.

The plan under the cooperative agreement will prescribe the general and specific responsibilities of the grantee and the grantor as well as foreseeable joint responsibilities. A schedule of tasks will be developed and agreed upon in addition to any special conditions relating to the implementation of the project.

Project Period

Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for 5 years. Applications for continuation grants funded under these awards beyond the one-year budget period will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the government.

Budget Period and Federal Share

Total funds available for the first 12-months of each of the projects is estimated to be approximately $375,000, subject to the availability of funds.

Matching Requirement

Grantees must provide at least 25 percent of the total cost of the project. The total cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind. If approved for funding, the grantee will be held accountable for commitments of non-Federal resources, and failure to provide the required amounts will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects To Be Funded

It is anticipated that a minimum of 3 Outreach Demonstration projects will be funded at $375,000 each. Additional projects may be funded if awarded projects are for lesser amounts.

CFDA: 93.592 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

2. Priority Area Number FV–02–00: Minority Training Grant Stipends in Domestic Violence for Historically Black, Hispanic-Serving, and Tribal Colleges and Universities

Background

Media coverage, court records, and crime statistics suggest that a substantial proportion of the domestic violence which occurs in the general population involves underserved populations, including populations that are underserved because of ethnic, racial, cultural, language diversity or geographic isolation (Brachman & Saltzman, 1995). Official statistics on child abuse and spouse abuse indicate that women, minorities, and the poor are over-represented among victims of domestic violence (Straus, Gelles, & Steinmetz, 1980). The scholars and practitioners who are responding to violence in underserved communities are currently few in number and work in isolation. The purpose of this effort and priority area is to increase the capacity for advocates and allies to do the work that is needed to prevent domestic violence.

There are three Executive Orders that support the provision of training grants to the educational institutions targeted in this priority area:

Executive Order 13021 of October 19, 1969, Tribal Colleges and Universities;

Executive Order 12900 of December 5, 1994, Educational Excellence for Hispanic Americans; and

Executive Order 12876 of November 1, 1993, Historically Black Colleges and Universities.

Executive Order 13021 reaffirms the special relationship of the Federal Government to the American Indians and identifies several purposes that support access to opportunities, resources, and that support educational opportunities for economically disadvantaged students; Executive Order 12900 requires the provision of quality education and increased educational opportunities for Hispanic Americans; and Executive Order 12876 requires strengthening the capacity of Historical Black Colleges and Universities to provide quality education and increased opportunities to participate in and benefit from Federal programs.

Purpose

(a) To provide support for graduate and undergraduate students who show promise and demonstrate serious interest and commitment to issues of domestic violence in underserved populations. Historically Black, Hispanic, and American Indian colleges and universities will be given special consideration in order to generate skill building and training opportunities particularly responsive to issues of cultural content.

(b) To support the growth of college and university-based practice knowledge about domestic violence and encourage social work students to pursue careers that address the issue of domestic violence experiences and underscores the need to draw new social workers.

(c) To identify best practices regarding critical issues in domestic violence prevention, identification, and treatment efforts in under-served domestic violence populations. These grants will include an institutional payment, to cover the individual student's tuition and fees, and a stipend for the student.

Minimum Requirements for Project Design

Field Placement: The grant will provide stipends for qualified individuals pursuing degrees in social work with a special interest in domestic violence. It will provide one-year graduate and undergraduate stipends to support skill building and training of students interested in domestic violence treatment and intervention services to underserved racial and ethnic minority populations. Stipends to any one student should not exceed a 12-month period.

Placements must provide a structured learning environment that enables students to compare their field placement experiences, integrate knowledge from the classroom, and expand knowledge beyond the scope of the practicum setting. (Baccalaureate and Master's Program Evaluative Standards, Interpretive Guidelines, Curriculum Policy Statement, and the Accreditation Standards and Self-Study Guides).

Proposals must include content about differences and similarities in the experiences, needs, and beliefs of the people being served. The proposals must also include content about differential assessment and intervention skills that will enable practitioners to serve diverse populations. The applicant student must indicate the area of interest, objectives, and goals of the placement study. All field placements will be at a minimum of 400 hours for a one-year period.

The field placements should focus on the general and specific placement areas as indicated:

Educational services to the community on domestic violence
—Interventions with domestic violence shelters
—Batterer's groups and other treatment services
—Medical social services to families experiencing family violence
—Domestic violence and the court system
—Impact of domestic violence on welfare reform services
—Legal services related to domestic violence
—Crisis intervention services
—Community service centers
—The Faith community
—Prevention services with high-risk youth
—Prisons

Faculty Involvement: Faculty must indicate the use of professional supervision to enhance the learning of students and must coordinate and monitor practicum placements of student selected for stipends.

Proposals must define the social work setting and practice, field instructor assignments and activities, and student learning expectations and responsibilities.

Individual faculty may organize their practicum-placements in different ways but must ensure educationally directed, coordinated, and monitored practicum experiences are maintained for students and that these field experiences are related to domestic violence.

Faculty must articulate clear practice and evaluation goals for the field practicum. Each institutional proposal must provide an orientation plan for the student to the practicum placement and the agency's policy.

Final Products/Results and Benefits Expected

- Practicum proposal/contract between the student, the organization (agency), and the college or university indicating defined objectives, goals, student's performance, benefits to student, lessons learned, and recommendations for future placement at agency;
- A Final Report focused on agency population served, difficulties encountered, outcomes, implications and recommendations for future placements. The report should be prepared and submitted to the Office of Community Services at the end of the project period;
- A mid-year student performance evaluation will be provided to participating students.

Eligible Applicants

Historically Black Colleges and Universities; Hispanic/Latino Institutes

of Higher Education; and American Indian Tribally controlled Community Colleges and Universities. (Fiscal Year 1999 recipients of Family Violence Training Grant Stipend awards are not eligible applicants.) The institution must be fully accredited by one of the regional institutional accrediting commissions recognized by the U.S. Secretary of Education and the Council on Social Work Education.

Participants would include qualified undergraduate or graduate social work students. All applicants must be enrolled in the institution.

• Recipients of student stipends must maintain satisfactory academic records and be full-time students.

• Awards will be made only to eligible institutions on behalf of their qualified candidates.

Project Duration

Stipends are awarded for one year, not to exceed 12 months.

Federal Share of the Project Cost

This competitive program provides stipends for a maximum amount not to exceed $300,000 per project period (the project period is 36 months). This amount includes direct and indirect costs per college or university. The Federal share will fund, per each 12 month budget period, up to five student candidates at a maximum of $11,250 each and will fund one faculty coordinator for the project at $43,750.

Matching Requirements

Successful applicants must provide at least 25 percent of the total cost of the project. The total cost of the project is the sum of the ACF share and the non-federal share. The non-federal share may be met by cash or by in-kind contributions, although applicants are encouraged to meet their match through cash contributions. Therefore, a project requesting $100,000 in Federal funds (based on an award of $100,000 per budget period) must include a match of at least $33,333 (25% of the total project cost) for a total budget of $133,333.

Anticipated Number of Projects To Be Funded

It is anticipated that a minimum of 3 projects will be funded at $100,000 each. Applications for lesser amounts of the Federal share will also be considered for this priority area.

CFDA: 93.592 Family Violence Prevention and Services: Family Violence Prevention and Services Act as amended.

3. Priority Area FV–03–00, Public Information Community Awareness Campaign Projects for the Prevention of Family Violence

Purpose

To assist in the continual development of public information and community awareness campaign projects and activities that provide information for the prevention of family violence. These projects should provide information on resources, facilities, and service alternatives available to family violence victims and their dependents, community organizations, local school districts, and other individuals seeking assistance.

Eligible Applicants

State and local public agencies, Territories, and Native American Tribes and Tribal Organizations who are, or have been, recipients of Family Violence Prevention and Services Act grants; State and local private non-profit agencies experienced in the field of family violence prevention; and public and private non-profit educational institutions, community organizations and community-based coalitions, and other entities that have designed and implemented family violence prevention information activities or community awareness strategies.

Background

Based on the encouraging response to the announcement for public information and community awareness grants for family violence prevention in previous Federal fiscal years, ACF will again make these grants available in FY 2000.

The public information/community awareness grant awards have spawned very effective informational activities at the local levels. These grants have assisted community organizations to focus on and emphasize prevention, helped to make available public service announcements and descriptive program brochures in several different languages, including Russian and Vietnamese, and have assisted in the implementation of conflict resolution activities in elementary, middle and high school curricula.

The goal of this priority area is to provide support for the distribution of credible and persuasive information by community organizations to help break the so-called ''cycle of family violence''. The continuation of these efforts will help assure that individuals, particularly within minority communities, are aware of available resources and alternative responses for the intervention and the prevention of violence.

This priority area requires the development and implementation of an effective public information campaign that may be used, for example, by public and private agencies, schools, churches, boys and girls clubs, community organizations, and individuals. The continuation of OCS support for the increase of information on services and other alternatives for the prevention of family violence underscores the notion that violent behavior is unacceptable.

Accurate information is critical to any community awareness strategy and activity. How information is communicated must be modified where communication barriers may exist because of perceived or real language differences and cultural insensitivity. OCS seeks to continue providing victims, their dependents, and perpetrators, with knowledge of the remedial and service options for their particular situations.

Minimum Requirements for Project Design

In order to successfully compete under the priority area, the applicant should:

• Present a plan for community awareness and public information activities that clearly reflects how the applicant will target the populations at risk, including pregnant women; coordinate its implementation efforts with public agencies and other community organizations; and communicate with institutions active in the field of family violence prevention;

• Describe the proposed approach to the development of a public information campaign and identify the specific audience(s), community(s), and groups that will be educated in the prevention of family violence, including communities and groups with the highest prevalence of domestic violence;

• Include, as critical elements in the plan:

—A set of achievable objectives and a description of the population groups, relevant geographic area, and the indicators to be used to measure progress and the overall effectiveness of the campaign;

—The intended strategies for test marketing the development plans and give assurances that effectiveness criteria will be implemented prior to the completion of the final plan;

—The development and use of non-traditional sources as information providers (applicants should present specific plans for the use of local organizations, businesses and

individuals in the distribution of information and materials);

—The identification of the media to be used in the campaign and the geographic limits of the campaign;

—How the applicant would be responsive to and demonstrate its sensitivity towards minority communities and their cultural perspectives; and

—A description of the kind, volume, distribution, and timing of the proposed information with assurances that the public information campaign activities will not supplant or lower the current frequency of public service announcements.

Project Duration

The length of the project should not exceed 12 months.

Federal Share of the Project

The maximum Federal share of the project is not to exceed $35,000 for the 1-year project period. Applications for lesser amounts also will be considered under this priority area.

Matching Requirement

Successful grantees must provide at least 25 percent of the total cost of the project. The approved total cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-Federal share, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting $35,000 in Federal funds must include a match of at least $11,666 (25% of total project cost). If approved for funding, grantees will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects To Be Funded

It is anticipated, subject to the availability of funds, that five projects will be funded at $35,000 each; more than five projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

CFDA: 93.592 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.

4. Priority Area FV–04–00, Connecting Faith Based/Spiritual Organizations With Domestic Violence Organizations

Background

Surveys indicate that approximately one out of ten persons avail themselves of social services provided by congregations and faith based organizations. A response most often indicated that childcare was the service most often requested; however, the second most frequently used service was counseling. Nearly one in every three-survey respondents said that they received some type of counseling from spiritual leadership or a member of their affiliated congregation. For many women across varying social and economic strata, churches, synagogues or places of contemplation and spiritual connection are the only sources of safe and confidential interaction. However, even in these settings of assumed trust and confidentiality, many women who seek counseling are hesitant to expose the nature and extent of their abuse because of fear, shame, guilt, or feelings of human or spiritual failure. Additionally, spiritual leaders, though dedicated to the principles of respect and human dignity for all people, are sometimes unable to recognize the characteristics and results of abusive relationships. Even when recognized, they often lack the resources and information available to provide support that would ensure protection and safety through the resolution of the problem. Providing faith based organizations with information about the resources available for domestic violence intervention and services, in addition to the collaborative development of strategies to assist people in abusive situations, would effectively create additional points of entry to service for victims of family violence.

Purpose

The purpose of this priority area is to support collaborative efforts that would enable the best possible response to a battered woman whose initial point of contact for help was with a member of a faith based organization. Further, this priority area seeks to support the development of credible and helpful information from faith based organizations in order to increase the involvement and leverage from this vital segment of the community.

Some suggested activities applicable under this priority area are:

(a) Plan and implement training and the development of training materials that enable leaders of faith based organizations to increase the capacity of the faith-based community to understand and appropriately respond to the complexities of domestic violence.

(b) Plan and implement a replicable domestic violence outreach project that provides information on resources, facilities, and service alternatives to family violence victims and their dependents.

(c) Plan and implement a domestic violence information and awareness project related to specific population groups such as youth, elderly, disabled, or gay/lesbian/transgender individuals that provide information on the services available to these groups for intervention and prevention.

Eligible Applicants

State and local private non-profit agencies experienced in the field of family violence prevention; private non-profit faith based organizations; public and private non-profit educational/faith based institutions, associations, or societies and other entities that have designed and implemented educational, informational material and activities related to the prevention of domestic violence as a faith based issue.

Minimum Requirements for Project Design

This project requires the collaboration between a recognized domestic violence service provider or state domestic violence coalition with a faith-based organization.

Demonstrate that the applicant has formed a collaboration with representatives from the domestic violence community such as domestic violence service provider or state domestic violence coalition in the preparation and planned implementation of the activities specified in the grant application. This collaboration is demonstrated by the existence of a detailed memorandum of understanding or an interagency agreement.

Demonstrate that the developed materials and/or training will incorporate guiding principles similar to the following: (1) Recognition that the safety of victims and children is a priority; (2) acknowledgment that the integrity and authority of each battered woman over her own life choices is to be respected; (3) recognition that perpetrators, not victims, must be held responsible for the abuse and for stopping it; and (4) that confidentiality of client information must be ensured.

Include, as critical elements in the plan:

—A set of identified objectives for training, outreach and the development of training materials;

—Development of an applicable approach and strategy that is useful in providing sensitive and responsive services and/or training and which may incorporate the nuances of varied faith based organizations;

—A description of the type, distribution and timing of information to be developed and distributed;

—A description of any non-traditional informational sources, counseling practices, programs, or organizational linkages that might be applied in the provision of services and information to persons in abusive situations.

Project Duration

The length of the project should not exceed 12 months.

Federal Share of the Project

The maximum Federal share of the project is not to exceed $37,500 for the 1-year project period. Applications for lesser amounts also will be considered under this priority area.

Matching Requirement

Successful grantees must provide at least 25 percent of the total cost of the project. The approved total cost of the project is the sum of the ACF share and the non-Federal share. Cash or in-kind contributions may meet the non-federal share, although applicants are encouraged to meet their match requirements through cash contributions. If approved for funding, grantees will be held accountable for commitments of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Anticipated Number of Projects To Be Funded

It is anticipated, subject to the availability of funds, that 4 projects will be funded at $37,500 each; more than 4 projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

Part III. Evaluation Criteria

Using the evaluation criteria below, a panel of at least three reviewers (primarily experts from outside the Federal government) will review each application. Applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each application in terms of the appropriate evaluation criteria listed below and provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each section may be given in the review process:

1. Need for the Project (10 points)

The extent to which the need for the project and the problems it will address have national and local significance; the applicability of the project to coordination efforts by national, Tribal, State and local governmental and non-profit agencies, and its ultimate impact on domestic violence prevention services and intervention efforts, policies and practice; the relevance of other documentation as it relates to the applicant's knowledge of the need for the project; and the identification of the specific topic or program area to be served by the project. Maps and other graphic aids may be attached.

2. Goals and Objectives (10 points)

The extent to which the specific goals and objectives have national or local significance, the clarity of the goals and objectives as they relate to the identified need for and the overall purpose of the project, and their applicability to policy and practice. The provision of a detailed discussion of the objectives and the extent to which the objectives are realistic, specific, and achievable.

3. Approach (30 points)

The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; relates each task to the objectives and identifies the key staff member who will be the lead person; provides a chart indicating the timetable for completing each task, the lead person, and the time committed; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement; and provides for projections of the accomplishments to be achieved.

The extent to which, when applicable, the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

4. Results and Benefits (20 points)

The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the application, the extent to which the application indicates the anticipated contributions to policy, practice, and theory, and the extent to which the proposed project costs are reasonable in view of the expected results. Identify, in specific terms, the results and benefits, for target groups and human service providers, to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous demonstration efforts.

5. Level of Effort: (30 Points)

Staffing Pattern

Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of Staff

Describe the qualifications of the project team including any experiences working on similar projects. Also, describe the variety of skills to be used, relevant educational background and the demonstrated ability to produce final results that are comprehensible and usable. One or two pertinent paragraphs on each key member are preferred to resumes. However, resumes may be included in the ten pages allowed for attachments/appendices.

Adequacy of Resources

Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project. List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project.

Budget

Relate the proposed budget to the level of effort required obtaining project objectives and providing a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative Efforts

Discuss in detail and provide documentation for any collaborative or coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how their participation will enhance the project. Letters from these agencies and organizations discussing the specifics of their commitment must be included in the application.

Authorship

The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the project is funded.

Applicants should note that non-responsiveness to the section designated as *''Minimum Requirements for Project Design,''* in the applicable priority areas, will result in a low evaluation score by the panel of expert reviewers.

Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broad and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused and directly responsive to the concerns of that specific priority area.

Part IV. Other Information and Instructions for the Development and Submission of Applications

A. Required Notification of the State Single Point of Contact

This program is covered under Executive Order (E.O.) 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities''. Under the E.O., States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and territories, except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau, have elected to participate in the E.O. process and have established a Single Point of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that OCS can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a. Under 45 CFR 100.8(a)(2), a SPOC has 60 days from application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations that may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor Aerospace Center, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

A list of the Single Point of Contact for each State and Territory is included at the end of this announcement.

B. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995, Public Law 104–13, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations, including program announcements. This program announcement does not contain information requirements beyond those approved for ACF grant applications under OMB Control Number 0970–0062, expiration date 10/31/2001. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

C. Application Submission

The closing date and time for submittal of applications under this program announcement is May 15, 2000. Applications postmarked after the closing date will be classified as late.

Deadline

Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the deadline date or sent on or before the deadline date and received by ACF in time for the independent review to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor West, Aerospace Center, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; Attention: Application for Family Violence Prevention and Services Program.

Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private Metered postmarks shall not be acceptable as proof of timely mailing.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8 a.m. and 4:30 p.m., EST, and at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note: Attention: Application for Family Violence Prevention and Services Program. (Applicants are again cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late Applications

Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines

ACF may extend the deadline for all applicants because of acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

D. Instructions for Preparing the Application and Completing Application Forms

1. SF 424

The SF 424 and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies.

At the top of the Cover Page of the SF 424, enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

2. SF 424A—Budget Information—Non-Construction Programs

With respect to the 424A, Budget Information—Non-Construction Programs, Sections A, B, C, E, and F are to be completed. Section D does not need to be completed.

In order to assist applicants in correctly completing the SF 424 and 424A, detailed instructions for completing these forms are contained on the forms themselves. See the Instructions accompanying the attached SF 424A, as well as the instructions set forth below.

Section A—Budget Summary

Lines 1–4

Column (a) Line 1—Enter OCS FVPS Program.

Column (b) Line 1—Enter 93.592.

Columns (c) and (d)—Not Applicable.

Columns (e), (f) and (g)—For lines 1 through 4, enter in appropriate amounts needed to support the project for the entire project period.

Line 5

Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period will be entered in Column (1).

Allocability of costs is governed by applicable cost principles set forth in the *Code of Federal Regulations (CFR)*, Title 45, Parts 74 and 92.

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other*, identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; major equipment purchases; and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a

Personnel—Enter the total costs of salaries and wages.

Justification—Identify the project director and staff. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b

Fringe Benefits—Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on Line 6j.

Justification—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate. Provide a breakdown of amounts and percentages that comprise fringe benefit costs.

Line 6c

Travel—Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances. Traveler must be a person listed under the personnel line or employee being paid under non-federal share.

Note: Local transportation and Consultant travel costs are entered on Line 6h.

Line 6d

Equipment—Enter the total costs of all equipment to be acquired by the project. *Equipment* means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for financial statement purposes, or (b) $5,000.

Note: If an applicant's current rate agreement was based on another definition for equipment, such as ''tangible personal property $500 or more'', the applicant shall use the definition used by the cognizant agency in determining the rate(s). However, consistent with the applicant's equipment policy, lower limits may be set.

Justification—Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project.

Line 6e

Supplies—Enter the total costs of all tangible personal property other than that included on line 6d.

Justification—Provide a general description of what is being purchased such as type of supplies: office, classroom, medical, *etc.* Include equipment costing less than $5,000 per item.

Line 6f

Contractual—Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification—Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note 1: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74, Appendix A. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

Note 2: Contractual cannot be a person—must be an organization, firm, etc. Enter Consultant cost on Line 6h.

Line 6g

Construction—Not applicable.

Line 6h

Other—Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (non-contractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6j

Indirect Charges—Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by DHHS or other Federal agencies.

Line 6k

Totals—Enter the total amount of Lines 6i and 6j.

Line 7

Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification—Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of *Non-Federal* resources that will be used to support the project. *Non-Federal* resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See SF–424A, Section B.6) and whether it is cash or third party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the Criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8

Column (a)—Enter the project title.

Column (b)—Enter the amount of cash or donations to be made by the applicant.

Column (c)—Enter the State contribution.

Column (d)—Enter the amount of cash and third party in-kind contributions to be made from all other sources.

Column (e)—Enter the total of columns (b), (c), and (d).

Lines 9, 10 and 11

Leave Blank.

Line 12

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification—Describe third party in-kind contributions, if included.

Section F—Other Budget Information

Line 21

Direct Charges—Include narrative justification required under Section B for each object class category for the total project period.

Line 22

Indirect Charges—Enter the type of DHHS or other Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement.

Line 23

Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the application. It should describe the objectives of the project, the approaches to be used, and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project ''abstract.'' It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II. The narrative should also provide information concerning how the application meets the evaluation criteria using the following headings:

(a) Need for the Project;
(b) Goals and Objectives;
(c) Approach;
(d) Results and Benefits; and
(e) Level of effort.

The specific information to be included under each of these headings is described in Part III, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8 ½″ x 11″ plain white paper, with 1″ margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with ''Objectives and Need for the Project'' as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. A page is a single side of an 8½″ x; 11″ sheet of paper. Applicants are requested not to send pamphlets, maps, brochures or other printed material along with their application as these pose photocopy difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs, and the Certification Regarding Lobbying. Both must be

signed and returned with the application. In addition, applicants must certify their compliance with: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities; and (3) Certification Regarding Environmental Tobacco Smoke. These certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this Application Kit and should be reproduced as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424B indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities, and Environmental Tobacco Smoke certifications, and compliance with Title VI of the Civil Rights Act of 1964.

E. The Application Package

Each application package must include an original and four copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Applicants should include a self-addressed stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application. If acknowledgment of receipt of your application is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–5103.

F. Post-Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget periods for which support is provided, the terms and conditions of the award, the total project period for which support is contemplated, and the total required financial grantee participation.

For General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR part 74 or 92.

Grantees will be required to submit quarterly progress and semi-annual financial reports (SF 269) throughout the project period, as well as a final progress and financial report within 90 days of the termination of the project.

Grantees are subject to the audit requirements in 45 CFR Parts 74 (non-governmental), 92 (governmental), OMB Circular A–133 and OMB Circular A–128. If an applicant does not request indirect costs, it should anticipate in its budget request the cost of having an audit performed at the end of the grant period.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides exemptions or Indian Tribes and Tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans), the law requires recipients and their subtier contractors and/or subgrantees (1) To certify that they have neither used nor will use any appropriated funds for payment to lobbyists; (2) to disclose the name, address, payment details, and the purpose of any agreements with lobbyists whom recipients or their subtier contractors or subgrantees will pay with profits or nonappropriated funds on or after December 22, 1989; and (3) to file quarterly up-dates about the use of lobbyists if material changes occur in their use. The law establishes civil penalties for noncompliance.

(Catalog of Federal Domestic Assistance number 93.592, Family Violence Prevention and Services)

Dated: February 8, 2000.

Donald Sykes,

Director, Office of Community Services.

Family Violence Prevention and Services Program

List of Attachments

Attachment B–1—Application for Federal Assistance
Attachment B–2—Budget Information—Non-Construction Programs
Attachment B–3—Assurances—Non-Construction Programs
Attachment C—Certification Regarding Drug-Free Workplace Requirements
Attachment D—Certification Regarding Debarment, Suspension, and other Responsibility Matters (Primary Covered Transactions)
Attachment E—Certification Regarding Environmental Tobacco Smoke
Attachment F–1—Certification Regarding Lobbying
Attachment F–2—Disclosure of Lobbying Activities
Attachment G—State Single Point of Contact Listing

BILLING CODE 4184–01–P

APPLICATION FOR FEDERAL ASSISTANCE

Attachment B-1, Page 1

OMB Approval No. 0348-004

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction	Preapplication ☐ Construction ☐ Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involvir this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

BILLING CODE 4184–1–C

Instructions for the SF–424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the office of Management and Budget. Send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organization unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (*e.g.,* construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (*e.g.,* State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of inkind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

Attachment B-2, Page 1

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

Previous Edition Usable

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL *(sum of lines 8-11)*	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL *(sum of lines 13 and 14)*	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 7-97) Page 2

Instructions for the SF–424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary Lines 1–4

Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as requiring by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Colums (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts of Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in–kind contributions to be made from all other sources.

Column (e)—Enter the totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts of Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Line 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate if applied, and the total indirect expense.

Line 23—Provide any another explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing

the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0040), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title Vi of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a–7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (Pub. L. 93–523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (Pub. L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 *et seq.*).

14. Will comply with Pub. L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89–544, as amended, 7 U.S.C. 2131 *et seq.*) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 *et seq.*) which prohibits the use of lead-based in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circuit No. A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.''

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Signature of Authorized Certifying official __
Title _____
Applicant Organization _____
Date Submitted _____

Certification Regarding Drug-Free Workplace requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human services, Room 517–D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal

Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (*e.g.,* all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendre) of imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal crinal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (*e.g.,* volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and imployee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification numbers(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

Certification Regarding Debarment, Suspension and Other Responsibility Matters

Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department of agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed with the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered

transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under pargraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contact, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature _____

Title _____

Organization _____

BILLING CODE 4184–01–P

Attachment F-2, Page 1

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

BILLING CODE 4184–01–P

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, *e.g.,* the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks ''Subawardee,'' then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item (*e.g.,* Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, *e.g.,* ''RFP–DE–90–001.''

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348–0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, DC 20503.

State Single Point of Contact Listing Maintained by OMB

In accordance with Executive Order #12372, ''Intergovernmental Review of Federal Programs,'' Section 4, ''the Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development.'' This attached listing is the OFFICIAL OMB LISTING. This listing is also published in the Catalogue of Federal Domestic Assistance biannually.

August 23, 1999

OMB State Single Point of Contact Listing*

ARIZONA

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315, FAX: (602) 280–8144

ARKANSAS

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

CALIFORNIA

Grants Coordination, State Clearinghouse, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone: (916) 445–0613, FAX: (916) 323–3018

DELAWARE

Francine Booth, State Single Point of Contact, Executive Department, Office of the Budget, 540 S. Dupont Highway, Suite 5, Dover, Delaware 19901, Telephone: (302) 739–3326, FAX: (302) 739–5661

DISTRICT OF COLUMBIA

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, N.W. Suite 1200, Washington, D.C. 20005, Telephone: (202) 727–1700 (direct), (202 727–6537 (secretary), FAX: (202) 727–1617

FLORIDA

Florida State Clearinghouse, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399–2100, Telephone: (850) 922–5438, FAX: (850) 414–0479, Contact: Cherie Trainor, (850) 414–5495

GEORGIA

Deborah Stephens, Coordinator, Georgia State Clearinghouse, 270 Washington Street, S.W.—8th Floor, Atlanta, Georgia 30334, Telephone: (404) 656–3855, FAX: (404) 656–7901

ILLINOIS

Virginia Bova, State Single Point of Contact, Illinois Department of Commerce and Community Affairs, James R. Thompson Center, 100 West Randolph, Suite 3–400, Chicago, Illinois 60601, Telephone: (312) 814–6028, FAX: (312) 814–1800

INDIANA

Renee Miller, State Budget Agency, 212 State House, Indianapolis, Indiana 46204–2796, Telephone: (317) 232–2971 (directline), FAX: (317) 233–3323

IOWA

Stephen R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4809

KENTUCKY

Kevin J. Goldsmith, Director, Sandra Brewer, Executive Secretary, Intergovernmental Affairs, Office of the Governor, 700 Capitol Avenue, Frankfort, Kentucky 40601, Telephone: (502) 564–2611, FAX: (502) 564–0437

MAINE

Joyce Benson, State Planning Office, 184 State Street, 38 State House Station, Augusta, Maine 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

MARYLAND

Linda Janey, Manager, Plan & Project Review, Maryland Office of Planning,

301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 767–4490, FAX: (410) 767–4480

MICHIGAN

Richard Pfaff, Southeast Michigan Council of Governments, 660 Plaza Drive—Suite 1900, Detroit, Michigan 48226, Telephone: (313) 961–4266, FAX: (313) 961–4869

MISSISSIPPI

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 550 High Street, 303 Walters Sillers Building, Jackson, Mississippi 39201–3087, Telephone: (601) 359–6762, FAX: (601) 359–6758

MISSOURI

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Jefferson Building, 9th Floor, Jefferson, City, Missouri 54102, Telephone: (314) 751–4834, FAX: (314) 751–7819

NEVADA

Department of Administration, State Clearinghouse, 209 E. Musser Street, Room 220, Carson City, Nevada 89710, Telephone: (702) 687–4065, FAX: (702) 687–3983, Contact: Heather Elliot, (702) 687–6367

NEW HAMPSHIRE

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

NEW MEXICO

Nick Mandell, Local Government Division, Room 201 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone: (505) 827–3640, FAX: (505) 827–4984

NEW YORK

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605, FAX: (518) 486–5617

NORTH CAROLINA

Jeanette Furney, North Carolina Department of Administration, 116 West Jones Street—Suite 5106, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

NORTH DAKOTA

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

RHODE ISLAND

Kevin Nelson, Review Coordinator, Department of Administration, Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2083

SOUTH CAROLINA

Omeagia Burgess, State Single Point of Contact, Budget and Control Board, Office of State Budget, 1122 Ladies Street—12th Floor, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0645

TEXAS

Tom Adams, Governors Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 463–2681

UTAH

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1027, FAX: (801) 538–1547

WEST VIRGINIA

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

WISCONSIN

Jeff Smith, Section Chief, Federal/State Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–0267, FAX: (608) 267–6931

WYOMING

Sandy Ross, State Single Point of Contact, Department of Administration and Information, 2001 Capitol Avenue, Room 214, Cheyenne, WY 82002, Telephone: (307) 777–5492, FAX: (307) 777–3696

Territories

GUAM

Joseph Rivera, Acting Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96932, Telephone: (671) 475–9411 or 9412, FAX: (671) 472–2825

PUERTO RICO

Jose Caballero-Mercado, Chairman, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (787) 727–4444, (787) 723–6190, FAX: (787) 724–3270

NORTH MARIANA ISLANDS

Mr. Alvaro A. Santos, Executive Officer, Office of Management and Budget, Office of the Governor, Saipan, MP 96950, Telephone: (670) 664–2256, FAX: (670) 664–2272, Contact person: Ms. Jacoba T. Seman, Federal Programs Coordinator, Telephone: (670) 664–2289, FAX: (670) 664–2272

VIRGIN ISLANDS

Nellon Bowry, Director, Office of Management and Budget, #41 Norregade Emancipation Garden, Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069.

If you would like a copy of this list faxed to your office, please call our publications office at: (202) 395–9068.

* In accordance with Executive Order #12372, ''Intergovernmental Review of Federal Programs,'' this listing represents the designated State Single Point of Contact. The jurisdictions not listed no longer participate in the process BUT GRANT APPLICANTS ARE STILL ELIGIBLE TO APPLY FOR THE GRANT EVEN IF YOUR STATE, TERRITORY, COMMONWEALTH, ETC DOES NOT HAVE A ''STATE SINGLE POINT OF CONTACT.'' STATES WITHOUT ''STATE SINGLE POINTS OF CONTACT'' INCLUDE: Alabama; Alaska; American Samoa; Colorado; Connecticut; Hawaii; Idaho; Kansas; Louisiana; Massachusetts; Minnesota; Montana; Nebraska; New Jersey; Ohio; Oklahoma; Oregon; Palau; Pennsylvania; South Dakota; Tennessee; Vermont; Virginia; and Washington. This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to the Office of Management and Budget and the State in question. Changes to the list will only be made upon formal notification by the State. Also, this listing is published biannually in the Catalogue of Federal Domestic Assistance.

[FR Doc. 00–3739 Filed 2–16–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KD, Regional Offices of ACF (62 FR49243) as last amended, September 19, 1997. This notice reflects the restructuring of the Midwest Regional Hub in Region V.

This Chapter is amended as follows:

1. Chapter KD, Regional Offices of ACF

A. Delete KD5.10 Organization in its entirety and replace with the following:

KD5.10 Organization. The Administration for Children and Families, Region 5, is organized as follows:

Office of the Regional Hub Director (KD5A)
Office of Family Self-Sufficiency Programs (KD5C)
Office of Family and Child Development Programs (KD5D)

B. Delete KD5.20 Functions, Paragraph A, in its entirety and replace with the following:

KD5.20 Functions. A. The Office of the Regional Hub Director is headed by a Director, who reports to the Assistant Secretary for Children and Families through the Director, Office of Regional Operations. In addition, the Office of the Regional Hub Director has a Deputy Regional Hub Director. The Office is responsible for the Administration for Children and Families' key national goals and priorities. It represents ACF's regional interests, concerns, and relationships within the Department and among other Federal agencies, and focuses on State agency culture change, more effective partnerships, collaborative relationships and improved customer service. The Office provides executive leadership and direction to state, county, city, and tribal governments, as well as public and private local grantees to ensure effective and efficient program and financial management. It ensures that these entities conform to federal laws, regulations, policies and procedures governing the programs, and exercises all delegated authorities and responsibilities for oversight of the programs.

The Office takes action to approve state plans and submits its recommendations to the Assistant Secretary for Children and Families concerning state plan disapproval. The Office contributes to the development of national policy based on regional perspectives for all ACF programs. It oversees ACF operations and the management of ACF regional staff; coordinates activities across regional programs; coordinates Hub initiatives and operations; and assures that goals and objectives are carried out. The Office alerts the Assistant Secretary for Children and Families to problems and issues that may have significant regional, hub or national impact. It represents ACF at the regional level in executive communications within ACF, with the HHS Regional Director, other HHS operating divisions, other federal agencies, and public or private local organizations representing children and families.

The Deputy Regional Hub Director serves as the full deputy or ''alter ego'' to the Regional Hub Director, Administration for Children and Families. The Deputy assists the Hub Director with responsibility for providing executive direction, leadership and coordination to all ACF programs, financial operations and related activities in the Region and Hub. The Deputy has primary responsibility for managing the day to day operations. In the absence of the Hub Director, the Deputy acts on all matters within the jurisdiction of the Hub Director with full authority.

Within the Office of the Regional Hub Director, are the Management and Administration, Internal Systems and Technology, and Fiscal Integrity Teams along with the Grants Officer. The Deputy supervises and directs the activities of these teams focusing on regional administrative functions, including budget planning and execution, procurement, facility and property management, financial management, internal systems, employee relations, human resources development, performance management, media inquiries and public affairs activities.

1. The Management and Administration Team directs and facilitates the development of regional work plans related to the overall ACF strategic plan; tracks, monitors and reports on regional and Hub progress in the attainment of ACF national goals and objectives; and coordinates and manages special and sensitive projects. Additionally it manages administrative functions, budget planning and execution and human resource development. It serves as the focal point for public affairs, in accordance with the ACF Office of Public Affairs and in conjunction with the HHS Regional Director; and assists the Regional Hub Director in the management of cross-cutting initiatives and activities among the regional and Hub components.

2. The Internal Systems and Technology Team oversees the management and coordination of automated systems, facility management, telecommunications and web based operations for the region. It provides data management support to all Regional Office components, including the development of automated systems applications to support and enhance program, fiscal and administrative operations.

3. The Fiscal Integrity Team is responsible for providing centralized financial management and technical administration of certain ACF formula, discretionary, entitlement and block grant programs. These programs include Temporary Assistance to Needy Families, Child Support, Child Welfare Services, Foster Care and Adoption Assistance, Child Abuse and Neglect, Developmental Disabilities and Runaway and Homeless Youth. It provides expert grants management technical support to the Office of Family Self-Sufficiency and the Office of Family and Child Development to resolve complex problems in such areas as cost allocation, accounting principles, audit, deferrals and disallowances.

4. The Grants Officer, functioning independently of all program offices, provides program staff with expertise in the technical and other non-programmatic areas of grants administration, and provides appropriate internal controls and checks and balances to ensure financial discretionary grants integrity in all phases of the grants process. The Grants Officer, in conjunction with the Fiscal Integrity Team, provides guidance to program offices on more complex financial management issues. The Grants Officer approves and signs all discretionary grants.

C. Delete KD5.20 Functions, Paragraph B, in its entirety and replace with the following:

KD5.20 Functions. B. The Office of Family Self-Sufficiency Programs is headed by a Director who reports to the Deputy Regional Hub Director. The Office of Family Self-Sufficiency represents the Regional Hub Director in dealing with ACF central office, states and grantees on all program and financial management policy matters for programs under its jurisdiction. It

provides guidance and direction to States and grantees to improve the efficiency and effectiveness of ACF programs. It alerts the Deputy Regional Hub Director to problems or issues that have significant implications for the programs.

The Office consists of two branches operating collaboratively within a Tri-State team environment to administer Child Support Enforcement; Child Welfare Services, Foster Care and Adoption Assistance, Child Abuse and Neglect; Temporary Assistance to Needy Families and Runaway and Homeless Youth Programs for assigned states. The two branches provide policy guidance to states to assure consistent and uniform adherence to federal requirements governing formula, entitlement, block and discretionary grant programs. The Two Branches are the Illinois, Indiana, Michigan Branch and the Minnesota, Ohio, Wisconsin Branch.

The Office also consists of the Program Integration and Collaboration Team and the External Systems and Data Team. The Program Integration and Collaboration Team provides administrative support, training, and facilitation of cross-cutting program initiatives and projects. The External Systems and Data Team has responsibility for oversight of state systems projects for ACF programs. In coordination with the Hub and other Regional Office components, it monitors state systems projects and is the focal point for technical assistance to states and grantees on the development and enhancement of automated systems.

D. Delete KD5.20 Functions, Paragraph C, in its entirety and replace with the following:

KD5.20 Functions. C. The Office of Family and Child Development is headed by a Director who reports to the Deputy Regional Hub Director. The Office is responsible for providing centralized program, financial management and technical administration of certain ACF discretionary, formula and block grant programs, such as Head Start, Early Head Start, Developmental Disabilities and the Child Care and Development Fund. The Office of Family and Child Development represents the Regional Hub Director in dealing with ACF central office, states and grantees on all program and financial management policy matters for programs under its jurisdiction. It alerts the Deputy Regional Hub Director to problems or issues that have significant implications for the programs.

The Office consists of three branches operating collaboratively within a Bi-State team environment to administer Head Start, Early Head Start and Child Care programs and a Program Integration and Collaboration Team. The Program Integration and Collaboration Team provides administrative support, training and facilitation of cross-cutting program initiatives and projects in addition to administering the Developmental Disabilities Program. The Head Start and Child Care branches provide policy guidance to states and grantees to assure consistent and uniform adherence to federal requirements governing discretionary and block grant programs. It provides guidance and direction to States and grantees to improve the efficiency and effectiveness of ACF programs.

A Financial Management Officer is located in each branch of the Office of Family and Child Development to provide expertise in business and other non-programmatic areas of grants administration and to help ensure that grantees fulfill requirements of law, regulations and administrative policies. The Office establishes regional financial management priorities; reviews cost allocation plans, and makes recommendations to the Regional Hub Director to disallow costs under ACF discretionary, formula and block grant programs. The Office issues grant awards based on a review of project objectives, budget projections and proposed funding levels. As applicable, it makes recommendations on the clearance and closure of audits of state and grantee programs, paying particular attention to deficiencies that decrease the efficiency and effectiveness of ACF programs and taking steps to resolve such deficiencies.

Dated: February 10, 2000.

Diann Dawson,

Director, Office of Regional Operations.

[FR Doc. 00–3738 Filed 2–16–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Research Studies on Microbiological Hazards Associated With the Food Animal Production Environment; Availability of Coorperative Agreements; Request for Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Center for Veterinary Medicine (CVM) is announcing the availability of research funds for fiscal year (FY) 2000 to study the microbiological hazards associated with the food animal production environment. Approximately $600,000 will be available in FY 2000. FDA anticipates making 3 or 6 Cooperative Agreement awards at $100,000 to $200,000 per award per year (direct and indirect costs combined). Support for these agreements may be for up to 3 years. The number of agreements funded will depend on the quality of the applications received and the availability of Federal funds to support the projects.

DATES: Submit letters of intent as soon as possible or by April 3, 2000. Submit applications by April 17, 2000. If the date falls on a weekend or on a holiday, the date of submission will be extended to the following workday.

ADDRESSES: Application forms are available from, and completed applications should be submitted to: Cynthia M. Polit, Grants Management Specialist (HFA–520), Food and Drug Administration, 5600 Fishers Lane, rm. 2129, Rockville, MD 20857, 301–827–7180. Applications hand-carried or commercially delivered should be addressed to 5630 Fishers Lane (HFA–520), rm. 2129, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Regarding the administrative and financial management aspects of this notice: Cynthia M. Polit (address above).

Regarding the programmatic aspects of this notice: David B. Batson, Office of Research, Center for Veterinary Medicine (HFV–502), Food and Drug Administration, 8401 Muirkirk Rd., Laurel, MD 20708, 301–827–8021.

SUPPLEMENTARY INFORMATION: FDA's CVM is announcing the availability of funds for FY 2000 for awarding cooperative agreements to support research studies on microbiological hazards associated with the food animal production environment. FDA will support the research studies covered by this notice under section 301 of the Public Health Service Act (the PHS Act) (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 93.103.

The Public Health Service (PHS) strongly encourages all award recipients to provide a smoke-free work place and to discourage the use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

PHS urges applicants to submit work plans that address specific objectives of

''Healthy People 2000.'' Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, stock No. 017–00100474–0) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, 202–512–1800.

I. Background

FDA is mandated to ensure the microbiological safety of foods, including those derived from animals. The President's Food Safety Initiative (FSI) of 1997 calls for increased allocation of resources for research by FDA to identify and investigate microbiological hazards associated with food produced by animal agriculture. Even though the American food supply is among the safest in the world, millions of Americans are stricken by illness each year caused by the food they consume and some 5,000 a year, primarily the very young and elderly, die as a result. The goal of the FSI is to further reduce the incidence of foodborne disease to the greatest extent possible. Specifically, FSI mandates research be conducted to develop the means to: (1) Identify and characterize more rapidly and accurately foodborne hazards, (2) provide the tools for regulatory enforcement, and (3) develop interventions that can be used as appropriate to prevent hazards at each step from production to consumption of food.

The role of FDA's CVM in this research relates to microbial hazards associated with pre-harvest phases of food animal production, including aquaculture. The FSI specifically identifies a need for research addressing the effect(s) of therapeutic and nontherapeutic antimicrobial use in food producing animals on commensal and foodborne bacterial pathogens. This research will include: (1) Investigations of factors associated with the emergence, transmission, and carriage of human foodborne pathogens in or on food-producing animals and edible products derived from them; and (2) investigations of the microbiological consequences of antimicrobial use in the animal production environment, including selection and elaboration of antimicrobial resistant foodborne pathogens and possible interactions that would create conditions for increased pathogen carriage rates.

II. Research Goals and Objectives

The specific objective of this research program will be to stimulate research on microbiological hazards associated with the food animal production environment. It is of particular interest to FDA that this research advance scientific knowledge of human foodborne pathogens, such as Salmonellae, *Escherichia coli*, and Campylobacter. Potential areas of investigation include: (1) Antimicrobial resistance development and dissemination in the animal production environment, (2) approaches to mitigate or minimize antimicrobial resistance, and (3) the impact of antimicrobial drug use on the carriage of foodborne pathogens and sentinel microorganisms used for monitoring programs.

Projects that fulfill anyone or a combination of the following specific objectives will be considered for funding:

1. Studies on the development, dissemination, transmission, and persistence of antibiotic resistant bacteria and/or genetic determinants from these bacteria in the animal production environment. The horizontal transmission of antimicrobial resistant bacteria and resistance genes in the animal and animal production environment is of special interest. Also, the persistence of antimicrobial resistant foodborne pathogens and/or genes in the animal production environment after withdrawal of antimicrobials is of special interest. FDA's CVM is interested in research in all food-producing animal species, but is especially interested in poultry and the poultry production environment.

2. Research on the mitigation/intervention strategies to decrease or minimize antimicrobial resistance in the animal production environment through the manipulation of drug use, altering drug dosage, use of competitive exclusion products, and/or rotation of antimicrobials used in beef cattle, dairy cattle, swine, poultry, and aquaculture.

3. The effect of antimicrobial use on the carriage and/or shedding of foodborne pathogens (i.e., pathogen load) in the above listed animal species.

FDA anticipates funding at least one cooperative agreement for each of the objectives listed above contingent upon the quality of the application submissions and the availability of FY 2000 funding.

III. Reporting Requirements

A Program Progress Report and a Financial Status Report (FSR) (SF–269) are required. An original FSR and two copies shall be submitted to FDA's Grants Management Officer within 90 days of the budget expiration date of the cooperative agreement. Failure to file the FSR (SF–269) on time will be grounds for suspension or termination of the grant. Progress reports will be required quarterly within 30 days following each Federal fiscal quarter (December 31, March 31, June 30, September 30), except that the fourth report that will serve as the annual report and will be due 90 days after the budget expiration date. CVM program staff will advise the recipient of the suggested format for the Program Progress Report at the appropriate time. A final FSR (SF–269), Program Progress Report and Invention Statement must be submitted within 90 days after the expiration of the project period as noted on the Notice of Grant Award.

Program monitoring of recipients will be conducted on an ongoing basis and written reports will be reviewed and evaluated at least quarterly by the Project Officer and the Project Advisory Group. Project monitoring may also be in the form of telephone conversations between the Project Officer/Grants Management Specialist and the Principal Investigator and/or a site visit with appropriate officials of the recipient organization. The results of these monitoring activities will be duly recorded in the official file and may be available to the recipient upon request.

IV. Mechanism of Support

A. Award Instrument

Support for this program will be in the form of cooperative agreements. These cooperative agreements will be subject to all policies and requirements that govern the research grant programs of PHS, including the provisions of 42 CFR part 52 and 45 CFR parts 74 and 92. The regulations promulgated under Executive Order 12372 do not apply to this program.

B. Eligibility

These cooperative agreements are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity. For-profit entities must commit to excluding fees or profit in their request for support to receive awards. Organizations described in section 501(c)(4) of the Internal Revenue Code of 1968 that engage in lobbying are not eligible to receive awards.

C. Length of Support

The length of support will be for up to 3 years. Funding beyond the first year will be noncompetitive and will depend on: (1) Satisfactory performance during the preceding year, and (2) the availability of Federal FY appropriations.

V. Delineation of Substantive Involvement

Inherent in the cooperative agreement award is substantive involvement by the

awarding agency. Accordingly, FDA will have a substantive involvement in the programmatic activities of all the projects funded under this request for applications (RFA). Substantive involvement includes but is not limited to the following:

1. FDA will appoint Project Officers who will actively monitor the FDA supported program under each award.

2. FDA will establish an Project Advisory Group, which will provide guidance and direction to the Project Officer with regard to the scientific approaches, and methodology that may be used by the investigator.

3. FDA scientists will collaborate with the recipient and have final approval on experimental protocols. This collaboration may include protocol design, data analysis, interpretation of findings, and co-authorship of publications.

VI. Review Procedure and Criteria

A. Review Method

All applications submitted in response to this RFA's will first be reviewed by grants management and program staff for responsiveness to this RFA. If applications are found to be nonresponsive, they will be returned to the applicant without further consideration.

Responsive applications will be reviewed and evaluated for scientific and technical merit by an ad hoc panel of experts in the subject field of the specific application. Responsive applications will also be subject to a second level of review by a National Advisory Council for concurrence with the recommendations made by the first level reviewers, and the final funding decisions will be made by the Commissioner of Food and Drugs or her designee.

B. Program Review Criteria

Applicants are strongly encouraged to contact the FDA to resolve any questions regarding criteria or administrative procedure prior to the submission of their application. All questions of a technical or scientific nature must be directed to the CVM contact person and all questions of an administrative or financial nature must be directed to the Grants Management Specialist (see **FOR FURTHER INFORMATION CONTACT** section of this document). Responsiveness will be based on the following criteria:

1. Research should be proposed on microbiological hazards research that is within one or more of the three objectives listed in section II of this document;

2. The proposed study is within the budget and costs have been adequately justified and fully documented;

3. The rationale for the proposed study is sound and the study design is appropriate to address the objectives of the RFA;

4. Laboratory and associated animal facilities are available and adequate;

5. Support services, e.g., biostatistical, computer, etc. are available and adequate; and

6. The Principal Investigator and support staff have research experience, training and competence.

VII. Submission Requirements

The original and five copies of the completed Grant Application Form PHS 398 (Rev. 4/98), or the original and two copies of the PHS 5161 (Rev. 6/99) for State and local governments, with copies of the appendices for each of the copies, should be delivered to the Grants Management Office (address above). State and local governments may choose to use the PHS 398 application form in lieu of the PHS 5161. Submit applications by April 17, 2000. If the closing date falls on a weekend or if the date falls on a holiday, the submission date will be extended to the following workday. No supplemental or addendum material will be accepted after the receipt date. The outside of the mailing package and item 2 of the application face page should be labeled ''Response to RFA FDA CVM–00–1''.

VIII. Letter of Intent

Prospective applicants are asked to submit a letter of intent that includes a descriptive title of the proposed research, the name, address, and telephone number of the Principal Investigator, the identities of other key personnel and participating institutions, and the number and title of the RFA in response to which the application may be submitted. Although a letter of intent is not required, is not binding, and does not enter into the review of a subsequent application, the information that it contains allows program staff to estimate the potential review workload and avoid conflict of interest in the review.

The letter of intent is to be submitted to David B. Batson (address above) by the letter of intent receipt date listed in the **DATES** section of this document.

IX. Method of Application

A. Submission Instructions

Applications will be accepted during normal working hours, 8 a.m. to 4:30 p.m., Monday through Friday, on or before the established receipt date. Applications will be considered received on time if sent or mailed on or before the receipt date as evidenced by a legible U.S. Postal Service dated postmark or a legible date receipt from a commercial carrier, unless they arrive too late for orderly processing. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications not received on time will not be considered for review and will be returned to the applicant. (Applicants should note that the U.S. Postal Service does not uniformly provide dated postmarks. Before relying on this method, applicants should check with their local post office.)

Do not send applications to the Center for Scientific Research (CSR), National Institutes of Health (NIH). Any application that is sent to the NIH, not received in time for orderly processing, will be deemed nonresponsive and returned to the applicant. Instructions for completing the application forms can be found on the NIH home page on the Internet at http://www.nih.gov/grants/phs398/phs398.html; the forms can be found at http://www.nih.gov/grants/phs398/forms-toc.html. However, as noted above, applications are not to be mailed to the NIH. Applicants are advised that the FDA does not adhere to the page limitations or the type size and line spacing requirements imposed by the NIH on its applications. Applications must be submitted via mail or hand delivery as stated above. FDA is unable to receive applications through the Internet.

B. Format for Application

Submission of the application must be on Grant Application Form PHS 398 (Rev. 4/98). All ''General Instructions'' and ''Specific Instructions'' in the application kit should be followed with the exception of the receipt dates and the mailing label address. Do not send applications to the CSR, NIH. Applications from State and local governments may be submitted on Form PHS 5161 (Rev. 6/99) or Form PHS 398 (Rev. 4/98).

The face page of the application should reflect the request for applications number RFA–FDA–CVM–00–1.

Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)) and FDA's implementing regulations (21 CFR 20.61).

Information collection requirements requested on Form PHS 398 and the instructions have been submitted by PHS to the Office of Management and Budget (OMB) and were approved and assigned OMB control number 0925–0001.

C. Legend

Unless disclosure is required by the FOIA as amended (5 U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services or by a court, data contained in the portions of this application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

Dated: February 8, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–3861 Filed 2–16–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food and Drug Administration/Industry Exchange Workshop on Fresh Air 2000–Medical Gas Requirements; Public Satellite Broadcast Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of workshop.

SUMMARY: The Food and Drug Administration (FDA), Office of the Commissioner, Center for Drug Evaluation and Research, Office of Regulatory Affairs, and the Regional Small Business Assistance Offices is announcing a satellite broadcast workshop on FDA medical gas requirements. Through the workshop, FDA seeks to help ensure that the medical gas community understands existing FDA requirements for manufacturing, labeling, and distribution of medical gases and takes appropriate actions to establish effective manufacturing controls, thus preventing regulatory problems when inspections occur.

Date and Time: See Table 1 following the *Location* section of this document.

Location: See Table 1 below.

TABLE 1

Workshop Address	Date and Local Time	Registrar
SAN JUAN, FDA San Juan District Office, 466 Fernandez Juncos Ave., San Juan, PR 00901.	Wednesday, March 15, 2000 2 p.m. to 6. p.m. Atlantic time	Daniel Gonzalez, FDA San Juan District Office, 466 Fernandez Juncos Ave., San Juan, PR 00901, 787–729–6894, FAX: 787–729–6658, e-mail: dgonzale@ora.fda.gov.
AUGUSTA, Maine Department of Agriculture, Agricultural Bldg., 333 Cony Rd., Augusta, ME 04330.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Becky Maxim, FDA, Capital West Business Center, 81 Leighton Rd., suite 14, Augusta, ME 04330–9303, 207–622–8268, ext. 13, FAX: 207–622–8273, e-mail: rmaxim@ora.fda.gov
WINCHESTER, FDA/Winchester Engineering and Analytical Center, 109 Holton St., Winchester, MA 01890.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Herman B. Janiger, FDA Northeast Region, 158–15 Liberty Ave., Jamaica, NY 11433–1034, 718–662–5618, FAX: 718–662–5434, e-mail: hjaniger.@ora.fda.gov.
NEW YORK CITY/JAMAICA, NY, FDA Northeast Regional Office, 158–15 Liberty Ave., Jamaica, NY 11433–1034.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Herman B. Janiger, FDA Northeast Region, 158–15 Liberty Ave., Jamaica, NY 11433–1034, 718–662–5618, FAX: 718–662–5434, e-mail: hjanger@ora.fda.gov.
PHILADELPHIA, FDA Philadelphia District Office, 2d and Chestnut Sts., rm. 900, U.S. Customhouse, Philadelphia, PA 19106.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Anitra Brown-Reed, FDA Philadelphia District, 2d and Chestnut Sts., rm. 900, U.S. Customhouse, Philadelphia, PA 19106, 215–597–4390, ext. 4548, FAX: 215–597–4660, e-mail: abrown2@ora.fda.gov.
BALTIMORE, FDA Baltimore District Office, 900 Madison Ave., Baltimore, MD 21201.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Valerie Matthews, FDA Baltimore District, 900 Madison Ave., Baltimore, MD 21201, 410–962–3396, ext. 111, FAX: 410–962–0044, e-mail: vmatthe1@ora.fda.gov.
ROCKVILLE, FDA, Parklawn Conference Center, 5600 Fishers Lane, 3d floor, rms. G and H, Rockville, MD 20857.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Erik Henrikson, FDA Center for Drug Evaluation and Research (HFD–320), 7520 Standish Pl., Rockville, MD 20855, 301–827–0072, FAX: 301–594–2202, e-mail: henriksone@cder.fda.gov.
CINCINNATI, FDA Cincinnati District Office, 6751 Steger Dr., Cincinnati, OH 45237.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Mary Jane Jeffries, FDA Cincinnati District, 6751 Steger Dr., Cincinnati OH 45237, 513–679–2700, ext. 115, FAX: 513–679–2771, e-mail: mjeffrie@ora.fda.gov.

TABLE 1—Continued

Workshop Address	Date and Local Time	Registrar
MAITLAND, FDA Florida District Office, 555 Winderly Pl., suite 200, Maitland, FL 32751.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Frank Goodwin, FDA Florida District Office, 555 Winderly Pl., suite 200, Maitland, FL 32751, 407–475–4707, FAX: 407–475–4768, e-mail: fgoodwin@fda.ora.gov.
ATLANTA, FDA Atlanta District Office, 60 8th St. NE., Atlanta, GA 30309.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Teresa Thompson, FDA, 2302 West Meadowview Rd., suite 203, Greensboro, NC 27407, 336–333–5419, FAX: 336–333–5563, e-mail: tthompso@ora.fda.gov.
DETROIT, FDA District Office, 1560 East Jefferson Ave., Detroit, MI 48207 (attendance limited to one person per company).	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Eastern time	Evelyn DeNike, FDA Detroit District, 1560 East Jefferson Ave., Detroit, MI 48207–3179, 313–226–6260, ext. 149, FAX: 313–226–3076, e-mail: edenike@ora.fda.gov.
NASHVILLE, FDA Nashville Branch, 297 Plus Park Blvd., Nashville, TN 37217.	Wednesday, March 15, 2000 1 p.m. to 5 p.m. Central time	Kari Norton, FDA Nashville Branch, 297 Plus Park Blvd., Nashville, TN 37217, 615–781–5388, ext. 112, FAX: 615–781–5383, e-mail: knorton@ora.fda.gov.
CHICAGO, FDA Chicago District Office, 300 South Riverside Plaza, suite 550 South Chicago, IL 60606.	Wednesday, March 15, 2000 12 m. to 4 p.m. Central time	Patricia Lewis, FDA Chicago District, 300 South Riverside Plaza, suite 550 South Chicago, IL 60606, 312–353–7379, FAX: 312–886–3280, e-mail: plewis@ora.fda.gov.
MINNEAPOLIS/ST. PAUL, Fort Snelling, 1 Federal Dr., rm. 196, Fort Snelling, MN 55111.	Wednesday, March 15, 2000 12 m. to 4 p.m. Central time	Carrie Hoffman, FDA Minneapolis District, 240 Hennepin Ave., Minneapolis, MN 55401, 612–334–4100, ext. 159, FAX: 612–334–4142, e-mail: choffman@ora.fda.gov.
LENEXA, FDA Kansas City District Office, 11630 West 80th St., P.O. Box 15905, Lenexa, KS 66285–5905.	Wednesday, March 15, 2000 12 m. to 4 p.m. Central time	Tywanna Paul, FDA Kansas City District, 11630 West 80th St., Lenexa, KS 66285–5905, 913–752–2141, FAX: 913–752–2111, e-mail: tpaul@ora.fda.gov.
NEW ORLEANS, FDA New Orleans District Office, 6600 Plaza Dr., suite 400, New Orleans, LA 70127.	Wednesday, March 15, 2000 12 m. to 4 p.m. Central time	Kari Norton, FDA Nashville Branch, 297 Plus Park Blvd., Nashville, TN 37217, 615–781–5388, ext. 112, FAX: 615–781–5383, e-mail: Knorton@ora.fda.gov.
DENVER, FDA Denver District, Denver Federal Center, Bldg. 20, 6th and Kipling Sts., Denver, CO 80225–0087.	Wednesday, March 15, 2000 11 a.m. to 3 p.m. Mountain time	Virlie Walker, FDA Denver District, Federal Center, Bldg. 20, 6th and Kipling Sts., Denver, CO 80225–0087, 303–236–3018, FAX: 303–236–3551, e-mail: vwalker@ora.fda.gov.
DOWNEY, The Gas Company, Energy Resource Center, 9240 East Firestone Blvd., Downey, CA 90241.	Wednesday, March 15, 2000 10 a.m. to 2 p.m. Pacific time	Virgilio Pacio, FDA, 4510 Executive Dr., suite 225, San Diego, CA 92121, 858–550–3850, ext. 116, FAX: 858–550–3860, e-mail: vpacio@ora.fda.gov.
BOTHELL, FDA Seattle District Office, 22201 23d Dr. SE., Bothell, WA 98021–4421.	Wednesday, March 15, 2000 10 a.m. to 2 p.m. Pacific time	Connie Rezendes, FDA Seattle District, 22201 23d Dr. SE., Bothell, WA 98021–4421, 425–402–3178, FAX: 425–483–4996, e-mail: crezende@ora.fda.gov.
ALAMEDA, FDA San Francisco District Office, 1431 Harbor Bay Pkwy., Alameda, CA 94502.	Wednesday, March 15, 2000 10 a.m. to 2 p.m. Pacific time	Steven Gillenwater, FDA San Francisco District, 1431 Harbor Bay Pkwy., Alameda, CA 94502, 510–337–6802, FAX: 510–337–6702, e-mail: sgillenw@ora.fda.gov.

Contact: Erik N. Henrikson, Center for Drug Evaluation and Research (HFD–320), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–827–0072, or e-mail henriksone@cder.fda.gov.

Registration: Send registration information, as listed in Table 1 of this document, to the registrar for the site you wish to attend. Space is limited, therefore interested parties are encouraged to register early. The workshop is free of charge and open to the public, either through direct down-linking of the program or through attendance at one of the public meeting sites listed in Table 1 of this document. If you need special accommodations due to a disability, please inform the registrar for your site at least 7 days in advance of the workshop. Those who will be down-linking the program to their own locations and who will not

attend one of FDA's public sites do not need register with FDA in advance.

Additional meeting sites are available on the Internet at http://www.fda.gov/cder/workshop.htm.

The broadcast is also available for down-linking, free of charge, to anyone with a steerable satellite dish capable of accessing c-band broadcast signals. Satellite coordinates and technical information will be posted on the Internet at http://www.fda.gov/cder/workshop.htm. Coordinates will not be available until 2 to 3 weeks prior to broadcast. Questions regarding satellite down-linking prior to day of broadcast should be directed to the Satellite Voicemail Line at 301–594–2263.

The workshop scheduled above will help implement the FDA Plan for Statutory Compliance (developed under section 406 of the FDA Modernization Act (21 U.S.C. 393)) through working more closely with stakeholders and ensuring access to needed scientific and technical expertise. This workshop also complies with the Small Business Regulatory Enforcement Fairness Act (Public Law 104–121) that requires outreach activities by Government agencies directed to small businesses.

The meeting announcement and registration form may also be accessed on the Internet at http://www.fda.gov/cder/workshop.htm.

The following information is requested for registration:

BILLING CODE 4160–01–F

REGISTRATION FORM

Fresh Air 2000–Medical Gas Workshop

Instructions: To register, complete this form and mail or fax it to the Registrar by March 8, 2000, for the workshop you wish to attend.

Location: _____

Name of attendee: _____

Title: _____

Company: _____ _____

Address: _____

Is your company a small business of less than 500 employees? Yes____ No____

Telephone: _____

FAX: _____

E-mail: _____

Dated: February 8, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–3807 Filed 2–16–00; 8:45 am]

BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Gastrointestinal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Gastrointestinal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 12, 2000, 8 a.m. to 5 p.m.

Location: Hilton, Grand Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Karen M. Templeton-Somers, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12538. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss current information on the safety of Janssen Pharmaceutica's Propulsid® (cisapride) and methods to reduce the occurrence of adverse events associated with its use.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by April 3, 2000. Oral presentations from the public will be scheduled between approximately 8:15 a.m. and 9:15 a.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 3, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation. After the scientific presentations, a 30-minute open public session may be conducted for interested persons who have submitted their request to speak by April 3, 2000, to address issues specific to the submission or topic before the committee.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 9, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–3806 Filed 2–16–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on February 18, 2000, 9 a.m. to 5 p.m.

Location: 9200 Corporate Blvd., Corporate Bldg., conference room 20B, Rockville, MD.

Contact Person: Hany W. Demian, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12521. Please call the Information Line for up-to-date information on this meeting.

Agenda: FDA staff will present an update to the committee regarding the status of submissions from past panel meetings.

Procedure: On February 18, 2000, from 9 a.m. to 10 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues appropriate for the committee. Written submissions may be made to the contact person by February 14, 2000. Those desiring to make formal oral presentations should notify the contact person before February 14, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation. Time allotted for the presentations may be limited.

Closed Committee Deliberations: On February 18, 2000, from 10 a.m. to 5 p.m., the meeting will be closed to the public. The committee will hear and review trade secret and/or confidential commercial information on a product development protocol. This portion of the meeting is closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

FDA regrets that it was unable to publish this notice 15 days prior to the February 18, 2000, Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 10, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–3804 Filed 2–16–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: March 2, 2000.

Time: 3 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Room 1AS–13, Bethesda, MD 20892.

Contact Person: Helen R. Sunshine, Chief, Office of Scientific Review, National Institute

of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–2881.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 10, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–3777 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpetation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: February 29, 2000.

Time: 1 pm to 5 pm.

Agenda: To provide concept review of proposed concept review.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hameed Khan, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892 (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 10, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–3778 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: February 15, 2000.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Blvd., DSR Conf. Rm., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hameed Khan, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 10, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–3779 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: February 22–24, 2000.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington, 1001 14th Street, Washington, DC 20005.

Contact Person: Gerald E. Calderone, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281 Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 10, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–3780 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: ''Antibodies to Human Cripto Protein'' and ''Antibodies Specific for Human Cripto-Related Polypeptide CR–3''

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 (c) (1) and 37 CFR 404.7 (a) (1) (i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the inventions embodied in U.S. Patent Application S/N 08/463,616 entitled, ''Antibodies to Human Cripto Protein'' filed on June 5, 1995 and now U.S. Patent 5,792,616 which issued on August 11, 1998 and U.S. Patent Application S/N 08/464,023 entitled, ''Antibodies Specific for Human Cripto-Related Polypeptide CR–3'' filed on June 5, 1995 and now U.S. Patent 5,854,399 which issued on December 29, 1998 to Biogen, Inc. of Cambridge, Massachusetts. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory will be for the United States and the field of use may be limited to therapeutics for the treatment and prevention of diseases in humans.

DATES: Only written comments and/or license applications which are received by the National Institutes of Health on or before April 17, 2000 will be considered.

ADDRESSES: Requests for copies of the patent, inquiries, comments and other materials relating to the contemplated exclusive license should be directed to: Richard U. Rodriguez, M.B.A., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD. 20852–3804. Telephone: (301) 496–7056, X287; Facsimile (301) 402–0220; E-mail rr154z@nih.gov.

SUPPLEMENTARY INFORMATION: U.S. Patent 5,792,616 claims both polyclonal and monoclonal antibodies that bind to a human cripto protein (CR–1) and a method of screening for the expression of a cripto protein in a tissue sample. U.S. Patent 5,854,399 claims a monoclonal antibody that binds to a human cripto-related polypeptide-3 (CR–3) and not to CR–1.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 8, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 00–3776 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Autotaxin: Motility Stimulating Protein Useful in Cancer Diagnosis and Therapy

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7 (a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the inventions embodied in U.S. Patent Application S/N 07/822,043 entitled, ''Autotaxin: Motility Stimulating Protein Useful in Cancer Diagnosis'' filed on January 1, 1992 and now U.S. Patent 5,449,753 which issued on September 12, 1995; U.S. Patent Application S/N 08/346,455 entitled, ''Autotaxin: Motility Stimulating Protein Useful in Cancer Diagnosis and Therapy'' filed on November 11, 1994 and now U.S. Patent 5,731,167 which issued on March 24, 1998; U.S. Patent Application S/N 08/977,221 entitled, ''Autotaxin: Motility Stimulating Protein Useful in Cancer Diagnosis and Therapy'' which was filed on November 24, 1997; and a U.S. Patent Application, NIH designation E–142–90/4, which is a continuing application based on U.S. Patent Application S/N 08/977,221, entitled, ''Autotaxin: Motility Stimulating Protein Useful in Cancer Diagnosis and Therapy'' to ZymoGenetics, Inc. of Seattle, Washington. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory will be worldwide and the field of use may be limited to human therapeutics for the treatment of Type II diabetes and obesity.

DATES: Only written comments and/or license applications which are received by the National Institutes of Health on or before April 17, 2000 will be considered.

ADDRESSES: Requests for copies of the patent, inquiries, comments and other materials relating to the contemplated exclusive license should be directed to: Richard U. Rodriguez, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804. Telephone: (301) 496–7056, X287; Facsimile (301) 402–0220; E-mail rr154z@nih.gov.

SUPPLEMENTARY INFORMATION: U.S. Patent 5,449,753 claims various polypeptide sequences corresponding to human autotaxin as well as an autotaxin antibody which is suitable for immunohistochemistry. U.S. Patent 5,731,167 claims DNA segments encoding various polypeptide sequences corresponding to human autotaxin having immunogenic or biological activities; a recombinant DNA molecule comprising a vector and the DNA expressing autotaxin; and methods of producing and isolating recombinant autotaxin. U.S. Patent Application 08/977,221 and the continuation application based on it, have claims to various polypeptides corresponding to human autotaxin and relevant DNA sequences and vector claims for expressing, producing and isolating human autotaxin.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant

of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 8, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 00–3775 Filed 2–16–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2000 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) announces the availability of FY 2000 funds for grants for the following activity. This activity is discussed in more detail under Section 3 of this notice. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Program Announcement, including Part I, Programmatic Guidance for Grants to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing an application.

Activity	Application deadline	Estimated funds available, FY 2000	Estimated No. of awards	Project period
Community Action Expansion Program	May 17, 2000; recurring submission dates of January 10 thereafter.	$1,350,000	10	1 year.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2000 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–113. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

SAMHSA will publish additional notices of available funding opportunities for FY 2000 in subsequent issues of the **Federal Register**.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 6/99; OMB No. 0920–0428). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 3).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity described in Section 4 are also available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission

Applications must be submitted to: SAMHSA Programs, Center for Scientific Review, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710*

(*Applicants who wish to use express mail or courier service should change the zip code to 20817.)

Applications sent to an address other than the address specified above will be returned to the applicant without review.

Application Deadlines

The deadlines for receipt of applications are listed in the table above. Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing. Applications received after the deadline date will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see Section 3).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 3).

Programmatic Information

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on

using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

2. Criteria for Review and Funding

2.1 General Review Criteria

Competing applications requesting funding under the specific project activity in Section 3 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

2.2 Award Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

3. Special FY 2000 SAMHSA Activities

Community Action Grants for Service Systems Change (Short Title: CSAT Action Grant Program), number PA 00–002).

• Application Deadline: May 17, 2000 for FY 2000 awards; thereafter, annually on January 10 depending on the availability of funds in future years.

• Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) announces the availability of grant funds to support the adoption of specific exemplary practices related to the delivery or organization of services or supports into their systems of care for adolescents and adults seeking treatment for alcohol and/or other drug use problems, including women and their children.

This program, hereinafter referred to as ''CSAT Action Grant Program,'' solicits applications to stimulate activities by communities that will result in adoption of specific exemplary service delivery practices that yield the best results for these target populations. Grant funds may be used for any activity that is a part of the consensus building and decision-support process. **Note:** Grant funds may not be used to support direct services.

This Program Announcement (PA) is a reissuance (with minor revisions) of a prior Guidance for Applicants (GFA) by the same title, ''CSAT Action Grant Program'' GFA No. TI 99–003.

• Eligible Applicants: Applications for grants will be accepted from domestic public and private entities. Public entities include State and local government agencies, and federally designated Indian tribes and tribal organizations. Private entities include those organized as not-for-profits and those organized as for-profits. Such organizations include, but are not necessarily limited to, those responsible for service delivery policy, those representing consumers and families, those providing services to the target population, and those responsible for training and accrediting service providers.

• Amount: It is estimated that $1,350,000 will be available to support approximately 10 awards under this PA in FY 2000. The average award is expected to range from $50,000 to $150,000 in total costs (direct + indirect). Actual funding levels will depend upon the availability of appropriated funds.

• Period of Support: CSAT Action Grant projects will be funded for 1 year.

• *Catalog of Federal Domestic Assistance Number:* 93.230.

• Program Contact: For questions concerning program issues, contact: Jane Ruiz, Treatment and Systems Improvement Branch, Division of Practice and Systems Development, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 740, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–8802.

For questions regarding grants management issues, contact: Christine Chen, Grants Management Officer, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, 6th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–8926.

• Application kits are available from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20857–2345, Telephone: 1–800–729–6686.

4. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 2000 activity is subject to the Public Health System Reporting Requirements.

5. PHS Non-use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

6. Executive Order 12372

Applications submitted in response to the FY 2000 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should

send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: February 13, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–3862 Filed 2–16–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2000 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2000 funds for grants for the following activity. This activity is discussed in more detail under Section 4 of this notice. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of Parts I and II of the Guidance for Applicants (GFA) before preparing an application. Part I is entitled Cooperative Agreement for a Technical Assistance Center for the Evaluation of Adult Mental Health Systems Change. Part II is entitled General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements.

Activity	Application deadline	Estimated funds available, FY 2000	Estimated No. of awards	Project period
TA Center for Evaluation of Adult Mental Health Systems Change.	4/17/2000	$600,000	One	3 years.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2000 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–113. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001-00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

SAMHSA has published additional notices of available funding opportunities for FY 2000 in past issues of the **Federal Register**.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 6/99; OMB No. 0920–0428). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity described in Section 4 are also available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission

Applications must be submitted to: Mr. Ray Lucero, SAMHSA Referral Officer, Division of Extramural Activities, Policy and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857* (* Applicants who wish to use express mail or courier service should change the zip code to 20852.).

Application Deadlines

The deadline for receipt of applications is April 17, 2000.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see Section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 4).

Programmatic Information

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and

rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

SAMHSA's FY 2000 Knowledge Development and Application (KD&A) agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 2000 KD&A program will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and it is question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, and preparation of special materials will be used, in addition to normal communication means.

SAMHSA also continues to fund legislatively-mandated services programs for which funds are appropriated.

2. Special Concerns

SAMHSA's legislatively-mandated services programs do provide funds for mental health and/or substance abuse treatment and prevention services. However, SAMHSA's KD&A activities do not provide funds for mental health and/or substance abuse treatment and prevention services except sometimes for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development application projects. Applications seeking funding for services projects under a KD&A activity will be considered nonresponsive.

Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

3.1 General Review Criteria

Review criteria that will be used by the peer review groups are specified in the application guidance material.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

4. Special FY 2000 SAMHSA Activities

Cooperative Agreement for a Technical Assistance Center for the Evaluation of Adult Mental Health Systems Change (short title: TA Center for Evaluation, SM00–002)

- Application Deadline: The receipt date is April 17, 2000.
- Purpose: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of funds to support a Technical Assistance Center for the Evaluation of Adult Mental Health Systems Change in order to provide evaluation technical assistance to States, public and private non-profit entities, to assist them in using the results of KDA program evaluation and to improve the planning, development, and operation of adult mental health services provided under the Community Mental Health Block Grant.
- Eligible Applicants: Public and domestic private non-profit and for-profit entities, units of State or local government, community-based organizations, and State or private universities and colleges.
- Amount: $600,000 in total costs (direct and indirect) to support one award.

Period of Support: Support may be requested for a period of up to 3 years.

- *Catalog of Federal Domestic Assistance Number:* 93.119.
- Program Contact: For questions concerning program issues, contact: Mary L. Westcott, Ph.D., Community Support Program Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, Room 11C26, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2826.

For questions regarding grants management issues, contact: Steve Hudak, Grants Management Officer, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Room 13–301, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4446.

- Application kits are available from: National Mental Health Services, Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647, TTY: (301) 443–9006, Fax: (301) 984–8796.

5. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 2000 activity

is subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

7. Executive Order 12372

Applications submitted in response to the FY 2000 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: February 13, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–3863 Filed 2–16–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Recommended Year 2000 Survey Protocol for the Endangered Quino Checkerspot Butterfly (*Euphydryas editha quino*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; survey protocol.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability of its recommended survey protocol for the 2000 field season for determining the presence/absence of the endangered Quino checkerspot butterfly. Using information gathered during 1999, we revised the ''Survey Protocol for the Endangered Quino Checkerspot Butterfly (*Euphydryas editha quino*) for the 1999 Field Season'' dated January 25, 1999. The current recommended protocol entitled ''Year 2000 Survey Protocol for the Endangered Quino Checkerspot Butterfly (*Euphydryas editha quino*)'' incorporates those modifications found to be appropriate, and replaces the 1999 protocol. We will annually review and modify this survey protocol as needed to ensure that the best scientific information is incorporated into the prescribed methodology.

DATES: Data and comments on the year 2000 survey protocol received by August 4, 2000, will be considered in the development of the 2001 survey protocol.

ADDRESSES: Copies of this protocol may be obtained from the Service's Region 1 World Wide Web Home Page at http://www.r1.fws.gov/text/quino.html or from the Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials concerning the survey protocol should be sent to the Field Supervisor at the above address.

FOR FURTHER INFORMATION CONTACT: Nancy Kehoe at the above address (telephone 760–431–9440, fax 760–431–9618).

SUPPLEMENTARY INFORMATION:

Background

The quino checkerspot butterfly was listed as an endangered species on January 16, 1997 (62 FR 2313) as result of loss and degradation of habitat, invasion by alien species, overgrazing, fires, poorly planned fire management practices, and off-road vehicle use. The historic range of the quino checkerspot butterfly extended from the Santa Monica Mountains east and south along the foothills of the Transverse and Peninsular Ranges in California, and south into Baja California, Mexico. Adults have been found from sea level to approximately 1,500 meters (5,000 feet) and populations can be found today in southern San Diego and southwestern Riverside Counties, California. Quino checkerspot butterflies can be observed from mid-February to mid-May, depending on weather. Quino checkerspot butterflies are generally associated with sage scrub, open chaparral, grasslands, and vernal pools; especially open or sparsely vegetated areas, hilltops and ridgelines, rocky outcrops, trails, and dirt roads.

We are seeking additional information to increase our understanding of Quino checkerspot butterfly ecology and biology throughout the species' range. We intend to annually review and modify as necessary the recommended survey protocol to ensure that the best scientific information is incorporated into the prescribed methodology. Therefore, data and comments on the year 2000 survey protocol that we receive by August 4, 2000, will be considered in the development of the 2001 quino survey protocol.

Dated: February 10, 2000.

Elizabeth H. Stevens,

Acting Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 00–3789 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of scoping Meeting on Intent To Prepare a Habitat Conservation Plan and Environmental Impact Statement in Anticipation of Receiving an Endangered Species Section 10(a)(1)(B) Permit Application to Incidentially Take Listed Species From the San Marcos and Comal Springs Ecosystems by the Edwards Aquifer Authority in Their Efforts to Manage Underground Water Withdrawals From the Southern Edwards Aquifer

AGENCY: Interior, U.S. Fish and Wildlife Service, Austin U.S. Fish and Wildlife Service Office Complex, Austin, Texas.

ACTION: Notice of intent to conduct scoping meetings and prepare a Habitat Conservation Plan (HCP) and Environmental Impact Statement (EIS).

SUMMARY: This notice advised the public that the U.S. Fish and Wildlife Service (Service) intends to gather information

necessary to prepare an EIS for an anticipated incidental take permit applications, including a required HCP by the Edwards Aquifer Authority (Authority) of San Antonio, Texas. The application is for the Authority's management of the water withdrawals from the Edwards Aquifer, which directly affects the flow of two south central Texas springs: Comal and San Marcos Springs. The Authority is requesting a Permit for seven endangered and one threatened species. The endangered species include the Texas blind salamander (*Typhlomolge rathbuni*), fountain darter (*Etheostoma fonticola*), San Marcos gambusia (*Gambusia georgei*), Texas wild-rice (*Zizania texana*), Comal Springs riffle beetle (*Heterelmis comalensis*), Comal Springs dyopid beetle (*Stygoparnus comalensis*), and Peck's cave amphipod (*Stygobromus pecki*). The threatened species is the San Marcos salamander (*Eurycea nana*). The Authority also plans to seek coverage for Cagle's map turtle (*Graptemys caglei*) not currently listed, but occurring in the Guadalupe River upstream and downstream of Comal Springs. Based on the requirements of the Endangered Species Act (ESA), the Authority will prepare a HCP that includes measure to minimize and mitigate any taking of species that may occur incidental to the permitted withdrawal of groundwater from the Edwards Aquifer.

This notice is provided as required by the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), (50 CFR 17.22) and National Environmental Policy Act (40 CFR 1501.7) regulations.

DATES: Written comments from all interested parties must be received on or before 20 March 2000. Public scoping meetings for receipt of comments will be held on 28 February in Uvalde, 29 February in San Antonio, and 1 March 2000 in San Marcos, Texas.

ADDRESSES: Comments and requests for information should be sent to the U.S. Fish and Wildlife Service, ATTN: Mary Orms, 10711 Burnet Road, Suite 200, Austin, TX 78758; telephone (512) 490–0057; facsimile (512) 490–0974. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the same address. Questions regarding the HCP should be directed to Robert Hall, Edwards Aquifer Authority, 1615 N. St. Mary's St., P.O. 15830, San Antonio, TX 78212–9030.

SUPPLEMENTARY INFORMATION:

Background

The Service is soliciting information and comments on the scope of issues to be addressed in the EIS. The National Environmental Policy Act (NEPA) process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the human environment. NEPA scoping procedures are intended to insure that information on the proposed action, alternatives and impacts are solicited from the public and that all information is available to public officials and citizens before planning decisions are made. Accurate scientific analysis, expert agency comments and public scrutiny are essential to implementing NEPA. NEPA documents concentrate on the issues that are significant to the action in question. The Service invites the public to submit information and comments either in writing or at any of the three scheduled meetings. The Uvalde meeting is scheduled for 6 p.m. on 28 February 2000 at the Sgt. Willie DeLeon Civic Center Reading Room in Uvalde, Texas. The San Antonio meeting is scheduled for 7 p.m. on 29 February 2000 in the Conference Room of the Edwards Aquifer Authority, 1615 N. St. Mary's, San Antonio, Texas, The San Marcos meeting will be held at 7 p.m. on 1 March 2000 at the San Marcos Community Center in San Marcos, Texas. The service requests that comments be as specific as possible.

Major environmental and species concerns in this scoping process include the direct, indirect, and cumulative impacts that implementation of the proposal could have on endangered and threatened species, critical habitat and other environmental resources, and the quality of the human environment. Other relevant issues include effects of aquifer and water withdrawal levels on Comal and San Marcos spring flows, effects of various aquifer water use management options and alternative water supply options on the environments affected by those options, and effects on the downstream environment.

The Service proposes to prepare an EIS to evaluate the impacts of alternatives associated with issuing an incidental take permit under section 10(a)1(B) of the ESA. The Authority, a political subdivision of the State of Texas, is charged with the duty to manage, conserve, preserve and protect the Edwards Aquifer and have indicated an interest in pursuing incidental take authorization.

Section 9 of the ESA prohibits the taking of federally listed animal species, unless authorized under the provisions of section 7 or 10 of the ESA. The term ''take'' under the ESA includes actions that may directly kill or injure listed species, actions that significantly disrupt normal behavioral patterns such as feeding and breeding, and actions that detrimentally modify habitat to the extent that is harms individuals of the species.

Section 10(a)(1)(B) allows the Service to permit taking of listed species provided that taking is incidental to an otherwise legal activity and that it will not jeopardize a listed species. A HCP must be submitted as part of the incidental take permit application by the applicant.

The San Marcos and Comal Springs Ecosystems are dependent upon adequate spring flow from the San Antonio Segment of the Edwards Aquifer to support, endangered species and critical habitat, as well as several species proposed for federal listing. The Edwards Aquifer is the sole source of water for over 1.5 million people who live over the aquifer. Given the growing water use anticipated in the southern Edwards Aquifer region, an overall management plan seems necessary to assure the sustained spring flow in the two systems.

Decline of spring flow in the two systems will result in ''take'' of listed species and in an appreciable reduction of the value of critical habitat, and an appreciable reduction in the likelihood of survival and recovery of listed species. The Service has estimated minimum spring flow for the two systems necessary to avoid any of these conditions.

The Authority proposes to adopt a HCP consistent with objectives of the approved San Marcos and Comal Springs and Associated Aquatic Ecosystems (Revised) Recovery Plan for the spring associated ecosystems, with the Federal court ruling, and with Sections 9 and 10 of the ESA. The Authority's intention in developing the HCP is to establish a comprehensive approach to protect federally listed species and their habitats as affected by groundwater withdrawals from the aquifer. Activities proposed for coverage under the Permit may include management and permitting of certain water withdrawals from the Edwards Aquifer within the jurisdiction of the EAA, and habitat conservation measures to mitigate impacts of changes in flows of Comal Springs in New Braunfels, Texas; San Marcos Springs in San Marcos, Texas; and/or the Guadalupe River.

In addition to considering impacts on listed species and their habitat, the EIS must include information on impacts from the proposal and alternatives to the proposal on other components of the

human environment. These other components include such things as air and water quality, cultural resources, other fish and wildlife species, social resources, and economic resources.

The Service is gathering information necessary for the preparation of an EIS. Information such as the following topics that would assist the Service in assessing the impacts of the issuance of an incidental take permit under the provisions of an HCP is being sought: the hydrogeology of the Edwards Aquifer and the effects of aquifer levels on spring flows at Comal and San Marcos Springs as they relate to the habitat needs of federally listed species; potential water conservation measures and strategies to reduce the withdrawal demands on the Edwards Aquifer and their effects on spring flows; alternate water supplies and their potential effect on reducing Edwards Aquifer water withdrawals and maintaining spring flows; effects of aquifer level management and spring flow changes on the quality of the issues; or suggestions that would be relevant toward the Service's review and development of alternatives.

William Seawell,

Assistant Supervisor, Austin U.S. Fish and Wildlife Service Office Complex, Austin, Texas.

[FR Doc. 00–3790 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eleventh Regular Meeting; Draft Resolutions, Draft Decisions, Discussion Papers, Other Agenda Items, and Proposals To Amend the CITES Appendices Submitted by the United States for Consideration at the Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may submit draft resolutions, draft decisions, discussion papers, and other agenda items for consideration at meetings of the Conference of the Parties to CITES. The United States may also propose amendments to the CITES Appendices (species proposals) for consideration at meetings of the Conference of the Parties. The eleventh regular meeting of the Conference of the Parties to CITES (COP11) will be held at the United Nations Environment Programme (UNEP) Headquarters in Gigiri, Kenya, April 10–20, 2000. The deadline for the United States to submit to the CITES Secretariat its draft resolutions, draft decisions, discussion papers, species proposals, and other agenda items for consideration at COP11 was November 12, 1999.

With this notice we announce the draft resolutions, draft decisions, discussion papers, species proposals, and other agenda items submitted by the United States for consideration at COP11.

ADDRESSES: (1) For information pertaining to draft resolutions, draft decisions, discussion papers, and other agenda items: U.S. Fish and Wildlife Service, Office of Management Authority, Branch of CITES Operations, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203; or E-mail: r9oma__cites@fws.gov. (2) For information pertaining to species proposals: U.S. Fish and Wildlife Service, Office of Scientific Authority, 4401 North Fairfax Drive, Room 750, Arlington, VA 22203; or E-mail: r9osa@fws.gov.

FOR FURTHER INFORMATION CONTACT: (1) For information pertaining to draft resolutions, draft decisions, discussion documents, and other agenda items: Teiko Saito, Chief, U.S. Fish and Wildlife Service, Office of Management Authority, tel. 703–358–2095, fax 703–358–2298. (2) For information pertaining to species proposals: Susan Lieberman, Chief, U.S. Fish and Wildlife Service, Office of Scientific Authority, tel. 703–358–1708, fax 703–358–2276.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, referred to below as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in Appendices to CITES, copies of which are available from the Office of Management Authority or the Office of Scientific Authority at the above addresses, from our World Wide Website http://international.fws.gov, or from the official CITES Secretariat Website at http://www.cites.org/CITES/eng/index.shtml. Currently, 148 countries, including the United States, are Parties to CITES. CITES calls for biennial meetings of the Conference of the Parties, which review issues pertaining to CITES implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, discussion papers, and agenda items for consideration by the Conference of the Parties. Only Party countries may submit species proposals, draft resolutions, draft decisions, discussion papers, and agenda items for consideration at the meeting of the Conference of the Parties. Accredited non-governmental organizations may participate in the meeting as approved observers, and may speak during sessions, but may not vote.

This is our fifth in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the United States' negotiating positions for the eleventh regular meeting of the Conference of the Parties to CITES (COP11). We published our first such **Federal Register** notice on January 30, 1998 (63 FR 4613), and with it we requested information and recommendations on potential species amendments for the United States to consider submitting for discussion at COP11. You may obtain information on that **Federal Register** notice, and on species amendment proposals, from the Office of Scientific Authority at the above address. We published our second such **Federal Register** notice on September 4, 1998 (63 FR 47316), and with it we requested information and recommendations on potential resolutions and agenda items for the United States to consider submitting for discussion at COP11. You may obtain information on that **Federal Register** notice, and on proposed resolutions and agenda items, from the Office of Management Authority at the above address. We published our third such **Federal Register** notice on February 26, 1999 (64 FR 9523), and with it we announced the time and place of COP11, announced the times and places for the next meetings of the CITES Animals and Plants Committees, and announced a public meeting to discuss issues that were to be raised at those committee meetings. We published our fourth such **Federal Register** notice on July 8, 1999 (64 FR 36893), and with it

we listed potential proposed resolutions, agenda items, and proposed amendments to the CITES Appendices that the United States was considering submitting for consideration at COP11; invited your comments on these potential proposals; announced a public meeting to discuss the potential proposals; and provided information on how non-governmental organizations based in the United States can attend COP11 as observers. You may obtain information on that **Federal Register** notice from the Office of Management Authority (for information pertaining to proposed resolutions and agenda items) or the Office of Scientific Authority (for information pertaining to proposed amendments to the Appendices) at the above addresses. We also published a correction in the **Federal Register** on August 13, 1999 (64 FR 44234), correcting a paragraph regarding Atlantic swordfish on page 36909 of our July 8 **Federal Register** notice (64 FR 36893). You may locate our regulations governing this public process in 50 CFR 23.31–23.39.

Who Submitted Comments on Possible Resolutions, Decisions, Discussion Papers, and Other Agenda Items for the United States To Submit for Consideration at COP11?

We received comments from the following organizations in response to our **Federal Register** notice of July 8, 1999 (64 FR 36893), on possible resolutions and agenda items for the United States to submit for consideration at COP11: American Tanning & Leather Co.; American Zoological Association; Animal Protection Institute; Animal Welfare Institute; Australasian Regional Association of Zoological Parks & Aquaria, Inc.; Bundesamt fur Naturschutz (the German CITES Management Authority); Center for International Environmental Law; Conservation Force; Dallas Zoo; Defenders of Wildlife; Doris Day Animal League; Earthkind/Environmental Investigation Agency/Fauna and Flora International/Greenpeace/IFAW/Marine Conservation Society/RSPCA/The Shark Trust/Whale and Dolphin Conservation Society/Worldwide Fund For Nature-UK (joint comment); Earthtrust; Feld Entertainment, Inc.; Fisheries Agency of Japan (the Japanese CITES Management Authority for introduction from the sea); Fisheries Council of Canada; Fund for Animals, Inc.; Global Guardian Trust; Greenpeace U.S./Antarctic Project (joint comment); Humane Society of the United States; Institute for Conservation Education and Development—Antioch University Southern California; International Association of Fish and Wildlife Agencies; International Coalition of Fisheries Associations; International Fund for Animal Welfare; IWMC World Conservation Trust; Japan Fisheries Association; Louisiana Alligator Farmers & Ranchers Association; Louisiana Department of Wildlife & Fisheries; National Fisheries Institute; Pet Industry Joint Advisory Council; Riches of the Sea; Ringling Bros. and Barnum & Bailey; Safari Club International; Species Survival Network; and World Wildlife Fund. In addition, we received comments from eight individuals in response to our July 8 **Federal Register** notice on possible resolutions and discussion documents for the United States to submit for consideration at COP11.

We considered all of the comments from each of the above organizations and individuals in deciding which draft resolutions, draft decisions, discussion papers, and other agenda items to submit.

What Draft Resolutions Did the United States Submit for Consideration at COP11?

What follows is a discussion of the single draft resolution submitted by the United States for consideration at COP11. You may obtain copies of this draft resolution, electronically or in paper form, by contacting the Office of Management Authority at the address above. This draft resolution is also available on our Website as well as the CITES Secretariat Website.

Reaffirmation of the Synergy Between CITES and the IWC

We received a recommendation in response to our **Federal Register** notice of September 4, 1998, that the United States submit a resolution reaffirming the relationship between CITES and the International Whaling Commission (IWC). In our **Federal Register** notice of July 8, 1999, we stated that the United States intended to inform the Conference of the Parties of an important resolution on this topic, which was overwhelmingly adopted by a vote of 21 votes in favor, 10 votes against, and 3 abstentions at the 51st Meeting of the IWC, in Grenada, May 23–27, 1999. The resolution, IWC/51/43, directs the IWC Secretariat to advise the CITES Conference of the Parties that the IWC has not yet completed a revised management regime that ensures that future commercial whaling catch limits are not exceeded and whale stocks can be adequately protected. The resolution further directs the IWC Secretariat to advise the CITES Conference of the Parties that zero catch limits are still in force for species of whales managed by the IWC. We stated that the United States intended to submit this important IWC resolution to the CITES Secretariat for distribution to the Parties at COP11.

In our July 8 notice, we noted that CITES Resolution Conf. 2.9, entitled ''Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling,'' was overwhelmingly reaffirmed by the Parties at the tenth regular meeting of the Conference of the Parties (COP10) in 1997, by the defeat of a draft resolution proposed by Japan to repeal this resolution. At the 50th meeting of the IWC subsequent to COP10, the IWC passed a resolution that expressed its appreciation for the reaffirmation of this link between the IWC and CITES. IWC Resolution IWC/51/43 also welcomes the CITES COP10 decision ''to uphold CITES Resolution Conf. 2.9.'' As clarification, Resolution Conf. 2.9 calls on the CITES Parties to ''agree not to issue any import or export permit, or certificate for introduction from the sea * * * for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling.''

The 10 organizations who submitted comments on this issue in response to our July 8 notice held widely different views. Six organizations supported the United States' proposal to submit the IWC resolution and, of those organizations, five elaborated on the need for more cooperation between the two bodies. Four other organizations commented that it would be inappropriate to submit the IWC resolution to the meeting of the COP because they felt that the decisions of the IWC are not justified.

In order to allow for a fuller discussion of this topic, the United States has submitted a draft resolution entitled ''Reaffirmation of the Synergy Between CITES and the IWC,'' for consideration at COP11. This draft resolution endorses the cooperation between CITES and the IWC on matters of international trade in and management of whales, and urges the Parties to make every effort to ensure that this cooperation continues. The United States included IWC Resolution IWC/51/43 as an annex.

What Draft Decisions Did the United States Submit for Consideration at COP11?

What follows is a discussion of the single draft decision submitted by the United States for consideration at COP11. You may obtain copies of this

draft decision, electronically or in paper form, by contacting the Office of Management Authority at the address above. This draft decision is also available on our Website as well as the CITES Secretariat Website.

Movement of Sample Crocodilian Skins

In our **Federal Register** notice of July 8, 1999, we announced that the United States was considering drafting a resolution to allow for simplified transport of swatches of crocodilian skins for trade fairs and other situations where the samples might be used to solicit orders. The United States considered this action in order to facilitate trade in species that have greatly benefitted from CITES controls. Many crocodilians were once listed in Appendix I of CITES. However, through conservation programs, such as ranching and captive breeding, crocodilians have greatly increased in numbers and represent a CITES success story. Sustainable use of these species can benefit these conservation efforts and provide economic incentives to continue the efforts.

We received seven comments in response to our July 8 notice, six of which supported the idea of facilitated trade opportunities. Three commenters wanted the resolution expanded to cover sample skins and products for use in trade shows. The CITES Management Authority of Germany commented that it was greatly interested in this issue and in seeing what the United States was planning to submit to COP11 with regard to it.

After considering the comments and discussing the issue with the Management Authority of Germany and the IUCN Crocodile Specialist Group, the United States submitted a draft decision for consideration at COP11. The draft decision directs the Secretariat, in consultation with the Animals Committee and the Crocodile Specialist Group, to review ways in which Parties could streamline the procedures for issuing export or re-export documents for crocodilian skins that are tagged in accordance with the CITES universal tagging resolution and that will be used for display at trade shows and returned to the country issuing the export or re-export documents. A draft resolution would then be prepared for consideration at the twelfth meeting of the Conference of the Parties (COP12).

What Discussion Papers Did the United States Submit for Consideration at COP11?

What follows is a description of the three discussion papers submitted by the United States for consideration at COP11. You may obtain copies of these discussion papers, electronically or in paper form, by contacting the Office of Management Authority at the address above. These discussion papers are also available on our Website as well as the CITES Secretariat Website.

1. Recognition of the Important Contribution Made by Observers to the CITES Process at Meetings of the Conference of the Parties

In response to our **Federal Register** notice of September 4, 1998, one organization requested that we submit a resolution for consideration at COP11 recognizing the important contributions made by observers to the CITES process and affirming that observer participation in meetings of the COP is vital to the ability of the Conference of the Parties to discuss issues with the fullest possible available information. We subsequently announced in our **Federal Register** notice of July 8, 1999, that the United States was considering submitting a discussion paper on this issue for consideration at COP11. Twelve organizations submitted comments on this issue in response to our July 8 notice: nine of these organizations fully supported the United States submitting a discussion paper; one did not support nor oppose; and two opposed.

Article XI, paragraph 7, of the text of the Convention provides that national non-governmental organizations that have been approved to attend a meeting of the COP as observers shall have the right to participate in the meeting but not to vote. A number of the commenting organizations who attended COP10 as observers expressed their concerns about the limited level of participation afforded observers at that meeting, particularly in Committee I. We are sympathetic to these concerns and believe that the participation of observers in the discussions of issues at meetings of the COP is beneficial. For many of the issues submitted for discussion at meetings of the COP, the greatest level of expertise is within the community of non-governmental organizations that attend as observers. Through their right to actively participate in the sessions of the Plenary, Committee I, Committee II, and Working Groups at past meetings of the COP, observers have contributed vital information to the discussions of COP issues and, therefore, to the advancement of conservation.

Subsequently, the United States submitted a discussion paper on this issue for consideration at COP11. The discussion paper recognizes the important contribution that observers make to the CITES process at meetings of the COP and urges the Parties to ensure the preservation of the right granted to observers by Article XI of the Convention to actively participate in all COP sessions. The paper recommends that, for COP11 and future meetings of the COP: (a) the CITES Secretariat and the host government of the meeting of the COP make every effort to ensure that each approved observer be provided with at least one seat on the floor in the meeting rooms of the Plenary, Committee I, Committee II, and Budget Committee, unless one-third of the Party representatives present and voting object; (b) in selecting venues for future meetings of the COP, the Parties make every effort to ensure that the venues selected have space for observers on the floors of the halls for the Plenary, Committee I, Committee II, and the Budget Committee; (c) the Presiding Officers of the Plenary, Committee I, Committee II, and Budget Committee make every effort to allow observers time in the meeting sessions to speak on issues (make interventions); (d) recognizing that conservation of time in order to complete a COP agenda in the 2-week period is a valid concern, Presiding Officers give observers a speaking time limit if necessary and encourage observers not to be redundant in speaking on a particular issue; (e) when possible, Presiding Officers invite knowledgeable observers to participate in Working Groups of Committee I and Committee II; and (f) the Secretariat make every effort to ensure that informative documents on the conservation and utilization of natural resources, prepared by observers for distribution at the meeting of the COP and approved by the Secretariat, are distributed to the participants in the meeting.

2. Synergy With the United Nations Food and Agriculture Organization (FAO)

In our **Federal Register** notice of July 8, 1999, we announced that the United States was considering submitting a discussion paper on the promotion of synergy and cooperation between CITES Parties and the United Nations Food and Agriculture Organization (FAO) in the implementation of the FAO plans of action on seabirds, sharks and overcapacity, and the review of CITES listing criteria. The United States submitted a discussion paper on this issue for consideration at COP11. The paper calls upon CITES Parties to expeditiously implement the FAO plans of action and to examine areas of cooperation between CITES and the

FAO in this endeavor. It also encourages consultation and cooperation between CITES Animals and Plants Committees and international technical bodies such as the FAO in the review of the CITES listing criteria as called for in CITES Resolution Conf. 9.24.

Nine organizations submitted comments on this issue. Eight organizations supported a discussion paper on cooperation with FAO. One organization noted that the paper may be acceptable, but needed to see its contents. One organization stressed the role CITES has played in focusing international attention on the exploitation of and trade in sharks and noted that, while there is a clear link between CITES and the FAO shark plan, the plans of action to reduce seabird by-catch and national fishing fleet overcapacity are fisheries management issues, rather than wildlife trade issues. The discussion paper submitted by the United States recognizes the important role CITES played in focusing attention on the exploitation and trade in sharks and discusses the contents of the seabird and capacity plans of action as well as the shark plan of action. The paper recommends that CITES recognize the importance of the FAO plans of actions and explore areas of cooperation between CITES and FAO in the implementation of the shark and seabird plans.

One organization suggested that the United States submit a draft resolution recognizing the important but different roles FAO and CITES play, similar to the resolution concerning the relationship between CITES and the International Whaling Commission. The United States does not believe that such a resolution is needed at this time and that a discussion paper recommending continued cooperation between the two bodies is sufficient.

With respect to FAO's role, two organizations stated that they agreed that the review of listing criteria should be a CITES-led process. Three other organizations, while not disagreeing that the review should be CITES-led, noted that FAO can and should provide valuable scientific information and technical expertise to CITES and supports the United States' position to encourage cooperation with FAO in any review of the CITES listing criteria. The discussion paper submitted by the United States recognizes that the review of the CITES listing criteria as called for in Resolution Conf. 9.24 should be a CITES-driven process, with leadership and direction from the Animals and Plants Committees. The paper also recognizes the expertise that FAO has to contribute to the review process and encourages consultation and cooperation between CITES and international technical bodies such as FAO and its Committee on Fisheries.

3. Trade in Seahorses and Other Members of the Family Syngnathidae

In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting an Appendix-II listing proposal for seahorses (Hippocampus spp.), based on substantial threats to these species, unregulated international trade, widespread overfishing, and habitat loss and degradation. In addition to requesting public comment through the **Federal Register** notice, we undertook a comprehensive consultation effort with all range countries for the entire family Syngnathidae (through a Notification to the Parties issued by the CITES Secretariat, followed by a letter sent to principal harvesting, exporting, and consuming countries), as well as all U.S. States and territories that potentially have seahorses or pipefishes in their coastal waters.

We received several comments during the public comment period for our July 8 notice. Comments supporting a listing proposal were received from the Humane Society of the United States, Animal Welfare Institute, International Fund for Animal Welfare, and Ocean Rider, Inc. Comments opposed to a listing proposal were received from the Governments of China and Japan (Fisheries Agency of Japan), the Advisory Committee for the Protection of Rare Animals and Plants of the Hong Kong Special Administration Region, Project Seahorse (represented by Dr. Amanda Vincent), and the Pet Industry Joint Advisory Council. Global Guardian Trust and World Wildlife Fund were undecided; both organizations believed that additional data were necessary to evaluate the distribution and trade status of the species. The Government of Indonesia and the Council of Agriculture, Taiwan, commented but did not advocate a specific position. The Council of Agriculture provided trade data for review. We also consulted coastal States within the United States regarding the trade and biological status of syngnathids in their waters. The State of Florida provided trade data that indicates significant trade in syngnathid species. Several other States responded but provided only limited information. Although seahorses reside in U.S. coastal waters, current stock assessments are extremely limited and are a by-product of assessments of commercially harvested marine species.

After reviewing all of the comments received on this issue, and all available information, we believe that the available data regarding international trade, taxonomic identification, the distribution and abundance, and biological and ecological status of the Family Syngnathidae are inadequate to support submission of an Appendix-II listing at this time. However, we worked closely with the Government of Australia and agreed to promote further discussion and conservation action on this issue by jointly submitting a discussion paper for consideration at COP11. This paper is a review of the current biological status of the family; utilization as traditional medicines, curios, and aquarium organisms; existing fisheries and captive breeding programs; and available trade data. The paper presents information that suggests that syngnathid populations are heavily exploited for the international wildlife trade, and the United States recommends additional taxonomic study, population assessment, research and development in husbandry and sustainable harvest, and compilation of international and domestic trade data, prior to COP12. The discussion paper also incorporates specific recommendations for future action by Party members, the Traditional Medicine community, and the scientific community. We appreciate the close cooperation with Australia on this important conservation issue and look forward to discussing this issue at COP11, adopting the recommendations contained therein, and working for syngnathid conservation in the CITES context.

For What Discussion Papers, Submitted by Other Countries for Consideration at COP11, Did the United States Submit Its Intention To Co-Sponsor?

What follows is a description of a discussion paper, submitted by Germany and co-sponsored by the United States, for consideration at COP11. You may obtain copies of this discussion paper, electronically or in paper form, by contacting the Office of Management Authority at the address above. This discussion paper is also available on our Website as well as the CITES Secretariat Website.

Trade in Freshwater Turtles and Tortoises to and in Southeast Asia

In our **Federal Register** notice of July 8, 1999, we announced that we were seeking comments on the sale of live freshwater turtles for sale in East Asian food markets because we had received information that a ''very large international trade'' in many of these species had developed. Based on a review of the comments we received,

published and unpublished literature, and consultation with experts, we determined that it would be appropriate to put this issue on the agenda of COP11. Therefore, the United States has co-sponsored a discussion paper entitled ''Trade In Freshwater Turtles and Tortoises To and In Southeast Asia'' with Germany.

This discussion paper describes the current trade in ''millions of freshwater turtles and tortoises * * * consumed as food and medicine in South and East Asia'' and makes recommendations to address the situation. In describing this trade, Germany and the United States note that the growing economic affluence in many Asian countries has led to an increased demand in wildlife for human consumption and use, in particular freshwater turtles and tortoises. The markets in which these animals and their parts are sold contain a large number of species not listed in the CITES Appendices (including North American taxa), along with large numbers of specimens from species listed in both Appendix I and II. Of particular concern is the documented sale of significant numbers of six Appendix-I species, as well as the sale of rare Appendix-II species, and some apparently rare species that are not listed in the CITES Appendices. There are concerns that many of the species for sale originate as wild-caught specimens in countries that do not allow their export for commercial purposes, and several taxa for sale have only recently been described in the scientific literature.

The United States is recommending in this discussion paper, with Germany, that the CITES Parties importing and exporting these animals, the Secretariat, and the Animals Committee should all play a role in examining this trade and taking appropriate action to ensure that it is sustainable and not harmful to wild populations of the species involved. Specifically, the paper calls for the Parties to study the trade and their law enforcement protocols, to evaluate the appropriateness of new CITES species listings or uplistings, and promote sustainability in the trade, as well as other essential measures. The paper would direct the Secretariat to convene a technical workshop on the issue, and would direct the Animals Committee to consider and act upon the workshop's recommendations and to also work with the IUCN Freshwater Turtle and Tortoise Specialist Group to update their Action Plan.

What Other Items Did the United States Submit for Inclusion in the Agenda for COP11?

What follows is a discussion of a separate item submitted by the United States for consideration at COP11.

Discussion of Progress in the Conservation of Swietenia macrophylla (Bigleaf mahogany)

Brazil has proposed including bigleaf mahogany *(Swietenia macrophylla)* as an agenda item for discussion at COP11. The U.S. Government has been in close contact with Brazil on this issue and provisionally proposed the same agenda item, in the event that Brazil's submission was not received by the Secretariat in time. The United States is very supportive of providing the Parties an opportunity to discuss progress in the conservation of *Swietenia macrophylla* since COP10. Brazil has submitted a document for discussion at COP11, reporting on the results of the Mahogany Working Group meeting that Brazil hosted in June 1998. In relation to this discussion, we will work closely with other Federal agencies and intend to submit an informational document outlining U.S. views on the issue and actions under way to conserve the species.

What Draft Resolutions, Draft Decisions, Discussion Papers, and Other Agenda Items Did the United States Decide Not To Submit for Consideration at COP11?

We discussed the following issues in our **Federal Register** notice of July 8, 1999, as possible topics for U.S. draft resolutions, draft decisions, discussion papers, or agenda items for consideration of the Parties at COP11, or as possible resolutions or decisions that the United States was either considering supporting or was undecided about. A discussion of the decision not to submit these topics as draft resolutions, draft decisions, discussion papers, or agenda items follows. Several of these topics were submitted for consideration at COP11 as products of CITES Working Groups (e.g., Working Groups of the CITES Standing Committee or Animals Committee) in the form of draft resolutions, draft decisions, or discussion papers, which the United States will be able to support at COP11.

1. Introduction From the Sea

At the 14th Meeting of the CITES Animals Committee, held in June 1997, the Government of Australia presented a document on the Implementation of Articles IV(6) and IV(7) (Introduction From the Sea). An informal working group, led by Australia, was formed to examine this complex matter in more detail. The United States participated in an exchange of letters with Australia that focused on practical solutions to potential problems related to implementation of the provisions of the Convention for CITES-listed species taken in the marine environment outside the jurisdiction of any country. In our **Federal Register** notice of July 8, 1999, we announced that Australia intended to submit this topic for discussion at COP11 and that the United States would continue to participate in discussions regarding this issue. If acceptable progress was made, the United States expected to support the results of those discussions. If acceptable progress was not made, the United States would consider developing its own proposed resolution on this issue for consideration at COP11.

Three organizations submitted comments expressing widely differing views on this issue. One organization agreed that clarification of the term ''introduction from the sea'' is needed so the Parties fully understand their obligations under CITES with respect to the issuance of documents and other practical matters. This organization suggested that a document should be prepared for COP11 as a first step in clarifying the interpretation of the term. Another organization commented that the definition of ''introduction from the sea'' is very clear in the text of the Convention and that the organization would need to hear discussions at the meeting of the COP and see the details of a draft resolution before commenting further. A third organization opposed discussion of this issue at COP11 because the organization believes such discussion would preempt deliberation on listing marine species in the Appendices of CITES.

Based on our review of the issue, discussions with Australia, and consideration of the comments received, the United States believes it is important that the Parties agree to a standard interpretation and implementation of ''introduction from the sea.'' The adoption of a resolution would not preempt any deliberation on listing marine species, but would establish a common interpretation to assure the Parties that there is a practical system to implement any future listing. Australia submitted, for consideration at COP11, a draft resolution with a detailed discussion of the issues and a table of scenarios and requirements for specimens that are to be introduced from the sea. Thus, as proposed, the United States did not submit a separate draft resolution on the

subject. Australia is to be commended for its tremendous effort in analyzing the issue and providing a document for the Parties to consider. We are currently reviewing Australia's draft resolution and will provide a proposed U.S. negotiating position on this document in our **Federal Register** notice addressing foreign submissions for COP11.

2. Use of Annotations in the Appendices

The issue of the use of annotations in the Appendices is expected to be one of the most important for consideration at COP11. We received comments from several organizations in response to our **Federal Register** notice of September 4, 1998, recommending that we submit a resolution to clarify the criteria to be used when transferring populations or species from Appendix I to II with a product annotation. Annotations are footnotes in the CITES Appendices that are used by the CITES Parties for a number of purposes. As evidenced in proposals submitted for consideration at COP10 and COP11, they are increasingly used when species or populations of species are transferred or proposed to be transferred from Appendix I to II with an annotation that specifies that certain parts, products, or specimens are allowed to be traded under the provisions of Appendix II, whereas other parts and products are still treated as Appendix-I species. We discussed this issue in our July 8, 1999 **Federal Register** notice.

The United States has taken an active leadership role on this issue. At COP10, the Parties adopted Decision 10.70, which directed the Standing Committee to clarify legal and implementation issues related to the use of annotations in the Appendices. The United States participated in the Standing Committee Working Group on this issue, along with Switzerland (Chair), Argentina, Canada, Germany, and Namibia. Switzerland has submitted a draft resolution for consideration at COP11 that is a consensus product of this Working Group. Therefore, the United States decided that there was no need to submit a separate resolution.

3. Transborder Movements of Live Animals for Exhibition Purposes

At COP10, the Parties adopted Decision 10.142, which directed the CITES Secretariat to prepare recommendations on simpler procedures for the transborder movements of live-animal exhibitions. In March 1998, the Standing Committee agreed to establish an informal Working Group, consisting of the United States (Chair), Germany, Switzerland, the Russian Federation, and the Secretariat. The United States has a strong interest in making the current exhibition resolution (Conf. 8.16) more workable and, therefore, played an active role in the Working Group. In our **Federal Register** notice of July 8, 1999, we announced that we would forward to the Working Group suggestions on a passport-type system for the transborder movements of animals and a review of marking requirements. Since we anticipated that the United States would most likely be able to support the Secretariat's recommendations to the Standing Committee, we did not plan to submit a separate draft resolution.

We received comments from five organizations in response to our July 8 notice. All of them would like to see the development of a passport-type system to implement simplified procedures that would alleviate administrative or enforcement burdens while establishing greater safeguards against illegal trade. One organization recommended that the term ''exhibition'' should be defined; the passport should have a detailed description of the specimen and be surrendered upon expiration; a copy of the passport should be on file with the Secretariat; a renewal of a passport should be subject to a review of irregularities; and exhibitors should provide assurances that any female animal is not pregnant upon export and will not be put in a situation where she will become pregnant while in a foreign country. Another organization commented that poor enforcement of CITES provisions for traveling live-animal exhibitions has been a persistent problem and that employing a marking and passport regime would help improve enforcement. This organization thought current enforcement problems were caused by difficulty in monitoring exhibitions that change names and locations frequently, inspectors who avoid inspecting exhibition animals, and a shortage of facilities to hold confiscated animals. Another organization, however, believes a few incidents of ''circuses'' that engaged in illegal trade or failed to properly care for their animals have been highly and repetitively publicized, creating a negative perception about circuses in general that is inaccurate and unwarranted. The establishment of a passport system would help ensure the legitimacy of exhibitions. We also received differing views on the inclusion of animals that do not qualify for the exemptions of CITES Article VII, paragraphs 2 and 5, as defined by the current resolutions on pre-Convention (Conf. 5.11) and bred-in-captivity (Conf. 10.16). One organization did not want to provide exhibitions with special exemptions outside of the current resolutions. Two other organizations supported the inclusion of Asian elephants born in captivity outside of the range countries for the species among those animals that could be issued a passport document, by amending Resolution Conf. 10.16 to recognize a special circumstance for Asian elephants.

The United States participated in the Working Group through an exchange of letters and conference calls to explore practical solutions to a number of issues, including the movement of African and Asian elephants that do not qualify under current resolutions as pre-Convention or bred in captivity, respectively. The United States developed a draft resolution based on Resolution Conf. 8.16 on traveling live-animal exhibitions. Comments from Working Group members were incorporated, and a second draft was reviewed. The group was unable to reach consensus on the draft and agreed that Resolution Conf. 8.16 should be revised only if these issues could be resolved. For various reasons, the group could not agree on the pre-Convention and bred-in-captivity issues, concluding that several of the proposed solutions were contrary to the provisions of the CITES. Thus, the group requested advice from the Standing Committee. In October 1999, the Secretariat presented a summary document to the Standing Committee. The Committee agreed that the Working Group need not continue its work, and asked the Secretariat to prepare a document for COP11. This topic is on the agenda for consideration at COP11, but we have not yet received the document to review. We hope to provide a proposed U.S. negotiating position on the document in our **Federal Register** notice addressing foreign submissions for COP11.

4. Captive Breeding

In our **Federal Register** notice of July 8, 1999, we notified the public that we would be participating in further discussions on captive breeding, particularly revision of CITES Resolution Conf. 8.15, which established procedures for the registration of operations breeding Appendix-I species in captivity for commercial purposes. The United States commented on several drafts of a revised resolution to replace Resolution Conf. 8.15. The final draft was prepared by the Chair of the CITES Animals Committee and subsequently submitted by the CITES Secretariat for consideration at COP11. In addition, the

United States previously submitted comments and suggestions on the development of a list of ''species commonly bred in captivity,'' as defined in paragraph (b)(ii)(C)(2.a) of Resolution Conf. 10.16. Although there is no formal document or agenda item on this issue, it is interrelated with the revision of Resolution Conf. 8.15 and is likely to be part of those discussions. We intend to outline the U.S. proposed negotiating position on the draft revised resolution on this issue in our **Federal Register** notice addressing foreign submissions for COP11. The United States intends to remain active in any discussions on how to implement the provisions of the Convention relating to animals bred in captivity.

5. Trade in African Bushmeat

In response to our **Federal Register** notice of September 4, 1998, two organizations recommended that we submit an agenda item for consideration at COP11 addressing the African bushmeat trade. Both commenters expressed concern about the impact of bushmeat trade on African elephants and primates, particularly the great apes. We subsequently announced in our **Federal Register** notice of July 8, 1999, that the United States was considering submitting a discussion paper on the commercial international illegal African bushmeat trade and was planning to seek one or more co-sponsors in submitting this paper. Fourteen organizations submitted comments on this issue in response to our July 8 notice: twelve of these organizations supported the United States submitting a discussion paper; one thought that the issue should be handled by improving CITES enforcement; and one opposed submitting a discussion paper.

We recognize that the commercial international illegal African bushmeat trade poses a serious threat to the survival of numerous protected species, including elephants and the great apes. Further, commercial-level bushmeat hunting threatens both CITES and non-CITES species. Because much of the illegal commercial trade does involve CITES-listed species and occurs between CITES member countries, CITES is an appropriate forum for discussing this issue. However, the United States feels that it is important that at least one African range state play an active role in bringing this discussion to the CITES Parties. An African range state country did not submit or co-sponsor a discussion paper on the commercial African bushmeat trade before the submission deadline.

Therefore, the United States did not submit a discussion paper on the commercial international illegal African bushmeat trade. We believe that this is an extremely important issue to CITES and intend to be actively involved in any discussions of this issue at COP11. As the United Kingdom submitted a discussion paper entitled ''Bushmeat as a Trade and Wildlife Management Issue,'' we are confident that the topic will be discussed at the meeting. We intend to outline our tentative position on the United Kingdom's document in our **Federal Register** notice addressing foreign submissions for COP11.

6. Definition of the Term ''Hunting Trophy''

The Center for International Environmental Law (CIEL) submitted comments that provided a definition of ''sport-hunted trophy'' and cited concerns on the commercialization of such specimens both in the country of origin and the country of import. CIEL recommended that the United States submit amendments to revise Resolution Conf. 2.11 (Rev.) on ''Trade in Hunting Trophies of Species Listed in Appendix I.'' CIEL also requested that the United States provide a definition of such hunting trophies in the listing annotations on the Appendix-II African elephant populations and South African white rhino population. Five other organizations provided comments in response to our **Federal Register** notice of July 8, 1999. CIEL provided draft text for a sport-hunted trophy resolution. The Humane Society of the United States (HSUS) encouraged the United States to submit a resolution for many of the same reasons originally given by CIEL. Conservation Force, the Global Guardian Trust, and the Safari Club International all opposed such a submission indicating that this issue should be up to the discretion of each Party and that Parties were already well aware of what constitutes a sport-hunted trophy.

The United States has decided not to submit a resolution on the definition of a ''sport-hunted trophy.'' The United States believes that most of the concerns expressed by CIEL and HSUS will be addressed and resolved through the annotations resolution submitted by Switzerland. This resolution is the product of the Standing Committee's Annotations Working Group of which the United States was a member (see No. 2 above). In addition, the Parties have already addressed the problem of internal legal and illegal trade of rhino products and hunting of rhinos through Resolution Conf. 9.14 on ''Conservation of Rhinoceros in Asia and Africa.'' Also, the Parties are aware that properly monitored legal trade in a species should not lead to an increase in illegal trade as noted in Resolution Conf. 8.3 on ''Recognition of the Benefits of Trade in Wildlife.''

In our July 8, 1999, **Federal Register** notice, we discussed several other possible draft resolutions, draft decisions, or discussion papers as topics that the United States was considering not submitting for consideration at COP11. We have not addressed these issues in the above sections because we did not receive any comments that changed our position on them, and the United States decided not to submit them (for the same reasons provided in our July 8 notice).

Who Submitted Comments on Possible Species Proposals for the United States To Submit for Consideration at COP11?

We received comments from the following companies and organizations in response to our **Federal Register** notice of July 8, 1999, on possible species amendment proposals for the United States to submit for consideration at COP11: Afrasian Woods/Gross Veneer Sales; African Timber Organization; Aljoma Lumber, Inc.; American Furniture Manufacturers Association; Association Technique Internationale des Bois Tropicaux; American Zoological Association; Animal Welfare Institute; Center for International Environmental Law; Center for Marine Conservation; The Chameleon Information Network; Conservation Force; The Dean Company; Dean Hardwoods, Inc.; Eidai Industries, Inc.; Environmental Investigation Agency; Fauna and Flora International; Fisheries Agency of Japan; Fisheries Council of Canada; Fragrance & Materials Association; Frost Hardwood Lumber Co.; Ghana Timber Millers Organization; Global Guardian Trust; Greenpeace Mexico; Greenpeace U.S.; Grzep, C.G.; Hardwood Plywood & Veneer Association; Humane Society International; Humane Society of the United States; International Association of Fish and Wildlife Agencies; International Fund for Animal Welfare; International Society of Tropical Foresters; International Specialities, Inc.; International Wood Products Association; IUCN Central Asia Sustainable Use Specialist Group; Japan Fisheries Association; Malaysian Timber Council; Marwood, Inc.; National Fisheries Institute; National Hardwood Lumber Association; Newman Lumber Co.; Ocean Rider, Inc.; Pet Industry Joint Advisory Council; Plywood Tropics USA, Inc.; Project Seahorse (Dr. Amanda Vincent); Safari

Club International; Select Interior Door, Ltd.; Shark Research Institute; States Industries, Inc.; Steinway & Sons; T. Baird McIlvain International Co.; Thompson Mahogany Company; Wood Moulding & Millwork Producers Association; World Timber Corporation; and World Wildlife Fund.

We received one comment directly from the State of Arizona (Game and Fish Department). We also received comments from four members of Congress and five individuals. Finally, we received comments from the following range country governments, either in response to the July 8 notice or as a result of direct consultations we pursued with range country governments independently of this public involvement process: Australia, Bangladesh, Belize, Bolivia, Brazil, Brunei Darussalem, Canada, China, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Georgia, Guinea, Honduras, India, Indonesia, Iran, Japan, Kazakhstan, Kenya, Madagascar, Malaysia, Mexico, Mongolia, Nepal, the Netherlands, Pakistan, Philippines, Russian Federation (provided by Germany), Senegal, Singapore, Sri Lanka, Tajikistan, Tanzania (provided by Kenya), Turkey, and Turkmenistan. Additional comments were received from Hong Kong and Taiwan. The United States considered all comments in making its decisions on which species proposals to submit for consideration at COP11.

What Species Proposals Did the United States Submit for Consideration at COP11?

The United States submitted the following proposals to amend the CITES Appendices, for consideration at COP11. All of these proposals were discussed in our **Federal Register** notice of July 8, 1999, as proposals the United States was considering, or was undecided on. You may obtain copies of these proposals, electronically or in paper form, by contacting the Office of Scientific Authority at the address above. These proposals are also available on our Website as well as the CITES Secretariat Website.

The United States submitted the following proposals for species native to the United States or found in U.S. waters:

1. Guaiacum sanctum (Holywood lignum-vitae): Transfer From Appendix II to I

Holywood lignum-vitae, a valuable timber species widely distributed in the Florida Keys, West Indies, and Central America, has been listed in Appendix II since 1975. This species has been depleted through deforestation and felling for timber, such that it has now been extirpated or is extremely rare on most of the Caribbean islands. Remaining populations in Central America and Florida are confined to restricted areas and are still threatened by habitat loss and over-exploitation. We consulted the U.S. Department of Agriculture's Forest Service and all range country governments regarding this proposal. El Salvador expressed support for the proposal. Belize, Costa Rica, and Mexico provided information, but stated no position. Cuba and the Dominican Republic opposed the proposal. Three comments were received from the public during the **Federal Register** comment period. The International Association of Fish and Wildlife Agencies and World Wildlife Fund supported the proposed uplisting, while Global Guardian Trust felt that more information was needed. Our scientific assessment is that the species qualifies for transfer from Appendix II to Appendix I, and, accordingly, the United States submitted a proposal to transfer this species to Appendix I.

2. Kalmia cuneata (White wicky): Remove From Appendix II

White wicky, an endemic plant of the North and South Carolina coastal plain, has been listed in CITES Appendix II since 1983. White wicky has not been in international trade in recent years. The main threats to the species are habitat loss due to land development, conversion to agriculture or production forestry, and fire suppression. We consulted with the States of North Carolina and South Carolina regarding this proposal. Neither expressed any objections. We received two comments—from Global Guardian Trust and International Association of Fish and Wildlife Agencies—in support of this proposal. Because international trade does not pose a threat to this species, the United States submitted a proposal to delete the species from Appendix II.

3. Falco rusticolus (Gyrfalcon): Transfer North American Population From Appendix I to II With an Annotation

The gyrfalcon was listed in Appendix I in 1975. The North American gyrfalcon population was transferred to Appendix II in 1981 (COP3), but was returned to Appendix I in 1985 (COP5) because of concern over illegal trade. At present, the North American gyrfalcon population, consisting of over 5,000 individuals, occurs over a large area of wilderness habitat and has not been subjected to an observed, inferred, or projected decline in numbers or in the area and quality of its habitat for over 20 years. Evidence indicates that this population has not declined due to legal or illegal international trade since at least 1981. We consulted the Government of Canada regarding this proposal. Canadian authorities expressed support for the proposal and provided specific supporting language, which was included in the proposal itself. We received three comments from the public during the **Federal Register** comment period. Two letters supported the transfer and one opposed it on the grounds that no species should be split-listed.

The U.S. position is that any potential negative effects of a split listing between these birds and Eurasian birds (*e.g.,* increased potential for illegal trade, similarity of appearance) could be addressed by an annotation specifying a zero export quota for wild-caught birds, which we have proposed. Any change in this annotation would require prior approval of the Conference of the Parties, through submission of a proposal to a future meeting of the Conference of the Parties. Although the Migratory Bird Treaty Act and several State jurisdictions allow the limited capture of wild birds for private use and CITES would have allowed the exportation of these birds for personal use, all of the birds exported from Canada and the United States since 1984 have been captive-bred birds. In addition, a zero quota for wild birds would still allow limited trade in wild birds for scientific or conservation breeding purposes, in accordance with the requirements for Appendix I. Therefore, since the transfer of the species from Appendix I to Appendix II, with a zero export quota for wild birds, should have no significant impact on the species, the United States submitted such a proposal.

4. Clemmys guttata (Spotted turtle): Include in Appendix II

The spotted turtle occurs in southern Ontario, Canada, and in northeastern, upper midwestern, mid-Atlantic, and southeastern States in the United States. The primary threats to the spotted turtle are habitat fragmentation, alteration, and destruction; over-collection; and road mortality. The species is listed as endangered, threatened, or a species of special concern at the State or Provincial level throughout much of its range. Illegal commercial collecting and incidental collection by hobbyists are depleting populations in many areas. Our review of available data shows that substantial numbers of spotted turtles were exported from the United States from 1995 through 1998. We consulted

all States within the range of the spotted turtle, as well as the Government of Canada. All responding States, the Canadian Government, and Ontario provincial authorities supported listing the species in Appendix II. We also received comments from five organizations during the public comment period. The Animal Welfare Institute, Humane Society of the United States, International Association of Fish and Wildlife Agencies, and Pet Industry Joint Advisory Council supported the listing, while Global Guardian Trust opposed it on the grounds that listing is unnecessary. The United States believes that the spotted turtle meets the criteria for inclusion in Appendix II and has, therefore, submitted an Appendix-II proposal for the species.

5. Crotalus horridus (Timber rattlesnake): Include in Appendix II

The timber rattlesnake occurs in 31 States in the northeastern, southeastern, and midwestern United States. The United States proposed an Appendix II listing at COP10, but that proposal was withdrawn. Three geographical ''forms'' of the timber rattlesnake are commonly recognized. The southern population of the timber rattlesnake, known as the ''canebrake rattlesnake,'' has been recognized as a subspecies *Crotalus horridus atricaudatus* by some herpetologists. However, there is no consensus among herpetologists that the southern population is a separate subspecies, and we have treated all three geographical forms as a single species—*Crotalus horridus.* Research, long-term monitoring, and anecdotal observations indicate that timber rattlesnake populations are declining throughout much of the species' range, especially in the Northeast and Midwest. In many States only relict populations remain, and large local populations are considered to be rare. Timber rattlesnakes are threatened throughout the species' range by ongoing habitat degradation and loss, highway mortality, rattlesnake roundups, collection for domestic and international trade, and intentional killing. The numerous threats to the timber rattlesnake are exacerbated by the species' low reproductive potential.

We consulted all States within the range of the timber rattlesnake regarding this proposal. The States, through the International Association of Fish and Wildlife Agencies, expressed support for listing the species in Appendix II. We received comments from six organizations during the public comment period. The Animal Welfare Institute, Humane Society of the United States, and International Association of Fish and Wildlife Agencies supported the listing, while Conservation Force opposed it on the grounds that management is largely a domestic matter of the United States. The American Zoological Association expressed concern over the subspecific taxonomic issues mentioned above, while Global Guardian Trust stated that the impacts of international trade on the species are unknown. The United States believes that the timber rattlesnake qualifies for inclusion in Appendix II and has, therefore, proposed to list the species in Appendix II.

6. Bufo retiformis (Sonoran green toad): Remove From Appendix II

The Sonoran green toad, limited to portions of Arizona and Sonora, Mexico, has been included in Appendix II since 1975. Although this species has a limited geographic distribution, its population status within that distribution, much of which is within protected areas, is considered to be stable. There is little or no documented international trade in this species, and no other significant threats to the species have been identified. The State of Arizona (Game and Fish Department) supports the removal. The Government of Mexico was consulted, but did not respond. Four comments received from the public were in favor of delisting, while one, from the Humane Society of the United States, was opposed on the grounds that, even though no apparent trade in this species exists, it could be misidentified for other *Bufo* species that are in trade. However, we believe that the species can be readily distinguished from other *Bufo* species and that little problem with misidentification would occur. Given the lack of trade and the fact that the species is readily identifiable, the United States proposed to delete this species from Appendix II.

7. Rhincodon typus (Whale shark): Include in Appendix II

The whale shark occurs in tropical and warm-temperate waters of the Atlantic, Pacific, and Indian Oceans. It is pelagic and can be encountered in deep water far from land. However, shallow areas near the mouths of some rivers and estuaries constitute feeding or breeding/birthing grounds where whale sharks gather seasonally. The species is rare, although quantitative population estimates are not available. Local seasonal populations have declined drastically in some areas, and fishing effort and price have increased greatly. In the Philippines, significant declines in catch-per-unit-of-effort have led to attempts to exploit new fishing areas. Similar declines, possibly caused by over-exploitation, have been noted in Taiwan and the Maldives. It is not known whether fishing in one area affects populations in other areas, although at least some of the sharks migrate long distances within ocean basins, suggesting that localized fishing pressure may have regional or global effects. International trade in whale shark products takes place in Southeast Asia. The whale shark is fished for its fins and meat throughout Asia (India, Pakistan, China, Indonesia, the Philippines, Taiwan, Japan, the Maldives, and elsewhere), in some cases despite legal protection (*e.g.,* in the Philippines). In recent years, a market for fresh whale shark meat has developed in Taiwan, supplied by the Philippines.

In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting a proposal to list the whale shark in Appendix II. We received comments from several organizations during the comment period. The Fisheries Agency of Japan, Fisheries Council of Canada, Japan Fisheries Association, National Fisheries Institute, and the Global Guardian Trust opposed the listing in Appendix II, stating that not enough data existed to confirm that trade has negatively impacted whale shark populations and implementation of the newly adopted United Nations Food and Agriculture Organization (FAO) International Plan of Action for Sharks will, in time, sufficiently protect the species. The Shark Research Institute, Center for Marine Conservation, Animal Welfare Institute, and Humane Society of the United States supported an Appendix II listing, stating that the species' life history and behavior make it vulnerable to over-exploitation, that evidence exists of growing harvest pressure to supply international markets, and that extinction is likely without CITES protection. World Wildlife Fund (WWF) noted that the Philippines might submit a proposal to list the whale shark in CITES Appendix III and urged us to consult closely with them and other countries before pursuing a listing proposal. [WWF did not say that they supported the proposal and we have not received official support from the Philippines.]

The United States has endeavored to consult with the whale shark range states through the Convention on the Conservation of Migratory Species of Wild Animals (CMS), and other bilateral and multilateral contacts. Responses thus far have been favorable. At the recent meeting of the Conference of the Parties to CMS, in South Africa, representatives from the following

countries gave their preliminary support to the proposal, pending official approval from their governments: Guinea, Senegal, Pakistan, Sri Lanka, Iran, Australia, Philippines, and the Netherlands. We will submit more detailed discussion of the results of these consultations. Based on the available biological and trade information and the favorable responses from range states thus far, the United States submitted a proposal to list whale sharks in Appendix II.

8. Carcharodon carcharias (Great white shark): Include in Appendix I (Co-Sponsored the Proposal Submitted by Australia)

The great white shark is a coastal and offshore inhabitant of continental and insular shelves. It is distributed throughout temperate and subtropical oceans of the northern and southern hemispheres, and seasonally strays into tropical waters and colder temperate waters. Great white sharks are exploited worldwide by incidental fisheries, as a by-catch of longline fishing and gillnet fishing. In the past, occasional captures have been routinely marketed for the curio trade, with jaws and individual teeth across the entire size and maturity range commanding high prices in international markets. There is a smaller market for flesh and fins, with fins commanding as much as US$25.50/kg. Information from worldwide commercial catches, recreational catches, and captures in beach-meshing operations suggests that numbers are declining. Based on this and other information, the Government of Australia prepared a draft proposal to list the great white shark in Appendix I.

In response to our July 8, 1999, **Federal Register** notice, in which we indicated that the United States was considering submitting a proposal to list the species in Appendix I, we received comments from the Fisheries Agency of Japan, Fisheries Council of Canada, Japan Fisheries Association, Global Guardian Trust, National Fisheries Institute, Shark Research Institute, International Fund for Animal Welfare, Animal Welfare Institute, Humane Society International, Humane Society of the United States, and the Center for Marine Conservation. The first five organizations opposed the proposed listing, stating that insufficient data exists on stock status and trade, and that the implementation of the newly adopted FAO International Plan of Action for the Conservation and Management of Sharks will, in time, offer sufficient protection for global populations. The other commenters supported the proposed listing.

While developing its draft proposal to list great white sharks in Appendix I, the Government of Australia consulted with 45 range countries and received responses from 19. The United States, Republic of Seychelles, Croatia, France, Chile, Cameroon, and South Africa indicated full support for including the species in Appendix I. The Philippines and United Kingdom indicated support for the proposal in principle, while preferring that the great white shark be listed in Appendix II until further information is obtained. Canada stated that the biological criteria for listing in Appendix I were met but that trade criteria were not. Japan, Argentina, Spain, and Mexico indicated that, because in their view information is lacking to support claims that the proposal meets criteria for Appendix-I listing, they do not support the proposal. China commented that, since the FAO International Plan of Action for the Conservation and Management of Sharks exists, there is no need to list the great white shark on the Appendices of CITES. New Zealand, Peru, and Uruguay provided general information without indicating support or opposition, and Liberia provided positive comments about the proposal.

After considering the available information, Australia's documentation, and the submitted comments, the United States believes this species meets the criteria for inclusion in Appendix I and has indicated its intention to the Secretariat to co-sponsor the Appendix-I proposal that Australia submitted for the great white shark.

The United States also submitted the following proposals for species that are not native to the United States. All of these were submitted in co-sponsorship with other countries:

1. Manis crassicaudata, M. javanica, and M. pentadactyla (Asian pangolins): Transfer From Appendix II to I (Co-Sponsored With India, Nepal, and Sri Lanka)

These three pangolin species occur in south and southeast Asia, with some degree of overlap among their respective geographic ranges. All three species have been listed in Appendix II since 1975. Based on our review of extensive biological and trade information compiled by the CITES Animals Committee, we believe that all three species qualify for transfer to Appendix I based on the CITES listing criteria in Resolution Conf. 9.24. Pangolins are heavily exploited for food, for skins (used in the manufacture of leather goods such as boots), and medicinal uses (their scales are utilized in traditional Asian medicines). Considerable international trade occurs.

Range country Governments of Bangladesh, Brunei Darussalem, Burma/Myanmar, Cambodia, China, Indonesia, Malaysia, Pakistan, the Philippines, Singapore, Thailand, and Vietnam were consulted in regard to the desirability of transferring Asian pangolins from Appendix II to I. Bangladesh, Brunei Darussalem, and the Philippines support the proposed transfer. Indonesia stated ''If uplisting into Appendix I would help the conservation of this species, we are not in the position to reject the proposal.'' China believes that further assessment is needed on whether or not to transfer Asian pangolins from Appendix II to I; they believe that more information is needed about the species before any transfer is made. Malaysia and Singapore expressed no opinion on the proposed transfer. Other countries did not respond. We received five comments from the public during the public comment period. Global Guardian Trust opposed the proposal, while the Animal Welfare Institute and Humane Society of the United States supported the proposal. World Wildlife Fund stated that inclusion of all pangolins in Appendix I would present an enforcement challenge because of the large number of patented medicines in trade. They suggested that the United States might first consider submitting a resolution to facilitate dialogue on regulating the trade.

Despite the implementation issues that might accompany an Appendix-I listing, the United States feels that the three Asian pangolin species meet the criteria for listing in Appendix I. Numerous range countries share this belief, as evidenced by the fact that India, Nepal, and Sri Lanka co-sponsored the proposal, and by the strong support offered by several other range states. Thus, the United States submitted a proposal to transfer the Asian pangolins from Appendix II to Appendix I.

2. Tursiops truncatus (Bottlenose dolphin): Transfer Black/Azov Sea Population From Appendix II to I (Co-Sponsored With Georgia)

The subspecies *Tursiops truncatus ponticus* is endemic to the Black Sea and isolated from other populations of bottlenose dolphins in the Mediterranean and other waters. It is believed that overall abundance of dolphins in the Black Sea has declined greatly due to severe over-exploitation up into the 1980s, for human

consumption and for industrial products. The size of the present population of bottlenose dolphins is unknown, and no estimates exist of sustainable levels of take. The habitat is thought to be highly degraded and declining in quality due to contamination by sewage and industrial effluents, algal blooms, decrease in prey species due to overfishing, and by-catch in other fisheries. A substantial international commercial trade in bottlenose dolphins from the Black Sea has developed.

In response to our **Federal Register** notice of July 8, 1999, we received comments on this proposal from the following: Fisheries Agency of Japan, World Wildlife Fund, Center for Marine Conservation, World Wildlife Fund, Animal Welfare Institute, Humane Society of the United States, and Global Guardian Trust. The Fisheries Agency of Japan believed that continuing trade under Appendix II suggests that source countries are confident that populations are healthy, and did not support the Appendix-I listing. Global Guardian Trust stated that it is difficult to claim the population meets the criteria for Appendix I. The other commenters supported a transfer of the species to Appendix I.

During our initial range country consultations, we learned that one country—Georgia—wished to be a co-sponsor of the proposal. Subsequently, we worked together with Georgia to prepare the proposal and consult other range countries for the Black Sea bottlenose dolphin. Turkey, Bulgaria, and Romania supported transfer of the species from Appendix II to Appendix I, while Russia and Ukraine did not offer an opinion. On the basis of the available biological information, which indicates that this population warrants transfer to Appendix I, the United States submitted a proposal to uplist the bottlenose dolphin population of the Black Sea to Appendix I, in co-sponsorship with Georgia.

3. Moschus spp. (Musk deer): Transfer From Appendix II to I (Co-Sponsored With India and Nepal)

Musk deer are native to Asia, ranging from eastern Siberia south through Manchuria and central China to the Hindu Kush-Karakoram-Himalayan region of Afghanistan, Pakistan, and India. The number of *Moschus* species is not resolved, with authorities describing anywhere from four to seven species. This, in turn, affects subspecies classification. The subspecies *Moschus moschiferus moschiferus* was first listed in CITES Appendix I in 1975. In 1979, the listing was changed so that *Moschus moschiferus* (Himalayan population) was listed in Appendix I and all remaining populations of Moschus spp. were in Appendix II. In 1983, the listing was once again changed such that all musk deer populations of Afghanistan, Bhutan, India, Burma/Myanmar, Nepal, and Pakistan were in Appendix I and all other musk deer populations were in Appendix II. The limitations of clear taxonomic description, including the inability to distinguish among musk pods from various species, adds to the argument for including all members of the genus in Appendix I. Available information indicates that musk deer populations continue to decline throughout the range of the genus due to widespread poaching. Modification and loss of forest and scrub-forest habitat are additional threats in many portions of the range.

We formally consulted all musk deer range countries. Our letter to Afghanistan was returned as undeliverable, and no response was received from Korea, Vietnam, Pakistan, Burma/Myanmar, and the Russian Federation. China opposed the proposed uplisting to Appendix I, providing several reasons. They maintained that the threat to wild musk deer was being reduced by the increased production of synthetic musk and improvement in management on musk deer farms, including a captive breeding technique that they state is ''almost ripe'' and a technique for getting musk from live deer that has gradually improved. China believes that domestic measures are adequate to protect musk deer. The letter from China pointed out that musk deer are still abundant in their country as well as Russia, and that they consider ''2 millions square kilometers in the country as suitable habitat for these species.'' Mongolia supported the proposed uplisting to Appendix I. Although no census of musk deer in Mongolia has been taken since 1985, they reported increased poaching and reduction of musk deer populations. We received six comments from the public during the **Federal Register** comment period. Conservation Force and Global Guardian Trust opposed the proposal, while the Animal Welfare Institute and Humane Society of the United States supported the proposal. World Wildlife Fund stated that inclusion of all musk deer in Appendix I would present a tremendous enforcement challenge because of the large number of patented medicines, containing musk, which are in trade. They suggested that the United States might first consider submitting a resolution to facilitate dialogue on regulating the trade.

After evaluating all comments received and all available information, we believe that these taxa meet the criteria for inclusion in Appendix I. The willingness of India and Nepal to co-sponsor the proposal, and Mongolia's strong support of an Appendix-I listing indicate that many range countries share this belief. Thus, the United States submitted a proposal to transfer all *Moschus* populations currently in Appendix II to Appendix I, in co-sponsorship with India and Nepal.

4. Poecilotheria spp. (Eastern Hemisphere tarantulas): Include in Appendix II (Co-Sponsored With Sri Lanka)

The 11 species of eastern hemisphere tarantula (*Poecilotheria* spp.) occur only in Sri Lanka and the east coast of India. With the listing of western hemisphere tarantulas (*Brachypelma* spp.) in Appendix II in 1994, much of the commercial pet trade shifted to eastern hemisphere tarantulas. The natural reproductive potential of these species is relatively low and cannot keep up with current demand for the pet trade. In addition, captive propagation of these species is rarely successful and is unlikely to provide enough individuals to meet demand. Finally, the native forest habitat of these species is declining due to deforestation. In addition to working with Sri Lanka on this proposal, we consulted with the Government of India. Although they are not co-sponsoring this proposal, they have stated that they support it. We also received three supporting comments from the public (Animal Welfare Institute, Global Guardian Trust, Humane Society of the United States). For these reasons, the United States submitted, in co-sponsorship with Sri Lanka, a proposal to list all eastern hemisphere tarantulas in Appendix II.

5. Malacochersus tornieri (Pancake tortoise): Transfer From Appendix II to I (Co-Sponsored the Proposal With Kenya)

The pancake tortoise ranges from central Kenya southward through central Tanzania. Within that range, the species tends to be patchily distributed because of its rigid habitat requirements. The species is found only where suitable rock crevices and outcroppings are found in thorn-scrub and savannah vegetation. The pancake tortoise was listed in Appendix II in 1975. Kenya banned trade in the species in 1981. Immediately following the ban in Kenya, exports from Tanzania increased. Field surveys conducted in the early 1990s indicated that pancake tortoise populations had become

depleted in much of the species' range in Tanzania, especially in readily accessible areas. Additional collection pressure, combined with a low reproduction rate and specialized habitat requirements, could cause the species to become severely threatened throughout its range in Tanzania in the near future. For these reasons, the United States has co-sponsored the proposal submitted by Kenya to transfer the pancake tortoise from Appendix II to Appendix I. We understand that Kenya has consulted with Tanzania (the only other range country for this species) regarding this proposal.

6. Cuora spp. (Southeast Asian box turtles): Include in Appendix II (Co-Sponsored the Proposal Submitted by Germany)

The nine species of Asian box turtle (*Cuora* spp.) occur throughout much of Southeast Asia. None of the species is currently listed under CITES. The Southeast Asian box turtle (*C. amboinensis*) has been exploited heavily for food throughout much of its range. The Chinese three-striped box turtle (*C. trifasciata*) is in heavy demand for medicinal use and as a food item. Other species are in demand in food markets, for medicinal uses, in the pet trade, or for various combinations of these purposes. Some species are known primarily from food markets in China. Wild populations of many *Cuora* species have declined drastically over the last 10 years.

We consulted all CITES range countries (Bangladesh, Brunei, Cambodia, China, India, Indonesia, Malaysia, Philippines, Singapore, Thailand, and Vietnam) with regard to possible CITES listing for the two species listed above or for the genus *Cuora* as a whole. Bangladesh and Malaysia supported listing *C. amboinensis* in Appendix II; Indonesia stated that it would likely support the species' listing; Brunei Darussalem and India supported listing the entire genus; China supported both *C. amboinensis* and *C. trifasciata* for Appendix-II listing; and Singapore stated that *C. trifasciata* may qualify for Appendix II. Comments received from the Animal Welfare Institute, Humane Society of the United States, Pet Industry Joint Advisory Council, and World Wildlife Fund were supportive of Appendix-II status for the two aforementioned species or for the genus as a whole. Global Guardian Trust felt that a decision on listing should depend on the outcome of discussions between the United States and range countries. The United States feels that all species in the genus *Cuora* qualify for listing in Appendix II and co-sponsored the proposal submitted by Germany to list the entire genus *Cuora* in Appendix II.

7. Mantella spp. (Mantella frogs): Include in Appendix II (Co-Sponsored the Proposal With the Netherlands)

Mantella frogs occur only on the island of Madagascar. Four species, *Mantella bernhardi, M. cowani, M. haraldmeieri*, and *M. viridis*, were proposed for listing in Appendix II at COP10. That proposal was withdrawn when Madagascar agreed to list the four species in Appendix III. However, to date that listing has not taken place. In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting a proposal to list these four species in Appendix II. Most of the approximately 15 known species of *Mantella* have limited distributions due to the limited availability of their preferred, primary forest habitats, and available habitat continues to decline due to deforestation. Many of these species are known to be in international trade, and population declines have been documented at several locations following heavy collection for international trade. Difficulty in distinguishing among various *Mantella* species, leading to ''similarity of appearance'' problems, further justifies listing the entire genus in Appendix II. After dialogue with the Governments of Madagascar and the Netherlands, the United States agreed to co-sponsor a proposal to include all species in the genus *Mantella* in Appendix II. We had received information that Madagascar would co-sponsor the proposal, but that information was not received by the Secretariat by the submission deadline. However, we remain convinced of Madagascar's support for the inclusion of all species in the genus in Appendix II. We received comments from five organizations in response to our July 8 notice. World Wildlife Fund supported listing the entire genus in Appendix II, while the Animal Welfare Institute and the Humane Society of the United States expressed support for listing the four species mentioned in the notice. Global Guardian Trust stated that a decision on listing should depend on the outcome of discussions between the United States and Madagascar.

What Species Proposals Did the United States Decide Not To Submit for Consideration at COP11?

In our **Federal Register** notice of July 8, 1999, we described several potential species proposals that the United States was considering submitting, was considering pending additional information, or was undecided on. Based on comments that we received, workload considerations, and other developments and factors, the United States did not submit the following proposals to amend the Appendices for consideration at COP11.

1. Hippocampus spp. (Seahorses)

In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting a proposal to list all seahorses (Hippocampus spp.) in Appendix II. After reviewing all of the comments received on this issue, and all available information, we believe that the available data regarding international trade, taxonomic identification, species distribution, and biological and ecological status of the seahorses are not adequate to support submission of an Appendix-II proposal at this time. However, the United States remains very concerned about the conservation status of seahorses and other members of the family Syngnathidae, and has decided to submit a discussion paper on this issue for consideration at COP11. If sufficient progress is not made in the conservation of these species, the United States may consider submission of a proposal for consideration at COP12. Please refer to paragraph 3 above, ''Trade in Seahorses and Other Members of the Family Syngnathidae'' in the section ''What Discussion Papers Did the United States Submit for Consideration at COP11?,'' for information about the discussion paper submitted by the United States.

2. Eumetopias jubatus (Steller's sea lion)

The global population of Steller's sea lion was estimated at over 300,000 individuals in the late 1970s. Declines in abundance began in the eastern Aleutian Islands in the early 1970s, and by 1985 the populations had declined throughout the Aleutian Islands and eastward into the Gulf of Alaska, at least to the Kenai Peninsula. The species was listed as threatened under the U.S. Endangered Species Act in November 1990. Since then, two stocks, an eastern (stable population trends) and western (declining trends) population have been identified. In 1997, the status of the western stock of Steller's sea lions was changed to endangered. It is presumed that international trade occurs in this species, particularly within the western North Pacific Ocean part of the species' range, based on the availability of Steller's sea lion meat at shops at international airports in Japan.

As a result of our consultation with range country governments, we received comments from Japan and Canada, both

of which opposed a listing in Appendix I. Russia was contacted, but did not comment on the proposed action. In response to our **Federal Register** notice of July 8, 1999, we received comments on this issue from the Japan Fisheries Agency, International Association of Fish and Wildlife Agencies, Global Guardian Trust, Center for Marine Conservation, American Zoo and Aquarium Association, Humane Society of the United States, Animal Welfare Institute, and Greenpeace. The first three organizations opposed an Appendix I listing, stating that international trade is not significantly affecting Steller's sea lion populations.

The United States decided not to submit a proposal to include the species in Appendix I at this time, based on a number of factors, including range country views. We will continue to be gravely concerned about the conservation of this highly depleted species and will continue to work for the conservation and recovery of Steller's sea lion populations, through the Marine Mammal Protection Act and the Endangered Species Act. We will monitor the status of the species throughout its range, put this important item on the agendas of the appropriate fora, such as the U.S./Japan Consultative Committee on Fisheries and the North Pacific Marine Science Research Organization (PICES), and pursue the topic through appropriate diplomatic channels.

3. Chamaeleo parsonii parsonii (Parson's chameleon)

Parson's chameleon is endemic to the rainforests of eastern Madagascar. The species was listed in Appendix II in 1977. The primary threats to this species are the continued loss of its rainforest habitat and unsustainable exports for the live reptile trade. Parson's chameleons require dense forest cover, most of which has already been lost through deforestation. Parson's chameleons have been exported for the pet trade and as zoological specimens since at least 1988. Legal commercial exports were suspended in 1995, and relatively few captive offspring are produced. These two factors have served to drive up both the demand from hobbyists and the selling price of chameleons imported prior to the ban or born in captivity. In the event that trade resumes, Parson's chameleon would be placed under heavy pressure from collectors supplying exporters. In response to our **Federal Register** notice of July 8, 1999, we received responses from six organizations and two individuals. The two individuals, Pet Industry Joint Advisory Council, and Global Guardian Trust opposed the listing, while the Animal Welfare Institute, Humane Society of the United States, and Chameleon Information Network supported it. World Wildlife Fund discouraged the use of split listings. We formally consulted Madagascar in regard to the proposal, but received no response. Because of the lack of range country response, the export moratorium currently in place, and workload factors, the United States decided not to submit a proposal to transfer Parson's chameleon to Appendix I at COP11. However, we will continue to monitor the trade and biological status of this taxon. In the event that the export moratorium is lifted in the near future, or other information becomes available, the United States may consider proposing this species for Appendix I at COP12.

4. Swietenia macrophylla (Bigleaf mahogany)

The United States is the largest importer of wood of this species, which occurs in range states from Mexico to Brazil and Bolivia. Brazil and Bolivia are the two largest exporters; the other 11 range states export far less. In November 1995, Costa Rica listed Bigleaf mahogany (from the Americas) in Appendix III, including its saw-logs, sawn wood, and veneer sheets (other derivatives such as furniture are exempt from CITES requirements). Bolivia included bigleaf mahogany in Appendix III in March 1998, and Brazil and Mexico took the same action in July 1998 and April 1999, respectively. Species listed in Appendix III can be traded commercially, provided the appropriate findings are made and CITES documents are issued. Once a species is added to Appendix III, the countries that list the species are required to issue permits and ensure that specimens are legally acquired; non-listing range countries must issue certificates of origin; and importing countries are required to ensure that all shipments are accompanied by the appropriate CITES documents.

Proposals to include this species in Appendix II were submitted to COP8 by Costa Rica and the United States, to COP9 by the Netherlands, and to COP10 by Bolivia and the United States. At COP8, the proposal was withdrawn; at COP9 it gained 60 percent of the vote, short of the two-thirds majority needed for adoption. The COP10 proposal also received the majority of the votes, but did not obtain the required two-thirds majority. At COP10, Brazil offered to host a Mahogany Working Group meeting that would examine the conservation status of the species, including related forest policies and management, and international cooperation and trade, and make recommendations accordingly.

The Working Group met in Brasilia in June 1998. Attendees included seven range states, including the six largest (Brazil, Bolivia, Peru, Ecuador, Colombia, and Venezuela), the major importing countries, including the United States, the Food and Agriculture Organization of the United Nations, the International Tropical Timber Organization, non-governmental organizations, experts, and others. The group affirmed the utility of Appendix-III listings and the need for forest inventories. The group agreed to joint actions, which include evaluating the status of commercial timber species, technical and scientific cooperation for the species' sustained management and reproduction, and commercial and industrial cooperation, as well as supervision, control, and inspection of the products.

In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering proposing *Swietenia macrophylla* for listing in Appendix II of CITES, and that we were seeking additional information in the status and trade of the species. The overwhelming majority of responses received in reply to the notice and at the public meeting held on July 28, 1999, were opposed to a U.S. proposal to list bigleaf mahogany in Appendix II. We received comments from the following companies and organizations: Afrasian Woods/Gross Veneer Sales; African Timber Organization; Aljoma Lumber, Inc.; American Furniture Manufacturers Association; Association Technique Internationale des Bois Tropicaux; Center for International Environmental Law; The Dean Company; Dean Hardwoods, Inc.; Eidai Industries, Inc.; Frost Hardwood Lumber Co.; Fund for Animals, Inc.; Ghana Timber Millers Organization; Global Guardian Trust; Greenpeace Mexico; Grzep, C.G.; Hardwood Plywood & Veneer Association; International Society of Tropical Foresters; International Specialities, Inc.; International Wood Products Association; Malaysian Timber Council; Marwood, Inc.; National Hardwood Lumber Association; Newman Lumber Co.; Plywood Tropics USA, Inc.; Select Interior Door, Ltd.; States Industries, Inc.; Steinway & Sons; T. Baird McIlvain International Co.; Thompson Mahogany Company; Wood Moulding & Millwork Producers Association; and World Timber Corporation. In addition, we received comments from the following members of Congress: Congressman Owen Pickett,

Congressman Nick Rahall, Senator John Breaux, and Senator Robert Byrd. Only the Center for International Environmental Law and Greenpeace Mexico expressed support for an Appendix II proposal.

We also consulted all of the range nations for this species, in writing. We received seven responses: Ecuador, Honduras, and Mexico expressed support; Costa Rica and Nicaragua provided information, but stated no position; and Bolivia and Brazil expressed opposition to a U.S. proposal to list this species in Appendix II. As noted above, Brazil proposed including bigleaf mahogany as an agenda item for discussion and submitted a document for discussion at COP11, reporting on the results of the Mahogany Working Group meeting that Brazil hosted in June 1998. The United States is very supportive of providing the Parties an opportunity to discuss progress in the conservation of *Swietenia macrophylla* since COP10. In relation to this discussion, we will work closely with other Federal agencies, and intend to submit an informational document outlining U.S. views on the issue and actions under way to conserve the species. For a number of reasons, the United States decided not to submit an Appendix-II proposal for bigleaf mahogany at this time.

5. Dissostichus eleginoides (Patagonian toothfish)

Dissostichus eleginoides occurs along slope waters in the Pacific off Chile from 30 °S to Cape Horn, in the southern Atlantic along the coast and slope waters of southern Patagonia and Argentina, to south of South Africa and south of New Zealand, including the sub-Antarctic waters of the Indian Ocean and Macquarie Island on the Indo-Pacific boundary of the Southern Ocean. The fishery for Patagonian toothfish is relatively new, and no long-term fishery data exist by which to establish trends. However, rapid increases in catch have occurred over the last few years. In addition, several characteristics of the life history of *D. eleginoides* make it vulnerable to over-exploitation, such as low fecundity, slow growth, long life, and late maturation. Illegal trade and overharvest in and outside of the jurisdictional waters of the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) is of prime concern to the United States and other Parties to CCAMLR.

In response to our **Federal Register** notice of July 8, 1999, we received comments on this issue from Fisheries Agency of Japan, Japan Fisheries Association, National Fisheries Institute, Global Guardian Trust, Center for Marine Conservation, Greenpeace, Humane Society International, and Humane Society of the United States. The first four commenters opposed an Appendix-II listing, stating that toothfish management should be left to regional bodies like CCAMLR. The other organizations supported the proposal.

The United States and other Parties have made proposals to CCAMLR for a toothfish catch certification program since October 1998, and a final program was adopted by CCAMLR parties in November 1999. The scheme will document information regarding the catch of most toothfish including the amount of fish caught by weight; the National Agency that authorized the catch; the number of the license or permit issued to the vessel, as appropriate; information concerning the vessel on which the fish was caught; and the location of where the fish was caught. The scheme obligates Contracting Parties to CCAMLR to require their vessels to use the scheme for all fishing for toothfish. Second, it requires that any Contracting Party landing fish from a Party or non-Party to CCAMLR in its territory or on a flag vessel ensure that the fish it is landing is accompanied by the documentation called for in the scheme. Finally, it requires CCAMLR Parties that import toothfish to ensure that all imported fish are accompanied by the documentation called for in the scheme. The United States believes that implementation of the adopted certification scheme will help ensure the sustainability of the Patagonian toothfish fishery while protecting spawning populations and reducing illegal catch. Therefore, the United States decided not to submit a proposal for Patagonian toothfish.

6. Rhacodactylus spp. (New Caledonia geckos)

Rhacodactylus geckos are endemic to New Caledonia and nearby islands. None of the species is currently listed under CITES. In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting a proposal to list four species of New Caledonian geckos (*Rhacodactylus chahoua, R. ciliatus, R. leachianus,* and *R. sarasinorum*) in Appendix II. These species are threatened by habitat destruction due to agricultural and related burning, deforestation, and mining; introduction of exotic species; and collection for the international commercial pet trade. Collection pressure appears to be most intense on some of the more remote, uninhabited islands where it is difficult to control collection. We received six comments regarding the possible listing of New Caledonian geckos in Appendix II. Jean Chazeau (Laboratoire de Zoologie Applique, New Caledonia), the Humane Society of the United States, and the Global Guardian Trust supported such listing, whereas one individual and the Pet Industry Joint Advisory Council opposed the listing. World Wildlife Fund neither supported nor opposed the listing, but commented that New Caledonia currently prohibits the export of these geckos and that further information was needed to determine if the species meet the listing criteria. We also formally consulted the Governments of New Caledonia and France but received no comments. Based on the lack of range country response and workload considerations, the United States decided not to submit a proposal to include these species in Appendix II. We will discuss the issue with the Governments of New Caledonia and France at COP11 and monitor the trade in these species between COP11 and COP12. If warranted, the United States will consider submission of a proposal at COP12.

7. Cacatua sulphurea (Lesser sulphur-crested cockatoo)

In our **Federal Register** notice of July 8, 1999, we recalled that the Conference of the Parties agreed at COP10 to retain the lesser sulphur-crested cockatoo in Appendix II, but reconsider listing the species in Appendix I if Indonesia had not progressed in implementing a recovery plan for the species. We requested additional information from the public on implementation of the recovery plan, and we indicated that we were consulting with the Government of Indonesia on this matter. The Government of Indonesia has informed us that they are now in the process of implementing their recovery plan, and the species should remain in Appendix II. We note that several surveys of this species have been conducted in different parts of its range, to assess its status in the wild, and Indonesia has banned the export of this species since 1995. We have encountered no information to indicate that this export ban is not being adequately enforced, and we received no comments containing information to suggest that progress has not been made with the recovery plan. Although one commenter suggested that we submit a proposal to list the species in Appendix I as a precautionary measure, the United States has decided not to submit such a proposal at this time. However, we will continue to monitor trade in this species and progress with implementation of

the recovery plan in Indonesia. If necessary, the United States will reconsider this species for transfer to Appendix I at COP12.

8. Ovis vignei (Urial sheep)

Urial sheep are native to central Asia, ranging from Iran and Turkmenistan in the west to northern India (Ladakh) in the east. Within this range, urial tend to have a patchy distribution associated with mountain ranges and rugged hill and canyon country. The number of urial subspecies is not resolved, with authorities describing from five to seven. The nominate subspecies, *O. vignei vignei*, has been listed in CITES Appendix I since 1975; no other subspecies are currently listed. Urial populations appear to have declined across much of the species' entire range over the past 20–30 years as a result of poaching and habitat degradation. In our **Federal Register** notice of July 8, 1999, we indicated that the United States was considering submitting, supporting, or co-sponsoring a proposal to list the entire species *Ovis vignei* in Appendix I.

We consulted all urial range countries, as well as the Russian Federation (through Germany), and received responses from Kazakhstan, the Russian Federation, Tajikistan, and Turkmenistan. Tajikistan simply provided information about the status of urials in that country, while the three other countries opposed the Appendix-I listing for all unlisted subspecies. We received comments from seven organizations during the public comment period. The Animal Welfare Institute and Humane Society of the United States supported the inclusion of the entire species in Appendix I. The International Association of Fish and Wildlife Agencies stated that available information would appear to indicate that some subspecies should be in Appendix I while others should not. Safari Club International stated that the issue of urial conservation should be approached on a population-by-population basis. The IUCN Sustainable Use Specialist Group stated that an Appendix-I listing would create problems for planned urial conservation projects based on sustainable use in Pakistan. Conservation Force opposed a listing on the grounds that the species' status and limited trade do not warrant an Appendix-I listing and that such a listing would severely limit sustainable use programs necessary for the conservation of the species.

In light of range country concerns about an Appendix-I listing and recent population information suggesting that an Appendix-I listing for the entire species may not be warranted, the United States decided not to co-sponsor Germany's proposal to list the entire species in Appendix I. We will continue to gather information needed to determine what position the United States should take at COP11 relative to the listing of urial under CITES.

9. Thunnus maccoyii (Southern bluefin tuna)

Southern bluefin tuna are large, highly migratory, pelagic fish that inhabit portions of the Pacific, Atlantic, and Indian Oceans in the Southern Hemisphere. Some researchers have estimated that the total Southern bluefin tuna population declined by 50 percent between 1960 and 1966, and then by 30–57 percent between 1966 and 1991. By 1994, estimated adult population size had fallen 80–94 percent below 1966 levels. However, some recent assessments indicate that numbers of adults have increased between 1991 and 1994. Southern bluefin tuna are very valuable and are exploited for the Japanese high-grade sashimi market, and markets have developed recently in Taiwan and the Republic of Korea. The primary harvest is by Australia and New Zealand in their coastal waters and Japan in offshore waters. The fishery has been active since the 1950s, but the United States does not participate. Illegal fisheries have been documented in Australia's Exclusive Economic Zone (EEZ).

Southern bluefin tuna management was formalized between the three major harvesting nations under the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) in May 1994. Commercial landings declined precipitously during the early 1980s and have remained low because of global total allowable catch (TAC) levels set by CCSBT. Through 1998, CCSBT set annual quotas well below historic harvest levels. However, quota effectiveness is undermined by rising catches of non-CCSBT fishing fleets and disputes on quotas by CCSBT members. Recent conflicts over these and other issues were addressed by the International Tribunal for the Law of the Sea, and CCSBT members are working to resolve differences in opinion over stock status and catch allocation.

In response to our **Federal Register** notice of July 8, 1999, we received comments on this issue from Japan Fisheries Association, Global Guardian Trust, Humane Society International, and Humane Society of the United States. The first two commenters opposed any listing of southern bluefin tuna under CITES, emphasizing the management authority of CCSBT. The other commenters supported an Appendix-II listing for the species.

Given the conflict resolution currently under way within CCSBT, and the comments received, the United States decided not to submit an Appendix-II proposal for southern bluefin tuna.

10. Other Species

In our **Federal Register** notice of July 8, 1999, we indicated that the United States did not intend to submit several potential species proposals for consideration at COP11. We did not receive any comments that provided information that led the United States to change its position on these species. Therefore, the United States submitted no proposals for those species and we have not addressed them any further in this notice.

Future Actions

Through one additional **Federal Register** notice, we will publish the provisional agenda for COP11 and inform you about proposed U.S. negotiating positions on proposals to amend the Appendices, draft resolutions, draft decisions, discussion papers, and other issues before the Parties for consideration at COP11. We will also publish an announcement of a public meeting that we expect to hold approximately one month prior to COP11, to receive public input on our positions regarding COP11 issues.

Prior to COP11, we will post on our Website any changes the United States makes to its proposed negotiating positions contained in the **Federal Register** notice referred to in the above paragraph.

After the meeting of the COP, we will publish a notice in the **Federal Register** announcing the amendments to CITES Appendices I and II that were adopted by the Parties at the meeting, and requesting comments on whether the United States should enter reservations on any of these amendments.

Author and Authority

The primary authors of this notice are Mark Albert, Office of Management Authority; and Susan Lieberman, Kurt Johnson, Julie Lyke, Javier Alvarez, Tim VanNorman, and John Field, Office of Scientific Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 9, 2000.

Jamie Rappaport Clark,

Director.

[FR Doc. 00–3719 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–1610–DH–24–1A]

Notice of Availability of Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for a Proposed Plan Amendment to the Henry Mountain Management Framework Plan (MFP)

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Notice is hereby given that the Utah Bureau of Land Management, Richfield Field Office has completed an EA/FONSI for a Proposed Amendment to the Henry Mountain MFP and is available for public review. The public lands involved are covered by the Henry Mountain MFP and are located in Townships 28 through 30 South, Ranges 15 through 17 East, Salt Lake Meridian, Utah.

A livestock permittee (in coordination with the BLM and a land conservation group) has proposed to voluntarily relinquish a portion of his livestock grazing privileges within the Robbers Roost Allotment for the long term benefit of land and wildlife resources. Subsequently, the proposed action would be to prohibit livestock grazing in a portion of the Robbers Roost Allotment and would amend the MFP by changing the allocation of livestock forage within that area. In order to keep livestock out of the area of the allotment where grazing privileges are relinquished, construction of two segments of new fence and a cattleguard would be necessary.

DATES: The protest period for this proposed amendment commences with the publication of this notice. Protests must be submitted to the Director of the Bureau of Land Management on or before March 20, 2000. In accordance with 43 CFR 1610.5–2, Protest Procedures, any person who has participated in this planning process and has an interest which is or may be adversely affected by the amendment of this management framework plan may protest this proposed amendment to the Director of the Bureau of Land Management.

ADDRESSES: Protests to the proposed plan amendment must be addressed and sent to the Director (WO–210), Bureau of Land Management, Attn: Brenda Williams, Resource Planning Team, 1849 C Street, NW., Washington, DC 20240, within 30 days after the date of publication of this notice for the proposed planning amendment. All protests must contain the following information: (1) The name, mailing address, telephone number and interest of the person filing the protest; (2) a statement of the issue(s) being protested; (3) a statement of the part(s) of the amendment being protested; (4) a copy of all documents addressing the issue(s) that were submitted during the planning process by the protesting party; and (5) a concise statement why the State Director's decision is believed to be wrong.

SUPPLEMENTARY INFORMATION: Comments, including names and street addresses of respondents, will be available for public review at the address below during regular business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, except holidays, and may be published as part of the environmental assessment or other related documents. Individual respondents may request confidentiality. If you wish to withhold your name and address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Gary L. Hall, Assistant Field Manager, Henry Mountains Field Station, Richfield Field Office, 150 East 900 North, Richfield, Utah 84701 telephone number 435–542–3461 or 435–896–1564. Copies of the Proposed Plan Amendment are available for review at the Richfield Field Office.

Sally Wisely,

State Director, Utah.

[FR Doc. 00–3792 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–935–1430–ET; COC–25845]

Proposed Extension of Public Land Order No. 5811; Opportunity for Public Meeting; Colorado

February 2, 2000.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation, Upper Colorado Region, proposes to extend Public Land Order No. 5811 for a 20-year period. This order withdrew National Forest System lands from location and entry under the mining laws to protect the McPhee Dam and Reservoir, Dolores Project, in Colorado. The lands have been and remain open to Bureau of Reclamation and Forest Service management and to mineral leasing. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by May 17, 2000.

ADDRESSES: Comments and meeting requests should be sent to the Colorado State Director, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius at 303–239–3706.

SUPPLEMENTARY INFORMATION: On January 31, 2000, the Bureau of Reclamation, Upper Colorado Region, requested that Public Land Order No. 5811 be extended for a 20-year period. This withdrawal was made to protect improvements at the McPhee Dam, to provide protection for improvements, provide wildlife mitigation for lands inundated by the Dam, and for recreation purposes. Public Land Order 5811 will expire on January 21, 2001.

The withdrawal comprises approximately 1,262.62 acres in the San Juan National Forest located in T. 38 S., R.s. 15 and 16 W. The lands are described in Public Land Order 5811 and are located in Summit County. A complete description of the lands can be provided by the Colorado State Office at the address shown above.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed extension may present their views in writing to the Colorado State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with this proposed extension. All interested persons who desire a public meeting for the purpose of being heard on the proposed extension should submit a written request to the Colorado State Director within 90 days from the date of publication of this notice. If the authorized officer determines 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 prior to the scheduled date of the meeting.

This extension will be processed in accordance with regulations set forth in 43 CFR 2310.4.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 00–3844 Filed 2–16–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–080–1310–00]

Proposed Plan Amendment Environmental Assessment to the Book Cliffs Resource Area Resource Management Plan

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of availability of the proposed plan amendment environmental assessment to the Book Cliffs Resource Area Resource Management Plan.

SUMMARY: The Bureau of Land Management (BLM), Vernal Field Office has completed an Environmental Assessment (EA) and issued a Finding of No Significant Impact (FONSI) for the proposed amendment to the Book Cliffs Resource Area Resource Management Plan (BCRA–RMP). The proposed plan amendment would authorize oil and gas leasing and development in the Hill Creek Federal Oil and Gas Unit located approximately 35 miles south of Vernal, Utah, encompassing approximately eight square miles (or 5,350 acres) within Sections 27 through 34 of Township 10 South, Range 20 East. Approximately 78 percent (4,150 acres) of the project area is located on lands belonging to the Uintah and Ouray Indian Reservation. Approximately 18 percent (960 acres) is located on public lands administered by the Bureau of Land Management, and the remaining approximately 4 percent (240) acres is located on private lands.

DATES: The 30 day protest period for this proposed plan amendment will commence with the date of publication of this notice. Protests must be received on or before March 20, 2000.

ADDRESSES: Protests must be addressed to the Director (WO–210), Bureau of Land Management, Attn: Brenda Williams, 1849 C Street, N.W., Washington, D.C. 20240, within 30 days after the date of publication of this Notice of Availability.

FOR FURTHER INFORMATION CONTACT: Duane De Paepe, Planning and Environmental Coordinator, Vernal Field Office, at 170 South 500 East, Vernal, Utah 84078, (435) 781–4403. Copies of the proposed Plan Amendment EA are available for review at the Vernal Field Office.

SUPPLEMENTARY INFORMATION: This action is announced pursuant to Section 202(a) of the Federal Land Policy and Management Act (1976) and 43 CFR Part 1610. This Proposed Amendment is subject to protests by any party who has participated in the planning process. Protest must be specific and contain the following information:

—The name, mailing address, phone number, and interest of the person filing the protest.

—A statement of the issue(s) being protested.

—A statement of the part(s) of the proposed amendment being protested and citing pages, paragraphs, maps, et cetera, of the proposed plan amendment.

—A copy of all documents addressing the issue(s) submitted by the protestor during the planning process or a reference to the date when the protester discussed the issue(s) for the record.

—A concise statement as to why the protester believes the BLM State Director is incorrect.

Sally Wisely,

State Director.

[FR Doc. 00–3791 Filed 2–16–00; 8:45 am]

BILLING CODE 1310–DQ–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 29, 1999, Ansys Diagnostics, Inc., 25200 Commercentre Drive, Lake Forest, California 92630, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Phencyclidine (7471)	II
1-Piperidinocyclohexane-carbonitrile (PCC) (8603)	II
Benzoylecgonine (9180)	II

The firm plans to manufacture the listed controlled substances to produce standards and controls for in-vitro diagnostic drug testing systems.

Any other such application and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 17, 2000.

Dated: February 10, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–3731 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 8, 1999, and published in the **Federal Register** on October 18, 1999, (64 FR 56225), Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Dimethyltryptamine (7435)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclindine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to produce isotope labeled standards for drug analysis.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cambridge Isotope Lab to manufacturer the listed controlled substances is consistent with the public

interest at this time. DEA has investigated the company on a regular basis to ensure that its continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: February 10, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–3730 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 29, 1999, Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Thebaine (9333)	II

The firm plans to manufacture the listed controlled substances for distribution to its customers as bulk product.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 17, 2000.

Dated: February 10, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–3732 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 9, 1999, Novartis Pharmaceutical Corporation, 59 Route 10, East Hanover, New Jersey 07936, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture finished product for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 17, 2000.

Dated: February 10, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–3733 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 5, 1999, Orpharm, Inc., 4815 Dacoma Street, Houston, Texas 77092, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250)	II
Methadone-intermediate (9254)	II
Levo-alphacetylmethadol (9648)	II

The firm plans to manufacture methadone and methadone-intermediate for production of LAAM.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 17, 2000.

Dated: February 10, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–3734 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Fee Remittance Form for Certain F–1, J–1 and M–1 Nonimmigrants.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 17, 2000.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* Fee Remittance Form for Certain F–1, J–1 and UM–1 Nonimmigrants.

(3) *Agency form number, if any, and the applicable component sponsoring the collection:* Form I–901. Office of Adjudications, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is used by nonimmigrant students and exchange visitors to submit the fee authorized by Public Law 104–208, Subtitle D, Section 641. The information is required to positively identify the individual submitting the form and to return a receipt.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 251,000 responses at 19 minutes (.316 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 79,316 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact Mr. Robert B. Briggs, Clearance Officer, U.S. Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center Building, 1001 G Street, NW., Washington, DC 20530.

Dated: February 14, 2000.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–3810 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review: Application for Asylum and Withholding of Removal.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on November 3, 1999 at 64 FR 59792, providing notice to the public for the solicitation of public comments. The Service allowed a 60-day public comment period that ended on January 3, 2000. The Service received one comment from a non-governmental organization on the proposed extension of the existing information collection. This comment commended the INS on previous revision, noting that the form was more ''user-friendly'' than in the past. The comment also made several suggestions for revising the format on the information collection that will be incorporated to the extent possible. In addition, the comment highlighted several problems clients and attorneys have encountered related to the processing and distributing the application. These problems are being corrected through additional processing guidance, training and discussion by program staff.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until March 20, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Asylum and Withholding of Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Forms I–589 and I–589S. Office of International Affairs, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information collection will be used to determine whether an alien applying for asylum and/or withholding of deportation in the United States is classifiable as a refugee, and is eligible to remain in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to*

respond: 50,000 responses at approximately 12 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 600,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: February 11, 2000.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–3809 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2046–00]

Immigration and Naturalization Service User Fee Advisory Committee; Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

Committee meeting: Immigration and Naturalization Service User Fee Advisory Committee.

Date and time: Wednesday, May 10, 2000, at 1 p.m.

Place: Immigration and Naturalization Service Headquarters, 425 I Street, NW, Washington, DC 20536, Shaughnessy Conference Room—Sixth Floor.

Status: Open. Twentieth meeting of this Advisory Committee.

Purpose: Performance of advisory responsibilities to the Commissioner of the Immigration and Naturalization Service pursuant to section 286(k) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1356(k) and the Federal Advisory Committee Act, 5 U.S.C. app. 2. The responsibilities of this standing Advisory Committee are to advise the Commissioner of the Immigration and Naturalization Service on issues related to the performance of airport and seaport immigration inspection services. This advice should include, but need not be limited to, the time period during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. These responsibilities are related to the assessment of an immigration user fee pursuant to section 286(d) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1356(d). The Committee focuses attention on those areas of most concern and benefit to the travel industry, the traveling public, and the Federal Government.

Agenda

1. Introduction of the Committee members.
2. Discussion of administrative issues.
3. Discussion of activities since last meeting.
4. Discussion of specific concerns and questions of Committee members.
5. Discussion of future traffic trends.
6. Discussion of relevant written statements submitted in advance by members of the public.
7. Scheduling of next meeting.

Public participation: The meeting is open to the public, but advance notice of attendance is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least 5 days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting to the contact person for consideration by this Advisory Committee. Only written statements received by the contact person at least 5 days prior to the meeting will be considered for discussion at the meeting.

Contact person: Charles D. Montgomery, Office of the Assistant Commissioner, Inspections, Immigration and Naturalization Service, Room 4064, 425 I Street, NW, Washington, DC 20536, telephone: (202) 616–7498, fax: (202) 514–8345, E-mail: charles.d.montgomery@udsoj.gov.

Dated: February 9, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–3811 Filed 2–16–00; 8:45 am]

BILLING CODE 4410–10–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00–018)]

National Environmental Policy Act; Sounding Rocket Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of the final supplemental environmental impact statement (FSEIS) for the Sounding Rocket Program (SRP).

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and NASA policy and procedures (14 CFR part 1216 subpart 1216.3), NASA has prepared and issued a FSEIS for continuation of its SRP, which offers approximately 30 flight opportunities per year to space scientists. The FSEIS addresses environmental issues associated with the launch and recovery of the sounding rockets and/or associated scientific payloads. The purpose of the launches is to support space and earth science research. This FSEIS addresses the programmatic changes to the SRP that have occurred since the issuance of the 1973 final environmental impact statement (FEIS) for the NASA SRP and analyzes the site-specific environmental impacts at the three principal U.S. launch sites located at: Wallops Flight Facility, Wallops Island, Virginia; Poker Flat Research Range near Fairbanks, Alaska; and White Sands Missile Range, New Mexico.

DATES: NASA will take no final action or reach a final decision on continuation of the SRP program and use of Wallops Flight Facility, Wallops Island, Virginia, White Sands Missile Range, New Mexico, and Poker Flat Research Range, Alaska before March 20, 2000 or 30 days from the date of publication in the **Federal Register** of the U.S. Environmental Protection Agency's notice of availability of the SRP FSEIS, whichever is later.

ADDRESSES: The FSEIS may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street SW., Washington, DC 20546 (202–358–0167).

(b) NASA, Goddard Space Flight Center/Wallops Flight Facility, Public Affairs Office, Wallops Island, VA 23337 (757–824–1579).

(c) Eastern Shore Public Library, Accomac, VA (757–787–3400).

(d) University of Alaska-Fairbanks Library, Fairbanks, AK (907–474–7224).

(e) Alamogordo Library, Alamogordo, NM (505–439–4140).

(f) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).

(g) NASA, Spaceport USA, Room 2001, John F. Kennedy Space Center, FL 32899. Please call Lisa Fowler beforehand at 407–867–2497 so that arrangements can be made.

In addition, the FSEIS may be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(a) NASA, Ames Research Center, Moffett Field, CA 94035 (650–604–4191).

(b) NASA, Dryden Flight Research Center, P.O. Box 273, Edwards Air Force Base, CA 93523 (661–258–3449).

(c) NASA, Glenn Research Center at Lewis Field, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2755).

(d) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(e) NASA, Johnson Space Center, Houston, TX 77058 (281–483–8612).

(f) NASA, Langley Research Center, Hampton, VA 23665 (757–864–2497).

(g) NASA, Marshall Space Flight Center, Huntsville, AL 35812 (256–544–2030).

(h) NASA, Stennis Space Center, MS 39529 (228–688–2164).

Limited copies of the FSEIS are available, on a first request basis, by contacting William B. Johnson at the address, telephone number, or electronic mail address provided below.

FOR FURTHER INFORMATION CONTACT: William B. Johnson, Code 810, NASA, Goddard Space Flight Center, Wallops Flight Facility, Wallops Island, Virginia, 23337; telephone 757–824–1099; electronic mail (william.b.johnson.1@gsfc.nasa.gov).

SUPPLEMENTARY INFORMATION: The NASA SRP is a suborbital spaceflight program primarily in support of space and earth sciences research activities sponsored by NASA. This program also provides applicable support to other government agencies as well as international sounding rocket groups and scientists. The program is a relatively low-cost, quick response effort. These experiments provide a variety of information, including high-altitude wind shear and velocity, density and temperature or particles in the upper atmosphere, and changes in the ionosphere. Sounding rocket payloads also yield valuable data on the natural conditions surrounding the Earth, Sun, stars, galaxies, nebulas, planets, and other phenomena.

NASA uses sounding rockets to allow scientists to conduct investigations at specified times and altitudes. Sounding rockets fly vertical flight trajectories from 48 kilometers (30 miles) to over 1,290 kilometers (800 miles) in altitude. Sounding rockets provide the only means for in situ measurements at altitudes between the maximum altitude of balloons (about 48 kilometers (30 miles)) and the minimum altitude for satellites (about 160 kilometers (100 miles)). The flight normally lasts less than 30 minutes. All of the motors used in the program use solid fuel and are relatively small.

The proposed action and NASA's preferred alternative is the continued operation of the NASA SRP, as presently managed. The FSEIS focuses on programmatic changes in the NASA SRP that have taken place since the original FEIS was issued in 1973 by deleting launch vehicles that are no longer used, adding new launch vehicles and systems currently being used, and reflecting changes in Federal and State environmental statutes and regulations. The FSEIS addresses both the overall environmental impacts of the SRP and the site-specific environmental impacts at and in the area of the three principal domestic sounding rocket sites: Wallops Flight Facility, Wallops Island, Virginia; White Sands Missile Range, White Sands, New Mexico; and Poker Flat Research Range near Fairbanks, Alaska. NASA investigated alternatives to sounding rockets; alternatives to current propellants; and alternatives to the launch sites at Wallops Island, Virginia, White Sands, New Mexico, and Poker Flat, Alaska. No alternative to the sounding rocket could provide the same quality of scientific data. Alternative propellants are impractical since they would result in decreased performance, generate other pollutants, or present other physical dangers. Launching at other than the established U.S. ranges on a continual basis is not practical since it would increase adverse environmental impacts due to construction activities without realizing any operational or environmental advantages.

Some sounding rocket campaigns are conducted at other U.S. sites and at foreign locations. Prior to deciding whether to conduct sounding rocket campaigns at sites other than the three specifically addressed in the FSEIS, NASA will undertake additional site-specific environmental review and documentation, as appropriate.

Comments on the draft supplemental environmental impact statement were solicited from Federal, State and local agencies, organizations, and the general public through: (a) Notices published in the **Federal Register**—NASA notice on June 12, 1995 (60 FR 30901), and U.S. Environmental Protection Agency notice on June 16, 1995 (60 FR 31716); and (b) notices in newspapers of general circulation in areas potentially subject to environmental impacts. Comments received have been addressed in the FSEIS.

Jeffrey E. Sutton,

Associate Administrator for Management Systems.

[FR Doc. 00–3808 Filed 2–16–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Waste Regulation

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. This is the required notice.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this modification request on or before March 20, 2000.

ADDRESSES: Comments should be addressed to Permit office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, 22230.

FOR FURTHER INFORMATION CONTACT: Joyce Jatko, Environmental Officer, at the above address or (703) 306–1032.

SUPPLEMENTARY INFORMATION: Raytheon Polar Services Company, a business unit of Raytheon Technical Services Company, is in the phase-in period for assuming responsibility for the contract to provide operations support to the United States Antarctic Program. As part of that support, Raytheon personnel will be assuming responsibility for waste management activities. Those activities are currently regulated under the terms of a permit held by the incumbent contractor, Antarctic Support Associates, Permit Number 2000WM–01. Raytheon Polar Services Company has requested that the permit be transferred to them. The transfer would be effective on or about 1 April 2000, the date the new contract is anticipated to take effect. The transfer

would modify the permit to change the permit holder from Antarctic Support Associates to Raytheon Polar Services Company, 16800 E. CentreTech Parkway, Aurora, CO 80011–9646. All other permit conditions would remain the same.

Joyce A. Jatko,

Acting Permit Officer.

[FR Doc. 00–3704 Filed 2–16–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 1–4, 2000, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Thursday, October 14, 1999 (64 FR 55787).

Wednesday, March 1, 2000

1:00 p.m.–1:15 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:15 p.m.–3:15 p.m.: Development of Risk-Informed Revisions to 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status of developing risk-informed revisions to 10 CFR part 50 and related matters.

3:30 p.m.–6:00 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss proposed ACRS reports on Low-Power and Shutdown Operations Risk Insights Report, and on Proposed Revision of the Commission's Safety Goal Policy Statement for Reactors.

6:15 p.m.–7:15 p.m.: Discussion of Topics for Meeting with the NRC Commissioners (Open)—The Committee will discuss issues associated with risk-informed regulation, including impediments to the increased use of risk-informed regulation; use of importance measures in regulatory applications, impact of the scope and quality of the PRA on importance measures, and threshold values for importance measures; and technical adequacy of performance indicators.

Thursday, March 2, 2000

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:15 a.m.: Discussion of Topics for Meeting with the NRC Commissioners (Open)—The Committee will discuss matters scheduled for the meeting with the NRC Commissioners associated with risk-informed regulation and related matters.

9:30 a.m.–11:30 a.m.: Meeting with the NRC Commissioners (Open)—The Committee will meet with the NRC Commissioners, Commissioners' Conference Room, One White Flint North, to discuss matters associated with risk-informed regulation and related matters.

1:00 p.m.–2:30 p.m.: Technical Components Associated with the Revised Reactor Oversight Process (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the technical components associated with the revised reactor oversight process, including the updated significant determination process, technical adequacy of the current and proposed performance indicators, and related matters.

2:45 p.m.–4:00 p.m.: Oconee Nuclear Power Plant License Renewal Application (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Duke Energy Corporation regarding the license renewal application for the Oconee Nuclear Power Station and the associated NRC staff's Safety Evaluation Report.

4:15 p.m.–4:45 p.m.: Proposed Final Amendment to 10 CFR 50.72 and 50.73 (Open)—The Committee will hold discussions with representatives of the NRC staff regarding issues raised by the ACRS members during the February ACRS meeting, including the intent of the 10 CFR 50.73 requirement for reporting degraded components.

4:45 p.m.–5:15 p.m.: Proposed Final Revision 3 to Regulatory Guide 1.160, ''Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants'' (Open)—The Committee will hold discussions with representatives of the NRC staff, as needed, regarding the proposed final revision 3 to Regulatory Guide 1.160.

5:15 p.m.–6:15 p.m.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

6:15 p.m.–7:15 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, March 3, 2000

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:15 a.m.: Phenomena Identification and Ranking Table (PIRT) for High Burnup Fuel (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the use of PIRT process for high burnup fuel.

10:30 a.m.–11:30 a.m.: Proposed Resolution of Generic Safety Issue B–17, ''Criteria for Safety Related Operator Actions'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of Generic Safety Issue B–17.

11:30 a.m.–12:00 Noon: Report of the Planning and Procedures Subcommittee (Open)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business.

1:00 p.m.–1:15 p.m.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

1:15 p.m.–1:30 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

1:30 p.m.–2:30 p.m.: Break and Preparation of Draft ACRS Reports (Open)—Cognizant ACRS members will prepare draft reports for consideration by the full Committee.

2:30 p.m.–7 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Saturday, March 4, 2000

8:30 a.m.–1:30 p.m.: Discussion of Proposed ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

1:30 p.m.–2:00 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 28, 1999 (64 FR 52353). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Sam Duraiswamy, ACRS, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting Mr. Sam Duraiswamy prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Sam Duraiswamy if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Mr. Sam Duraiswamy (telephone 301/415–7364), between 7:30 a.m. and 4:15 p.m., EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: February 11, 2000.

Annette Vietti-Cook,

Acting Advisory Committee Management Officer.

[FR Doc. 00–3802 Filed 2–16–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Discount Rates for Cost-Effectiveness Analysis of Federal Programs

AGENCY: Office of Management and Budget.

ACTION: Revisions to Appendix C of OMB Circular A–94.

SUMMARY: The Office of Management and Budget revised Circular A–94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the budget of the United States Government were changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

DATES: The revised discount rates are effective immediately and will be in effect through January 2001.

FOR FURTHER INFORMATION CONTACT: Robert B. Anderson, Office of Economic Policy, Office of Management and Budget, (202) 395–3381.

Joseph J. Minarik,

Associate Director for Economic Policy, Office of Management and Budget.

Attachment

OMB Circular No. A–94

Appendix C

(Revised January 2000)

Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

Effective Dates. This appendix is updated annually around the time of the President's budget submission to Congress. This version of the appendix is valid through the end of January, 2001. Copies of the updated appendix and the Circular can be obtained in an electronic form through the OMB home page, http://www.whitehouse.gov/OMB/circulars/index.html. Updates of the appendix are also available upon request from OMB's Office of Economic Policy (202–395–3381), as is a table of past years' rates.

Nominal Discount Rates. Nominal interest rates based on the economic assumptions from the budget are presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[in percent]

3-year	5-year	7-year	10-year	30-year
5.9	6.0	6.0	6.1	6.3

Real Discount Rates. Real interest rates based on the economic assumptions from the budget are presented below. These real rates are to be used for discounting real (constant-dollar) flows, as is often required in cost-effectiveness analysis.

REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[in percent]

3-year	5-year	7-year	10-year	130-year
3.8	3.9	4.0	4.0	4.2

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

[FR Doc. 00–3801 Filed 2–16–00; 8:45 am]
BILLING CODE 3110 –01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24285; File No. 812–11912]

Conseco Variable Insurance Company, et al.; Notice of Application

February 10, 2000.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the ''1940 Act''), granting exemptions from the provisions of Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to permit the recapture of credits applied to purchase payments made under certain variable annuity contracts.

SUMMARY OF APPLICATION: Applicants seek an order under Section 6(c) of the 1940 Act to the extent necessary to permit the issuance and subsequent recapture, upon exercise of the free-look cancellation right, of purchase payment credits applied to purchase payments made under: (i) certain deferred variable annuity contracts that Conseco Variable will issue through Separate Account H (the contracts, including certain contract data pages and endorsements and riders, are collectively referred to herein as the ''Contracts''), and (ii) contracts that Conseco Variable may issue in the future through Separate Account H or any Future Accounts that are substantially similar in all material respects to the Contracts (''Future Contracts''). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. (''NASD'' member broker-dealer controlling or controlled by, or under common control with, Conseco Variable, whether existing or created in the future, that serves as a distributor or principal underwriter of the Contracts or any Future Contracts offered through Separate Account H or any Future Accounts (collectively ''Conseco Variable Broker-Dealers'').

APPLICANTS: Conseco Variable Insurance Company (''Conseco Variable''), Conseco Variable Annuity Account H (''Separate Account H''), any other separate account established in the future by Conseco Variable to support certain deferred variable annuity contracts issued by Conseco Variable (''Future Accounts''), and Conseco Equity Sales, Inc. (''CESI'').

FILING DATE: The application was filed on December 27, 1999.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 6, 2000, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, c/o Lynn Korman Stone, Esq., Blazzard, Grodd & Hasenauer, P.C., P.O. Box 5108, Westport, Connecticut, 06881–5108. Copies to Michael A. Colliflower, Conseco Variable Insurance Company, 11825 N. Pennsylvania Street, Carmel, Indiana 46032–4572.

FOR FURTHER INFORMATION CONTACT: Michael Pappas, Senior Counsel, or Susan Olson, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the Application. The complete Application is available for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Conseco Variable was originally organized in 1937. Prior to October 7, 1998, the company was known as Great American Reserve Insurance Company. In certain states, the name Great American Reserve Insurance Company may still be used until the name change is approved in that state. Conseco Variable is principally engaged in the life insurance business in 49 states and the District of Columbia. Conseco Variable is a stock company organized under the laws of the State of Texas and is an indirect wholly-owned subsidiary of Conseco, Inc. Conseco, Inc. is a publicly owned financial services organization headquartered in Carmel, Indiana.

2. Separate Account H is a segregated asset account of Conseco Variable established under Texas insurance law on November 1, 1999. Separate Account H is registered with the Commission as a unit investment trust under the 1940 Act (File No. 811–9693) for the purpose of funding the Contracts which invest in underlying funds. Security interests under the Contracts have been registered under the Securities Act of 1933 (the ''1933 Act'') (File No. 333–90737).

3. Separate Account H will fund the variable benefits available under the Contracts. Conseco Variable may in the future issue Future Contracts through Separate Account H or through Future Accounts. Any income, gains or losses, realized or unrealized, from assets allocated to Separate Account H are, in accordance with the Contracts, credited to or charged against Separate Account H, without regard to other income, gains or losses of Conseco Variable.

4. Conseco Equity Sales, Inc. (''CESI''), an affiliate of Conseco Variable, is the principal underwriter of the Contracts. CESI is a broker-dealer registered under the Securities and Exchange Act of 1934 (the ''1934 Act'') and a member of the NASD, Sales of the Contracts will be made by registered representatives of unaffiliated broker-dealers authorized to sell the Contracts who have entered into agreements with CESI. All such unaffiliated broker-dealers will be registered broker-dealers under the 1934 Act and NASD members. CESI, or any successor entity, may act as principal underwriter for any Future Accounts and distributor for any Future Contracts issued by Conseco Variable.

5. The Contracts issued through Separate Account H are individual deferred variable and fixed annuity contracts. The Contracts may be issued under a qualified contract, or as a non-qualified contract. The Contracts are designed to provide for the accumulation of assets and for income through the investment during an accumulation phase.

6. Contract Owners may make purchase payments at any time during the accumulation phase. The minimum initial purchase payment is $5,000 for non-qualified contracts and $2,000 for qualified contracts. Additional purchase payments of at least $500 can be made for non-qualified contracts, unless the Contract Owner participates in the automatic payment check option under which the minimum subsequent

payment is $200 each month. The minimum subsequent payment for qualified contracts is $50 each month. Unless Conseco Variable agrees otherwise, the maximum total purchase payments it accepts are $2,000,000.

7. Purchase payments under the Contracts may be accumulated before annuitization, and annuity payments may be received after annuitization on a variable basis, a fixed basis, or a combination of both.

8. Contract Owners can allocate purchase payments under the Contracts to sub-accounts of Separate Account H, or to the fixed account (''Fixed Account'') of Conseco Variable. The Fixed Account is not registered with the Commission. The Fixed Account may not be available in certain states. Separate Account H consists of sub-accounts, each of which will be available under the Separate Account H Contracts. The sub-accounts are referred to as ''investment portfolios.'' Separate Account H currently consists of 40 investment portfolios. Each investment portfolio will invest in shares of a corresponding portfolio of certain underlying investment companies (''Funds''). The investment portfolios and the Fixed Account will comprise the initial investment choices under the Contracts. Currently, a Contract Owner can invest in up to 15 investment portfolios at one time.

9. Conseco Variable, at a later date, may determine to create additional investment portfolios of Separate Account H to invest in any additional Funds, or other such underlying portfolios or other investments as may now or in the future be available. Similarly, investment portfolio(s) of Separate Account H may be combined or eliminated from time to time.

10. Each time a Contract Owner makes a purchase payment, Conseco Variable will allocate to the Contract Owner's Contract Value a purchase payment credit (''Purchase Payment Credit'') or 4% of the purchase payment. Conseco Variable will allocate Purchase Payment Credits among the investment portfolios and the fixed account in the same proportion as the corresponding purchase payments are allocated by the Contract Owner. Conseco Variable will fund the Purchase Payment Credits from its general account assets.

11. The Contracts provide that a Contract Owner may return the Contract within 10 days after receipt (or for a longer period in states where required) and Conseco Variable will refund the Contract Value, less any Purchase Payment Credit that was credited to the Contract (''free-look''). Under certain circumstances, Conseco Variable will refund purchase payments. The Purchase Payment Credit may not be available in certain states. Conseco Variable reserves the right to limit the amount of Purchase Payment Credits in the future.

12. Conseco Variable will recapture Purchase Payment Credits from a Contract Owner only if the Contract Owner returns the Contract to Conseco Variable for a refund during the free-look period. Any earnings that resulted from the Purchase Payment Credit will not be recaptured. After the free-look period ends, the Purchase Payment Credit will vest and can be withdrawn at any time. Purchase Payment Credits, and any gains or losses attributable to Purchase Payment Credits, will be considered earnings under the Contracts for tax purposes.

13. A Contract Owner has access to the money in his or her Contract by making either a partial or complete withdrawal or by electing to receive annuity payments. A beneficiary will have access to the money in the Contract when a death benefit is paid.

14. A Contract Owner may elect to receive annuity payments under an annuity option. The Contracts also offer a death benefit. Under certain circumstances, a Contract Owner may select an optional guaranteed minimum death benefit under which the death benefit will have a guaranteed minimum value. A Contract Owner can also select an optional guaranteed minimum income benefit to be applied to the annuity option selected. The optional guaranteed minimum income benefit can only be selected with the optional guaranteed minimum death benefit.

15. The Contracts also provide for transfer privileges among investment portfolios, a dollar cost averaging program, a rebalancing program, and other features. The following charges are currently assessed under the Contracts: (i) An annual asset-based insurance charge of 1.40% for the standard contract, 1.70% if the optional guaranteed minimum death benefit is selected, or 2.00% if both of the benefits are selected; (ii) a contingent deferred sales charge, which starts at 8% in the first year and declines to 0% after 10 years, with a free withdrawal option under certain specified circumstances; (iii) a $30 contract maintenance charge during the accumulation phase; and (iv) a transfer fee of $25 for each transfer in excess of one transfer in each 30 day period during the accumulation period. Conseco Variable has reserved the right to increase certain charges up to a specified maximum. The Funds also impose a management and administrative fee which varies depending upon which Funds are selected.

16. Applicants seek exemption pursuant to Section 6(c) of the 1940 Act from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c–1 thereunder to the extent deemed necessary to permit Conseco Variable to issue the Contracts and Future Contracts that provide for Purchase Payment Credits upon the receipt of purchase payments, and to recapture the Purchase Payment Credits if the Contract Owner returns the Contract for a refund during the free-look period.

Applicants' Legal Analysis and Conditions

1. Section 6(c) of the 1940 Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the 1940 Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to Section 6(c) of the 1940 Act, grant the exemptions summarized above with respect to the Contracts and any Future Contracts, funded by Separate Account H or any Future Accounts, that are issued by Conseco Variable and underwritten or distributed by CESI or Conseco Variable Broker-Dealers. Applicants represent that any Future Contracts funded by Separate Account H or any Future Accounts will be substantially similar in all material respects to the Contracts. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants represent that it is not administratively feasible to track the Purchase Payment Credit amount in Separate Account H after the Purchase Payment Credit is applied. Accordingly, the asset-based charges applicable to Separate Account H will be assessed against the entire amounts held in Separate Account H, including the Purchase Payment Credit amount. As a result, the aggregate asset-based charges assessed against Contract Value will be higher than those that would be charged if the Contract Owner's Contract Value did not include the Purchase Payment Credit.

3. Subsection (i) of Section 27 of the 1940 Act provides that Section 27 does not apply to any registered separate

account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for such a separate account or sponsoring insurance company to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security. Section 2(a)(32) defines ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Applicants submit that the recapture of the Purchase Payment Credit if a Contract Owner returns the Contract during the free-look period would not deprive a Contract Owner of his or her proportionate share of the issuer's current net assets. Applicants state that a Contract Owner's interest in the amount of the Purchase Payment Credit allocated to his or her Contract Value upon receipt of purchase payments is not vested until the applicable free-look period has expired without return of the Contract. Until or unless the amount of any Purchase Payment Credit is vested, Applicants submit that Conseco Variable retains the right and interest in the Purchase Payment Credit amount, although not in the earnings attributable to that amount. Applicants argue that when Conseco Variable recaptures any Purchase Payment Credit it is simply retrieving its own assets, and because a Contract Owner's interest in the Purchase Payment Credit is not vested, the Contract Owner has not been deprived of a proportionate share of the applicable Separate Account H's assets, i.e., a share of the applicable Separate Account H's assets proportionate to the Contract Owner's Contract Value (including the Purchase Payment Credit).

5. Applicants further state that it would be patently unfair to allow a Contract Owner exercising the free-look privilege to retain a Purchase Payment Credit amount under a Contract that has been returned for a refund after a period of only a few days. Applicants state that if Conseco Variable could not recapture the Purchase Payment Credit, individuals could purchase a Contract with no intention of retaining it, and simply return it for a quick profit.

6. Applicants represent that the Purchase Payment Credit will be attractive to and in the interest of investors because it will permit Contract Owners to put up to 104% of their purchase payments to work for them in the selected sub-accounts and the fixed account. Also, the Contract Owner will retain any earnings attributable to the Purchase Payment Credit, and the principal amount of the Purchase Payment Credit will be retained under the conditions set forth in the application.

7. Applicants submit that the provisions for recapture of any Purchase Payment Credit under the Contract does not, and any such Future Contract provisions will not, violate Sections 2(a)(32) and 27(i)(2)(A) of the 1940 Act. Nevertheless, to avoid any uncertainties, Applicants request an exemption from Sections 2(a)(32) and 27(i)(2)(A), to the extent deemed necessary, to permit the recapture of any Purchase Payment Credit under the circumstances described herein with respect to the Contract and any Future Contracts, without the loss of the relief from Section 27 provided by Section 27(i).

8. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes as contemplated by Section 229(a). Rule 22c–1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

9. Applicants argue that the recapture does not involve either of the evils that Rule 22c–1 was intended to eliminate or reduce, namely: (i) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (ii) other unfair results, including speculative trading practices.

10. Applicants assert that the proposed recapture of the Purchase Payment Credit poses no such threat of dilution. To effect a recapture of a Purchase Payment Credit, Conseco Variable will redeem interests in a Contract Owner's Contract at a price determined on the basis of the current net asset value of the respective sub-accounts. The amount recaptured will equal the amount of the Purchase Payment Credit that Conseco Variable paid out of its general account assets. Although Contract Owners will be entitled to retain any investment gain attributable to the Purchase Payment Credit, the amount of such gain will be determined on the basis of the current net asset value of the respective sub-accounts. Thus, Applicants argue no dilution will occur upon the recapture of the Purchase Payment Credit.

11. Applicants also submit that the second harm that Rule 22c–1 was designed to address, namely, speculatively trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Purchase Payment Credit.

12. Because neither of the harms that Rule 22c–1 was meant to address are found in the recapture of the Purchase Payment Credit, Applicants state that Rule 22c–1 and Section 22(c) should have no application to any Purchase Payment Credit. However, to avoid any uncertainty as to full compliance with the 1940 Act, Applicants request an exemption from the provisions of Section 22(c) and Rule 22c–1 to the extent deemed necessary to permit them to recapture the Purchase Payment Credit under the Contracts and Future Contracts.

Conclusion

Section 6(c) of the 1940 Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the 1940 Act, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Applicants submit that their request for an order is appropriate in the public interest. Applicants state that such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources.

Applicants assert, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the 1940 Act, namely, that the exemptions requested

are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act and that therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3812 Filed 2–16–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42407; File No. SR–Amex–99–29]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the American Stock Exchange LLC Relating to Disclosures by Specialists Under Amex Rule 174

February 9, 2000.

I. Introduction

On August 6, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') 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 thereunder,[2] a proposed rule change to amend Amex Rule 174 pertaining to the disclosure of specialists' orders. The proposed rule change was published for comment in the **Federal Register** on September 20, 1999.[3]

II. Description of the Proposal

Presently, Amex Rule 174 prohibits specialists from disclosing information regarding orders left with the specialist other than to a Floor Official or an authorized Amex official. This prohibition is subject to three exceptions: (1) a specialist may disclose information to requesting members or issuer representatives regarding names of buying and selling member organizations in completed or partially executed Amex transactions unless parties to the trade direct otherwise; (2) in response to a member's probe of the market, the specialist, in a fair and impartial manner, may provide information about buying and selling interest at or near the prevailing quotation, including the identity of bidders or offerors represented on the book, unless the entering broker directs otherwise; and (3) the specialist must disclose information regarding limited price orders held by the specialist to the extent required by the Intermarket Trading System Plan.

The Exchange proposes to amend Amex Rule 174 to expand the information that the specialist, while acting in a market making capacity on the Floor, is permitted to disclose in response to a member's market probe in the normal course of business. The proposed rule change would eliminate the specialist disclosure restriction for information regarding orders ''at or near the prevailing quotation,'' and instead would permit any information concerning buying and selling interest of orders held by the specialist on the specialist's book to be disclosed following a member's market probe. In addition, the specialists would be permitted to disclose information regarding stop orders if the specialist reasonably believes that the requesting member intends to trade the security at a price at which stop orders would be relevant.[4] The proposed rule change also will permit, although not require, disclosure of percentage orders in a manner similar to disclosure of any other orders (except stop orders).[5] Although a specialist would not be required to disclose any order information on the specialist's book in response to a member's market probe, under the existing or the proposed rule, if the specialist determines to make such disclosure, it must disclose the same information in a fair and impartial manner to any member on the Floor.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[6] and, in particular, with the requirements of Sections 6(b)(5),[7] 11A(a)(1)(C)(iii),[8] and 1(b) of the Act.[9] Section 6(b)(5) of the Act[10] requires, among other things, that an exchange have rules which are designed to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest. In Section 11A(a)(1)(C)(iii) of the Act,[11] Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. section 11(b) of the Act,[12] among other things, prohibits a specialist or Exchange official from disclosing information with respect to orders that is not available to all members of the Exchange to any person other than an official of the Exchange, a representative of the Commission, or a specialist who may be acting for such specialist.

Presently, Amex Rule 174 prohibits specialists from disclosing Book information to other exchange members who are probing the market, unless the market probe is made at or near the prevailing quote. The proposed rule change would liberalize the specialist disclosure provisions by permitting specialists, while acting in a market maker capacity and in response to a market probe by a member, to give information concerning buying and selling interest or orders the specialist holds on the Book in a stock. All market participants, including individual investors and issuers, will be able to obtain the Book information through a member's probe. The Commission believes that this provision should promote the objectives of Sections 6(b)(5) and 11A of the Act[13] by increasing price transparency, broadening the public dissemination of market information, and enhancing the ability of investors to develop strategies and make informed investment decisions. Moreover, because the proposed amendments to Amex Rule 174 will make Book information available to all member organizations on a non-exclusive basis and requires a specialist to disclose information in a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 41870 (September 13, 1999), 64 FR 51156 (September 21, 1999).

[4] A stop order to buy (sell) becomes a market order when a transaction in the security occurs at or above (below) the stop price after the order is represented in the Trading Crowd. A stop limit order to buy (sell) becomes a limit order executable at the limit price or better when a transaction occurs at or above (below) the stop price after the order is represented. *See* Amex Rule 131(q) and (r), respectively.

[5] A percentage order is a limited price order to buy or sell 50% of the volume of a specified stock after its entry. A percentage order is ''elected'' and becomes capable of execution under circumstances set forth in Amex Rule 131.

[6] In approving this rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[9] 15 U.S.C. 78k(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[12] 15 U.S.C. 78k(b).

[13] 15 U.S.C. 78f(b)(5) and 15 U.S.C. 78k–1.

fair and impartial manner, the proposal is consistent with Section 11(b) of the Act.[14]

Stop orders, however, are treated differently than other orders under the proposed rule change. Under the proposed rule change, specialists may disclose information about stop orders when the specialist reasonably believes that the member conducting the market probe has the intention to trade in the stock at a price at which such stop orders would be relevant. Orders other than stop orders, including percentage orders, may be disclosed without restriction in response to a member's probe. The Commission believes that because stop orders held on the book may be far away from the market the proposal's special treatment of stop orders is reasonable. The Commission believes that it is reasonable that specialists only disclose stop order information when a member's market probe reasonably indicates an intention to trade at a price at which the stop orders would be relevant. This restriction should help safeguard against potential market manipulation and provide investors who place stop orders with a level of protection and confidence that Exchange members will not be permitted to obtain information regarding stop orders unless they have a legitimate market interest in that information.[15]

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (SR–AMEX–99–29) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3748 Filed 2–16–00; 8:45 am]

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[14] 15 U.S.C. 78k(b).

[15] The Commission notes that it approved a proposed rule change submitted by the New York Stock Exchange (''NYSE'') pertaining to specialist disclosure of information on the order book which contained substantially similar provisions to this proposal. The NYSE proposal also included a provision permitting a specialist to disclose to a member the identity of any buyer or seller on the Book unless the buyer or seller expressly requests that his or her investment anonymity be maintained at all times with respect to a specific order. *See* Securities Exchange Act Release No. 41421 (May 18, 1999), 64 FR 28848 (May 27, 1999). A similar provision already contained in Amex Rule 174 is not amended by this proposal.

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42409; File No. SR–Amex–00–01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Revising Its Floor Decorum Policy and Amending Its Minor Rule Violation Fine System (Rule 590)

February 10, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on January 14, 2000, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Amex filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[2] and Rule 19b–4(f)(6) thereunder,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to revise its Floor Decorum Policy and to amend its Minor Rule Violation Fine System (Rule 590) to establish a two-tier fine system imposing stiffer penalties for more serious violations. The text of the proposed rule change is as follows (words and characters in brackets are to be deleted; words and characters in italics are to be inserted):

* * * * *

D. Office Rules Minor Rule Violation Fine Systems Rule 590. Minor Violation Fine System

Part 2, Floor Decorum Violations

(a) [Notwithstanding Article V, Section 1(b) of the Constitution, the Exchange may, subject to the requirements set forth herein, impose a fine on any member or member organization for any violation of the Exchange's floor decorum policy in the amount of $100 for a first offense, $300 for a second offense, and $500 for any subsequent offenses within a rolling 12-month period.] The Exchange's [f]*F*loor [d]*D*ecorum [p]*P*olicy, [which is published periodically] *set forth at the end of this Part 2,* [sets forth] *delineates* specific guidelines concerning the personal appearance and conduct of persons on the Trading Floor and generally prohibits any other act or omission which disrupts the orderly conduct of business on the Floor or which causes serious interference with the personal comfort or safety of other persons on the Floor.

(b) *Notwithstanding Article V, Section 1(b) of the Constitution, the Exchange may, subject to the requirements set forth herein, impose the following fines on any member or member firm for those violations of the Exchange's Floor Decorum Policy by a member or trading floor employee of a member firm listed below:*

Violations

1. Fighting involving any form of physical altercation (Paragraph 1 of the Floor Decorum Policy, Respectful Conduct).

2. Vandalism of property (Paragraph 9 of the Floor Decorum Policy, Vandalism of Property).

Offense	*Fine*
1st Offense	*$1,000*
*2nd Offense**	*1,500*
*Subsequent Offenses**	*2,000*

** Within a ''rolling'' 12-month period.*

(c) Notwithstanding Article V, Section 1(b) of the Constitution, the Exchange may, subject to the requirements set forth herein, impose the following fines on any member or member firm for any violation of the Exchange's Floor Decorum Policy by a member or trading floor employee of a member firm other than a violation set forth in Paragraph (b) above:

Offense	Fine
1st Offense	$100
2nd Offense*	300
Subsequent Offenses*	500

*Within a ''rolling'' 12-month period.

[(b)]*(d)* In addition to [floor decorum] violations *of the Exchange's Floor Decorum Policy,* the fines set forth in paragraph [(a)] *(c)* above may be imposed by the Exchange with respect to the following on-floor and off-floor operational violations:

1. Failure of a specialist to be properly represented at the trading post at scheduled times to answer inquiries regarding the status of orders and to resolve equity DK notices.

2. Failure of a specialist to respond to inquiries regarding unreported PER/

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A).

[3] 17 CFR 240.19b–4(f)(6).

AMOS automated order routing market orders.

3. Failure to submit option trade comparison data to the Exchange by specified deadlines.

4. Failure to be represented in the Exchange's options reconciliation room at scheduled times to resolve rejected option trades.

[(c)]*(e)* In any action taken by the Exchange pursuant to Part 2 of this Rule, any person against whom a fine is imposed shall be served with a written statement, signed by a Floor Governor, [or] Exchange Official, *or Floor Official,* setting forth (i) the act or omission constituting the violation, (ii) the fine imposed for such violation, and (iii) the date by which such determination becomes final and such fine becomes due and payable to the Exchange, or such determination must be contested as provided below, such date to be not less than 20 days after the date of service of the written statement.

[(d)]*(f)* If the person against whom a fine is imposed pays the fine, such payment will be deemed to be a waiver of such person's right to a hearing before an Exchange Disciplinary Panel and to an appeal to the Amex Adjudicatory Council.

[(e)]*(g)* Any person against whom a fine is imposed pursuant to Part 2 of this Rule may contest the Exchange's determination by notifying the Secretary of the Exchange not later than the date by which such determination must be contested, at which point the matter shall become subject to the provisions of Article V, Section 1(b) of the Constitution. In any such formal disciplinary proceeding, if the Disciplinary Panel determines that the person charged is guilty of the floor decorum violation, the Panel shall be free to impose any one or more of the disciplinary sanctions authorized by the Exchange's Constitution and rules.

(h) The $2,000 maximum fine for any violation set forth in Paragraph (b) above subsequent to a second offense may be imposed for a first or second offense if warranted under the circumstances in the view of the Floor Governor, Exchange Official, or Floor Official. The Floor Governor, Exchange Official, or Floor Official may also impose a lesser fine of $500 for a first offense, again, if circumstances warrant.

[(f)]*(i)* The $500 maximum fine for any violation *set forth in Paragraph (c) above* subsequent to a second offense may be imposed for a first or second offense if warranted under the circumstances in the view of the Floor Governor, [or] Exchange Official*, or Floor Official.* The Floor Governor, [or[Exchange Official*, or Floor Official* may also impose a lesser fine of $50 for a first offense, again if circumstances warrant.

(j) In addition to any fine imposed for vandalism of property under Paragraph (b) above, the Exchange may recover from a member or member firm any cost incurred by the Exchange as a result of such vandalism.

[(g)] The Exchange shall issue an information circular to the membership from time to time setting forth the Exchange's floor decorum policy as to which it may impose fines as provided in Part 2 of this Rule. Such policy statement shall indicate the specific dollar amount that may be imposed as a fine hereunder with respect to any floor decorum violation.]

Amex Floor Decorum Policy

All persons on the Trading Floor are required to comply with the following specific guidelines concerning personal appearance and conduct. Any other act or omission which disrupts the orderly conduct of business on the Floor or which causes serious interference with the personal comfort or safety of others is also prohibited.

Violations of the Exchange's Floor Decorum Policy by members or member firm trading floor personnel may result in a member or member firm being charged before an Exchange disciplinary panel or fined under the Exchange's Floor Decorum Violation Fine System (Rule 590, Part 2).

Exchange trading floor personnel who fail to comply with this policy may be subject to disciplinary action by the Exchange, including termination of employment.

1. Respectful Conduct

All persons on the Trading Floor should conduct themselves in a manner suitable to a proper business environment.

Fighting involving any form of physical or verbal altercation, including the use of unwarranted profanity, is strictly prohibited.

2. Standard Business Dress Code

- *Shirts and Blouses: Shirts and blouses and other tops must be of an appropriate business style. Blouses (when appropriate) and shirts must be tucked in. Tee shirts, tennis shirts, golf shirts, polo shirts, tank tops, halter tops, strapless tops, cropped tops, and other informal wear are not permitted.*
- *Ties: While on the Trading Floor between the hours of 9:00 a.m. and 4:45 p.m., men are required to wear ties which are knotted at the appropriate place and in an appropriate style. Clip-on ties must be connected to both sides of the collar.*
- *Pants and Slacks: Pants and slacks must be of appropriate business length and style. Casual pants or slacks, including shorts, cargo pants, and jeans of any type or color are not permitted.*
- *Skirts and Dresses: Skirts and dresses must be of appropriate business length and style. Casual skirts and dresses are not permitted.*
- *Jackets: Suit jackets, tailored jackets, sports jackets, or trading smocks provided or approved by the Exchange must be worn while on the Trading Floor. Those persons working in booths or inside posts may remove their jackets, but must wear their jackets while in transit on Trading Floor.*
- *Footwear: Footwear must be appropriate for business. Rubber-soled dress shoes are recommended. No extreme styles will be allowed on the Trading Floor.*
- *Grooming: Grooming must be neatly maintained.*
- *General: All clothing must present a neat appearance and be appropriately cleaned and pressed. No faded or torn clothing or informal wear of any kind is permitted. Any clothing that draws excessive attention or detracts from a business atmosphere is not acceptable attire on the Trading Floor and is prohibited.*

3. Business Casual Days

The Exchange may designate certain days as ''business casual'' days. On business casual days, all standard business dress guidelines are in force, with the following exceptions:

- *Shirts and Blouses: Collared sport shirts, including collard tennis, polo, or golf shirts are permitted.*
- *Ties: Ties are not required.*
- *Pants and Slacks: Casual pants and slacks, including ''chino'' type slacks are permitted if they are of appropriate business length, clean and neatly pressed. Shorts, cargo pants, and jeans of any type or color are not permitted.*

4. Smoking

Smoking is not permitted on the Trading Floor or any other area of the Exchange Building at any time, except for the following designated smoking areas:

- *The Members' lounge located on the ground floor next to the Members' entrance;*
- *The lounge located between the main Trading Floor and the Red Room; and Private offices.*

5. Exchange Identification

Members and member firm and Exchange trading floor personnel will

not be allowed on the Trading Floor without proper Exchange identification. All persons on the Trading Floor must display their identification at all times while on the Trading Floor in a prominent and visible manner.

Exchange identification shall not be altered or defaced in any way.

Visitors and service people must have their floor admission pass on display at all times.

6. Food and Drink

Food and drink, while allowed on the Trading Floor, should be kept and consumed in a way that does not interfere with others. Nuts and seeds which must be shelled prior to consumption are prohibited. All drinks should be in cans or covered containers. Food and drink may not be consumed while in transit on the Floor.

Consumption of alcoholic beverages on the Trading Floor is prohibited.

7. Trash and Litter

All debris resulting from the consumption of food and drink, and other non-business trash, must be properly disposed of. Throwing or dropping objects on the Floor, including food and drink, is strictly prohibited.

While paper of a business nature may be affixed to appropriate wall fixtures on the Floor, tape and other adhesive material may not be used to do so.

8. Running on the Floor

In order to prevent injury to persons on the Trading Floor, running will not be allowed at any time.

9. Vandalism of Property

The abuse, destruction, or theft (''Vandalism'') of any property on the Exchange's premises, whether or not owned by the Exchange, is a serious offense and will be dealt with appropriately, including prompt disciplinary action and possible criminal prosecution.

10. Members' Facilities

Members' facilities, including the members' area of the cafeteria, the members' entrance and lounge, and members' restroom and telephones, are for the use of members only.

11. Clerks on the Trading Floor

All clerks are prohibited from entering onto or crossing the Trading Floor from 5 minutes prior to the opening until 30 minutes after the opening and from 30 minutes before the closing until 5 minutes after the closing.

Firms will be issued a limited number of clip-on Clerk Floor Access badges which will be required for a clerk to gain access to the Floor. The badge shall identify the member firm rather than the clerk. This will allow the Exchange to control the number of clerks on the Floor at any one time.

Clerks may not directly deliver orders to brokers in trading crowds or to specialists at trading posts.

12. Visitors

Visitors are permitted on the Trading Floor between 10:00 a.m. and 3:30 p.m., unless special prior arrangement are made through a Floor Governor. Signed approval from an Exchange Official or Floor Governor is required for the admission of visitors. These requirements do not apply to visitors from listed companies and other guests of the Exchange.

All visitors must remain with their host at all times and, with the exception of ties, all visitors must comply with the dress requirements outlined above.

All visitors mut be at least twelve years of age. Children admitted as visitors will be permitted on the Floor only for a limited period of time (not all day).

13. Tube Carriers

All large carriers must be properly maintained by the members firms using them. Carriers are not to be discarded or removed from the Trading Floor.

14. General

Under emergency or unusual circumstances, a Floor Governor or Senior Floor Official in his discretion may waive certain of the above requirements.

Floor Officials, Exchange Officials, Floor Governors, and Exchange Supervisory Personnel are all expected to strictly enforce the Exchange's Floor Decorum Policy.

* * * Commentary

.01–.04 (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, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the place specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amex Rule 590, Part 2, currently sets forth a system of fines for the disposition of violations of the Exchange's Floor Decorum Policy, which, until now, has been published periodically by the Exchange. Under the current system, Floor Governors and Exchange Officials are authorized to charge members and member firms with floor decorum violations and to assess fines of $100 for a first offense, $300 for a second offense, or $500 for any subsequent offense within a rolling 12-month period. The maximum fine of $500 for a third and subsequent offenses may be imposed for a first or second offense if warranted by circumstances. A lesser fine of $50 may also be imposed for a first offense, if circumstances warrant the reduction. The member or member firm may plead guilty and pay the fine or contest the charge and request a formal hearing before an Exchange Disciplinary Panel.

The Exchange has recently initiated plans to improve the general appearance and conduct of people on the Amex Trading Floor. As a result, certain revisions to the Exchange's Floor Decorum Policy are now being proposed.[4] Under the proposal, the standard business dress code set forth in the Policy would clarify what business attire is deemed acceptable on the Floor. The dress code for ''business casual days'' would also be incorporated into the Floor Decorum Policy. To incorporate other minor changes as well, the proposed rule change would add the entire text of the Floor Decorum Policy to the Amex Rulebook at the end of Rule 590, Part 2, to make it more visible to members and member firms, ending the current practice of periodically sending updates to members and member firms in the form of Information Circulars.

In addition to the above revisions to the Floor Decorum Policy, Part 2 of Rule 590 is being amended to impose a new

[4] In Paragraph 11 of the proposed Floor Decorum Policy, the Amex has stated that ''[c]lerks may not directly deliver orders to brokers in trading crowds or to specialists at trading posts.'' In an attempt to reduce congestion on the trading floor, the Amex has made it the policy that the delivery of orders to specialists shall be the responsibility of broker/dealers, although clerks may have access to the trading floor in order to resolve discrepancies, or ''don't-know'' problems, arising from the booking of orders. Telephone conversation between Bruce Ferguson, Associate General Counsel, Amex, and Matthew Boesch, Paralegal, Office of Market Supervision, Division of Market Regulation, Commission, on February 9, 2000.

two-tier fine system for violations of the Floor Decorum Policy. The Exchange believes that certain floor decorum violations should be treated as more serious than others, with stiffer fines imposed for those violations. The Amex proposes that the following violations be subject to a fine of $1,000 for a first offense, $1,500 for a second offense, and $2,000 for any subsequent offense within a rolling 12-month period:

- Fighting involving any form of physical altercation (Paragraph 1 of the Floor Decorum Policy, Respectful Conduct); and
- Vandalism of property (Paragraph 9 of the Floor Decorum Policy, Vandalism of Property).

The maximum fine of $2,000 for a third or subsequent offense may be imposed for a first or second offense if warranted by circumstances. A lesser fine of $500 may also be imposed for a first offense, if circumstances warrant. Moreover, in addition to any fine imposed for vandalism of property, the Exchange may recover from a member or member firm any cost incurred by the Exchange as a result of such vandalism.[5]

Finally, it is proposed that, in addition to Floor Governors and Exchange Officials, Floor Officials will be allowed to levy fines for violation of the Floor Decorum Policy. This proposed change would appreciably expand the number of persons on the Floor available to enforce the Policy.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(6)[6] in particular in that it is intended to assure that the rules of the Exchange provide that its members and persons associated with its members shall be appropriately disciplined for violation of the provisions of the Act, the rules or regulations thereunder, or the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, and since the Amex has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] 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.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number in the caption above and should be submitted by March 9, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3813 Filed 2–16–00; 8:45 am]

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[5] The fines imposed for all other violations of the Exchange's Floor Decorum Policy, other than those more serious violations described above, will remain unchanged by the proposed rule change, ranging from $100 for a first offense to $500 for a third or subsequent offense within a rolling 12-month period.

[6] 15 U.S.C. 78f(b)(6).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] In reviewing this proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42404; File No. SR–CHX–99–32]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Inc. Relating to Amendments to the Exchange's Continuing Education Requirements

February 7, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice hereby is given that on January 3, 2000, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization (''SRO''). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its continuing education requirements under CHX Article VI, Rule 9 to conform to recommendations made by the Securities Industry/Regulatory Council on Continuing Education. The text of the proposed rule change is available upon request from the Commission's Public Reference Room or the CHX.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization 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

Based on recommendations made by the Securities Industry/Regulatory Council on Continuing Education and rule changes adopted by other SROs based on these recommendations,[3] the CHX proposes to amend its continuing education requirements for registered persons. Exchange Article VI, Rule 9 governs the CHX's continuing education requirements for registered persons. For purposes of the rule, the term ''registered persons'' is defined as any member, registered representative or other person required to be registered under Exchange rules other than any such person whose activities are limited solely to the transaction of business on the floor of the Exchange with members or registered broker-dealers.

The continuing education program consists of two parts, a Regulatory Element and a Firm Element. The Regulatory Element requires registered persons to participate in interactive computer based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns and business ethics. The Firm Element requires that each member and member organization conduct annually an analysis of their training needs and administer such training on an ongoing basis to their registered persons who have direct contact with customers.

The Exchange now proposes to modify Article VI, Rule 9 to conform to the changes made by the other industry participants. Currently, Rule 9 requires all registered persons to complete the Regulatory Element training on three occasions: their second, fifth and tenth registration anniversaries (and also when they are the subject of significant disciplinary action). Once persons are registered for more than ten years, they are graduated from the Regulatory Element program.

The proposed rule change would require participation in the Regulatory Element throughout a registered person's career, specifically, on the second registration anniversary and every three years thereafter, with no graduation from the program. However, the proposed rule will allow a one-time exemption for persons who have been registered for more than ten years as of March 1, 2000. The proposed rule change would also require that persons registered in a supervisory capacity will have to have been registered in a supervisory capacity for more than ten years as of March 1, 2000 to be covered by this one-time exemption. Lastly, the proposed rule change would require members to focus on supervisory training needs and address such needs in the Firm Element training plan.

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(c)(3)(A)[4] and Section 6(c)(3)(B)[5], in particular. These sections prescribe appropriate standards of training, experience, and competence for broker-dealers and their associated persons. The Exchange believes that the proposed rule change is also consistent with Section 6(b)(5)[6] of the Act, in that it is designed to perfect the mechanisms of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

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 with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–32 and should be submitted by March 9, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has reviewed the CHX's proposed rule change and finds, for the reasons set forth below, that the proposal is consistent with the requirements of Section 6[7] of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believes the proposal is consistent with Section 6(b)(5)[8] of the Act, which requires that the rules of an Exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearning, 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

[3] *See* Securities Exchange Act Release No. 39712 (March 3, 1998), 63 FR 11939 (March 11, 1998) (approving File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33). *See also* Securities Exchange Act Release No. 39711 (March 3, 1998), 63 FR 12118 (March 12, 1998) (File No. SR–AMEX–98–08) and Securities Exchange Act Release No. 39802 (March 25, 1998), 63 FR 15474 (March 31, 1998) (File No. SR–Phlx–98–13). The Commission received 5 comment letters, which were discussed in the order approving the initial proposals. *See* Securities Exchange Act Release No. 39712 (March 3, 1998).

[4] 15 U.S.C. 78f(c)(3)(A).

[5] 15 U.S.C. 78f(c)(3)(B).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

public interest. [9] The Commission further believes that the proposed rule change is consistent with Section 6(c)(3)(B),[10] which makes it the responsibility of an exchange to prescribe standards of training, experience, and competence for persons associated with SRO members.

The Commission also believes that the proposed rule change is consistent with the purposes underlying Section 15(b)(7) of the Act, which generally prohibits a registered person from effecting any transaction in, or inducing the purchase or sale of, any security unless such registered person meets the standard of training, competence and other qualifications as the Commission finds necessary or appropriate in the the public interest or for the protection of investors. The Commission finds that the CHX's proposed rule change is in appropriate means of maintaining and reinforcing the initial qualification standards required of a registered person; participating in the Regulatory Element throughout their securities industry careers should assist registered persons to keep current on developments in the industry.

The Commission finds good cause for approving the proposed rule change (SR–CHX–99–32) prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register.** These amendments proposed by the CHX on continuing education requirements have been uniformly adopted by other SRO Council members.[11]

It is therefore ordered, pursuant to Section 19(b)(2) [12] of the Act, that the proposed rule change (SR–CHX–99–32) is hereby approved on an accelerated basis. This rule change shall become effective on March 1, 2000.[13]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3746 Filed 2–16–00; 8:45 am]

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[9] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f(c)(3)(B).

[11] *See supra* note 3.

[12] 15 U.S.C. 78s(b)(2).

[13] CHX intends for the amendments to its continuing education requirements reflected in this proposed rule change to be effective as of March 1, 2000. Telephone conversation between Michael Cardin, Manager, Market Regulation, CHX and Geoffrey Pemble, Attorney, Division of Market Regulation, SEC, January 24, 2000.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42406; File No. SR–NYSE–00–02]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the New York Stock Exchange, Inc. To Amend the Schedule of Continued Annual Listing Fees for Non-U.S. Companies

February 8, 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 January 4, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. Amendment No. 1 was filed on January 27, 2000.[3] 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

The Exchange proposes to amend Paragraph 902.04 of the Exchange's Listed Company Manual (the ''Manual''). Paragraph 902.04 of the Manual contains the schedule of current listing fees for non-U.S. companies listing securities on the Exchange. The text of the proposed rule change is as follows. Proposed additions are in italics and proposed deletions are in brackets.

902.04 [OVERSEAS] *NON-U.S.* COMPANIES

* * * * *

SCHEDULE OF CONTINUING ANNUAL FEES

[(Effective January 1, 1994)]

	Per million
Per share or ADR rates (or similar security):	
1st and 2nd million	$1,650
In excess of 2 million	830

SCHEDULE OF CONTINUING ANNUAL FEES—Continued

[(Effective January 1, 1994)]

	Per million
Minimum fees for shares or ADRs listed (or similar securities) (millions):	
Up to [10] *50*	*$35,000* [$16,170]
[10+ to 20]	[24,260]
[20+ to 50]	[32,340]
50+ to 100	48,410
100+ to 200	64,580
200	80,440
Maximum annual fee	500,000

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change amends the listed company fee schedule, set forth in Paragraph 902.04 of the Manual, as it applies to continuing annual listing fees for non-U.S. companies. Specifically, the Exchange seeks to establish a minimum continuing annual fee for non-U.S. companies of $35,000 per year.

2. Statutory Basis

The Exchange believes the proposed rule change, as amended, is consistent with Section 6(b)(4) of that Act,[4] which provides that an Exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange changed the text of the title for NYSE Rule 902.04 from ''Overseas Companies'' to ''Non-U.S. Companies.'' *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Richard Strasser, Assistant Director, Division of Market Regulation (''Division''), SEC, dated January 21, 2000.

[4] 15 U.S.C. 78f(b)(4).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.[5]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–00–02 and should be submitted by March 9, 2000.

[5] The Exchange requested accelerated approval in its filing with the Commission. However, the Exchange retracted its request in a telephone conversation between Amy Bilbija, Counsel, NYSE, and Heather Traeger, Attorney, Division, SEC, on January 11, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3750 Filed 2–16–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42411; File No. SR–NYSE–99–10]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Rule 123A.40

February 10, 2000.

I. Introduction

On March 19, 1999, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') 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 thereunder,[2] a proposed rule change to amend NYSE Rule 123A.40. The proposed rule change was published for comment in the **Federal Register** on July 22, 1999.[3] On November 1, 1999, the Exchange filed Amendment No. 1.[4] The Commission received no comments on the proposal. This notice and order approves the proposed rule change, as amended, and solicits comments from interested persons on Amendment No. 1.

II. Description of the Proposal

The proposed rule change would amend NYSE Rule 123A.40 to allow specialists to elect stop orders at a bid or offer that *better's* the market and would eliminate the requirement for specialists to obtain Floor Official approval, unless the price of the specialist's electing transaction is *more than 2/16* point away from the previous sale.[5]

Presently, NYSE Rule 123A.40 generally prohibits a specialist from making a transaction for his or her own account that would result in electing stop orders.[6] However, the rule permits a specialist to be a party to the election of a stop order under two circumstances: (i) when the specialist's bid or offer *betters* the market, is made with the prior approval of a Floor Official, and the specialist guarantee's that the stop order will be executed at the same price as the electing transaction; and (ii) when the specialist purchases or sells stock *at the current bid or offer* to facilitate completion of a member's order at a single price, where the depth of the current bid or offer is not sufficient.

The Exchange proposes to amend part (i) of the rule to allow the specialist to make a bid or offer that *betters* the market at a price that would elect stop orders and eliminate the requirement to obtain Floor Official approval, unless the price of the specialist's electing transaction is *more than 2/16* point away from the previous sale.[7] The rule would retain the requirement that the specialist guarantee that stop orders be executed at the same price as the electing sale.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange.[8] In particular, the proposal is

[6] 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. 41623 (July 16, 1999), 64 FR 39547.

[4] *See* Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated October 29, 1999 (''Amendment No. 1''). In Amendment No. 1, the Exchange amends the proposed rule change of NYSE Rule 123A.40 to allow specialists to elect stop orders at a bid or offer that *betters* the market without the specialist obtaining Floor Official approval, unless the price of the specialist's electing transaction is *more than 2/16* point away from the previous sale. This amends the original filing which proposed that the requirement for Floor Official approval be eliminated for a specialist's transaction electing a stop order unless the price of the electing transaction was more than 4/16 point away from the previous sale.

[5] The provisions of NYSE Rule 123A.40 that requires specialists to guarantee the price of elected stop orders and requires Floor Official approval when a specialist elects stop orders through his own bid or offer are intended to address, in part, the situation where a specialist has an accumulation of stop orders and desires to ''clean up the book.'' For example, this can be accomplished by the specialist entering a bid that elects all of the stop sell orders at the lowest stop order price, or by electing stop sell orders in a series of descending prices until the lowest order is reached. The specialist could use these stop order election processes to drive the share price down to an artificially low level to obtain cheap stock at the expense of public customers. *See* Securities Exchange Act Release No. 34136 n.10 (May 31, 1994), 59 FR 29461 (June 7, 1994).

[6] A stop order is an order that becomes an executable market order, or limit order, once the specified price (''stop price'') is reached. A stop order is elected when the stock trades at or beyond the stop price and, thus, may not necessarily be executed at that price. *See* NYSE Rule 13.

[7] *See* note 4, *above.*

[8] In approving this proposed rule change, the Commission has considered its impact on

Continued

consistent with Section 6(b)(5) of the Act[9] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

The proposed rule change would allow a specialist to make a bid or offer that betters the market at a price that would elect stop orders and eliminate the requirement to obtain prior Floor Official approval, unless the price of the specialist's electing transaction is more than 2/16 point away from the previous sale. The Commission believes that eliminating the requirement of Floor Official approval for such transactions could help to alleviate the administrative burden for Floor Officials and permit the reallocation of useful resources and increase the operational efficiency of Floor Officials and specialist's, while maintaining the requirement of Floor Official approval for the specialist stop order elections that are most likely to warrant Floor Official scrutiny (*i.e.,* where the electing transaction is more than 2/16 point away from the previous sale). An NYSE review of specialist' stop order electing transactions showed that a significant percentage of trades occur at a relatively small or no change in price. For example, an Exchange analysis of the difference between the electing stop price by specialists and the last sale price for September through November 1998 shows that 60% of such electing sales took place 2/16 point or less from the last sale price. Based on these statistics the proposal would eliminate approximately 60% of required Floor Official approvals in this area. Therefore, the Commission believes that the proposed rule change should significantly reduce the administrative burden on Floor Officials. Moreover, the proposal should assist specialists in facilitating fair and orderly markets by not requiring prior Floor Official approval before a specialist can make a bid or offer that would elect stop orders. At the same time, however, the Commission is mindful that the elimination of Floor Official approval in this limited circumstance makes it incumbent upon the NYSE to rigorously surveil for possible violations of NYSE specialists' agency obligations that may be facilitated by the relaxation of the Floor Official requirement. Therefore, the Commission requests that the NYSE provide to Commission staff, no later than nine months from the date of this order, a report discussing the impact this proposal has had on the number of stop orders being elected and any possible violation of Commission of NYSE rules resulting from such transactions. Moreover, the Commission expects that the NYSE will promptly file a proposed rule change with the Commission that conforms this rule to decimals.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing of the amendment in the **Federal Register.** Specifically, Amendment No. 1 changes the proposal to eliminate Floor Official approval for transactions that elect stop orders by specialists for transactions that are more than 2/16 point from the last sale, as opposed to more than 4/16 point away from the last sale. Because amendment No. 1 increases the number of specialist stop order election transactions that require Floor Official approval, it should improve the NYSE's ability to surveil for abuses of Commission or NYSE rules that might result from these transactions. Thus, the Commission believes that the combination of Amendment No. 1 to the proposal and the Exchange's surveillance procedures should make stop order election by specialist less susceptible to manipulation and provide adequate protection for investors. Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b) of the Act,[10] to approve Amendment No. 1 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, including whether Amendment No. 1 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C. 25049–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–99–10 and should be submitted by March 9, 2000.

V. Conclusion

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act,[11] the proposed rule change, as amended, (SR–NYSE–99–10) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3814 Filed 2–16–00; 8:45 am]

BILLING CODE 8010–01–M

efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(5) and 78s(b).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42389; File Nos. SR–PCX–00–01; SR–Amex–00–02]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes by the Pacific Exchange, Inc. and the American Stock Exchange LLC Relating to Exercise Price Intervals and Exercise Prices for FLEX Equity Options

February 7, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 11, and January 27, 2000, the Pacific Exchange, Inc. (''PCX'') and the American Stock Exchange LLC (''Amex'') (collectively the ''Exchanges''), respectively, filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes as described in Items I and II below, which Items have been prepared by the Exchanges. The Commission is publishing this notice and order to solicit comments on the proposed rule changes from interested persons and to approve the proposals on an accelerated basis.

I. Self-Regulatory Organizations' Statements of the Terms of Substance of the Proposed Rule Changes

The Amex proposes to remove paragraph (c)(3) from Exchange Rule 903G. Paragraph (c)(3) limits exercise

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

price intervals and exercise prices for FLEX Equity call options to those that apply to Non-FLEX Equity call options. In addition, PCX proposes to delete Commentary .01 to PCX Rule 8.102, which is similar to the paragraph Amex proposes to remove.[3]

II. Self-Regulatory Organizations' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item III below. The Exchanges have prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

1. Purpose

The Exchanges propose to eliminate their rules that limit the exercise price intervals and exercise prices available for FLEX Equity call options to those intervals and prices that are available for Non-FLEX Equity call options. This policy was intended to eliminate uncertainty concerning what constitutes a ''qualified'' covered call for certain purposes under the Internal Revenue Code pending clarification of this tax issue.

Currently, under Section 1092(c)(4)(B) of the Internal Revenue Code, certain covered short positions in call options qualify for advantageous tax treatment if the options are not in the money by more than a specified amount at the time they are written. One measure used to determine whether a call option is qualified is whether its exercise or ''strike'' price is not lower than the ''lowest qualified benchmark price,'' which is generally the highest strike price available for trading that is less than the current price of the underlying stock. Since the exercise prices of FLEX Equity Options are not subject to the same intervals that apply to Non-FLEX Equity Options, this has raised the question whether the existence of a series of FLEX Equity Options with a strike price of, for example, 58 when the price of the underlying stock is 59 would disqualify a Non-FLEX call option with a strike price of 55, which would otherwise be the highest strike price available that is less than the price of the stock.

The Internal Revenue Service (''IRS'') reviewed this issue and proposed regulations that would not require that strike prices established by equity options with flexible terms be taken into account in determining whether standard term equity options are too deep in the money to receive qualified covered call treatment.[4] These regulations became effective on January 25, 2000.[5] The effect of the IRS regulations and the Exchanges' proposed withdrawal of the limitations on the exercise price of Equity FLEX call options is that certain taxpayers, particularly institutional and other large investors, can engage in transactions in Equity FLEX call options with a wider range of exercise prices (as was originally intended) without affecting the applicability of Section 1092 of the Internal Revenue Code for qualified covered call options involving equity options with standard terms.

The Exchanges believe that the proposed rule changes, by eliminating a restriction on Equity FLEX call options which has restricted their usefulness as a risk managing mechanism, will remove impediments to and perfect the mechanisms of a free and open market in FLEX Equity Options, and thus are consistent with the objectives of Section 6(b)(5)[6] of the Act.

2. Statutory Basis

The Exchanges believe that the proposed rule changes are consistent with and further the objectives of Section 6(b)(5)[7] of the Act in that the changes are designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organizations' Statements on Burden on Competition

The Exchanges do not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organizations' Statements on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rules are 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, DC20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 filings will also be available for inspection and copying at the principal offices of the PCX and Amex. All submissions should refer to File Nos. SR–PCX–00–01 and SR–Amex–00–02 and should be submitted by March 9, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Changes

After careful review, the Commission finds that the proposals are consistent with the requirements of the Act.[8] In particular, the Commission finds that the proposals are consistent with Section 6(b)(5)[9] of the Act. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to remove impediments to a free and open market and to protect investors and the public interest.

The Commission believes that the proposals allow sophisticated, high net-worth investors to take full advantage of FLEX options. In part, FLEX options were created to allow these investors to manage their risks by having the ability to negotiate strike prices, contract terms for exercise style (*i.e.*, American, European, or capped), and expiration dates. However, because of the potential adverse tax effect on qualified covered calls, the Exchanges limited FLEX call strike prices and exercise intervals to those available for standardized equity calls. Now that the tax issue has been clarified, this limitation is being removed. With the removal of this

[3] The Commission approved these rule changes in a single approval order in 1996. *See* Release No. 34–37726 (September 25, 1996), 61 FR 51474 (October 2, 1996).

[4] Department of the Treasury, IRS REG–104641–97, 63 FR 34616 (June 25, 1998).

[5] Department of the Treasury, IRS REG–104641–97, 65 FR 3812 (January 2000).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] In addition, pursuant to Section 3(f) of the Act, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

limitation, the Commission believes that sophisticated, high net-worth investors will have a better opportunity to take advantage of the risk-management mechanisms provided by FLEX options.[10]

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission recently approved a virtually identical Chicago Board Options Exchange, Inc., proposal SR–CBOE–99–63,[11] which had been published as SR–CBOE–98–39.[12] The Commission received no comment letters on this filing. Additionally, Amex filed a very similar proposal, SR–Amex–98–43, which it later withdrew because the IRS had not yet acted on its proposed rulemaking.[13] The current proposals mirror the changes that were approved in SR–CBOE–99–63. In addition, the proposals allow FLEX options to be used as they were originally intended to be used. The Commission believes, therefore, that granting accelerated approval to the proposed rule changes is appropriate and consistent with Section 6 of the Act.[14]

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–PCX–00–01 and SR–Amex–00–02) are hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3749 Filed 2–16–00; 8:45 am]

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[10] The Commission expects that the Options Disclosure Document (''ODD'') will promptly be amended to reflect the removal of the strike price limitation for FLEX equity call options. *See* October 1996 Supplement to the ODD.

[11] *See* Release No. 34–42371 (January 31, 2000) (order approving SR–CBOE–99–63.)

[12] *See* Release No. 34–40584 (October 21, 1998), 63 FR 58080 (October 29, 1998) (notice of filing of SR–CBOE–98–39.)

[13] *See* Release No. 34–40795 (December 15, 1998), 63 FR 71321 (December 24, 1998) (notice of filing SR–Amex–98–43.)

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42405; File No. SR–Phlx–99–51]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Assessing a Monthly Capital Funding Fee on a Permanent Basis

February 8, 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 November 26, 1999, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items, I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its schedule of dues, fees, and charges to charge each of the 505 Exchange set owners[3] a monthly capital funding fee of $1,500 per seat owned.[4] The Commission previously approved implementation of the capital funding fee on a pilot basis until April 5, 2000;[5] the Exchange is now requesting permanent approval of the fee. This proposed rule change replaces SR–Phlx–99–43.[6]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For the purposes of this filing, the term ''owner'' is defined as any person or entity who or which is a holder of equitable title to a membership in the Exchange.

[4] Although the term ''seat owner'' is not defined in Phlx's Bylaws or the Certificate of Incorporation, the term seat owner is the equivalent of a ''membership owner'' as referenced in Phlx's Bylaws and Certificate of Incorporation. However, a seat owner is not per se a member of the Phlx. Telephone conversation between Marla Chidsey, Attorney, Division of Market Regulation, Commission, and Bob Ackerman, Senior Vice President, Chief Regulatory Officer, Phlx (January 5, 2000).

[5] On January 5, 2000, the Commission approved Phlx's proposal to implement the capital funding fee on an accelerated basis until April 5, 2000. Securities Exchange Act Release No. 42318 (January 5, 2000), 65 FR 2216 (January 13, 2000) (SR–Phlx–99–49).

[6] On October 1, 1999, the Exchange filed a proposal to charge this $1,500 capital funding fee. *See* Securities Exchange Act Release No. 42058 (October 22, 1999), 64 FR 58878 (December 15, 1999). However, on November 17, 1999, the Exchange withdrew SR–Phlx–99–43. *See supra* note 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend Phlx's schedule of dues, fees, and charges to charge a monthly capital funding fee of $1,500 per Exchange seat to seat owners.[7]

The $1,500 capital funding fee will be imposed on each of the 505 Exchange seat owners on the last business day of the calendar month. Thus, the owner is responsible for paying the entire subsequent month's fee on the last business day of the prior month.[8] The Exchange intends to segregate the funds generated from the $1,500 fee from Phlx's general funds.

The monthly $1,500 fee is part of the Exchange's long-term financing plan. This monthly fee will provide funding for technological improvements and other capital needs.[9] Specifically, it is intended to fund capital purchases, including hardware for capacity upgrades, development efforts for decimalization, and trading floor expansion. The revenue raised from the fee will be utilized over a three-year period. At that time the Exchange intends to reevaluate its financing plan to determine whether this fee should continue. The revenue generated from the fees will assist the Exchange in

[7] Under Phlx's rules, seat owners who lease out their seats are not deemed members of the Exchange. *See* Phlx Rules of Board of Governors, Rules 3, 5, 17, and 18.

[8] For example, owners of record on September 30 will be billed $1,500 for the month of October.

[9] This fee is distinguished from the Exchange's technology fee in that the technology fee was intended to cover system software modifications, Year 2000 modifications, specific system development (maintenance) costs, SIAC and OPRA communication charges, and ongoing system maintenance charges. The technology fee became effective upon filing in March 1997. *See* Securities Exchange Act Release No. 38394 (March 12, 1997), 62 FR 13204 (March 19, 1997) (SR–Phlx–97–09).

remaining competitive in the capital markets environment.[10]

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[11] in general, and with Section 6(b)(4),[12] in particular, in that it provides for the equitable allocation of reasonable dues, fee and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule imposes no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange received written comments.[13]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

With 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–99–51 and should be submitted by March 9, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3745 Filed 2–16–00; 8:45 am]

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[10] In addition, the exchange has separately proposed to amend its schedule of fees, dues, and charges to allow for a monthly credit of up to $1,000 to be applied against certain fees, dues, charges and other amounts owed to the Exchange by an owner who is also a member of the Exchange (SR–Phlx–99–54).

[11] 15 U.S.C.. 78f(b).

[12] 15 U.S.C. 79f(b)(5).

[13] In connection with SR–Phlx–99–43, *see supra* note 6, the Exchange received comments form the following parties: Bloom Staloff, Robert W. Baird & Co., Inc., William J. Kramer, Doris Elwell, Benton Partners, Karen D. Janney, Robert Leff, and Vanasco, Wayne & Genelly.

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42408; File No. SR–Phlx–99–17]

Self Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendments No. 1 and 2 to the Proposed Rule Change Relating to Trustees of Stock Exchange Fund

February 9, 2000.

I. Introduction

On June 9, 1999, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Article IX of its By-Laws, concerning Trustees of Stock Exchange Fund. Notice of the proposal appeared in the **Federal Register** on July 9, 1999.[3]. The Commission received no comments on the proposal. The Phlx subsequently submitted Amendment No. 1 to the proposed rule change on August 16, 1999[4] and Amendment No. 2 on November 5, 1999.[5] The proposed change relates specifically to Section 9–5, concerning Agent of Trustees, and Section 9–6, concerning Reports. This notice and order approves the proposed rule change, as amended, and solicits comments from interested persons on Amendment Nos. 1 and 2.

II. Description of the Proposal

Section 9–5 of Article IX currently mandates that the Trustees of the Stock Exchange Fund, with the approval of the Board of Governors, appoint a Trust Company to act as their Agent to hold the securities of the Exchange for safeguarding and to collect the interests, dividends, and income from the Fund for the Treasurer of the Exchange. The Agent also is empowered to make deliveries of securities held for the Trustees of the Stock Exchange Fund from time to time as the Trustees of the Stock Exchange Fund direct.

The proposed rule change, as amended, deletes reference to a Trust Company and mandates that the Trustees, with the approval of the Board of Governors, appoint as Agents for such purpose either a broker-dealer registered with the Commission under Section 15 of the Act[6] or a bank as defined in Section 3(a)(6) of the Act.[7] The reason for the change, according to Phlx, is that the Exchange no longer utilizes its subsidiary, the Philadelphia Depository Trust Co., for such services.

Section 9–6 of Article IX currently mandates that the Trustees of the Stock Exchange Fund submit to the Phlx Board of Governors at least quarterly a statement of the investments of the Exchange. The proposed rule change would mandate that the Trustees submit the quarterly statement to the Finance Committee of the Exchange, and that the Finance Committee then forward it to the Board of Governors with its recommendation.[8] The Board believes that oversight by the Finance Committee of the Trustees of the Stock Exchange Fund is appropriate, since the Finance

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Rel. No. 41591 (July 1, 1999), 64 FR 37187.

[4] *See* Letter from Murray L. Ross, Vice President and Secretary, Phlx, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation, Commission, dated August 11, 1999. The substance of Amendment No. 1 is discussed below.

[5] *See* Letter from Murray L. Ross, Vice President and Secretary, Phlx, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation, Commission, dated November 4, 1999. The substance of Amendment No. 2 is discussed below.

[6] 15 U.S.C. 78*o*.

[7] 15 U.S.C. 78c(a)(6).

[8] Such recommendation may vary according to issues that may arise, including such matters as altering the portfolio mix and appointing a new Agent pursuant to Section 9–5 of Article IX as amended by this proposal. Telephone conservation between Murray L. Ross, Vice President and General Secretary, the Phlx, and Karl Varner, Special Counsel, and Ira L. Brandriss, Attorney, the Commission, on February 9, 2000.

Committee, pursuant to Article X of the Exchange's By-Laws, Section 10–15, has charge of the funds of the Exchange and serves in an advisory capacity to the Board in the investment and sale of securities held by the Exchange.

III. Discussion

For the reasons discussed below, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations promulgated thereunder.[9] Specifically, the Commission finds that the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of a national securities exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

The proposal, as amended, would require that the Trustees of the Stock Exchange Fund appoint either a registered broker-dealer or bank to act as their agent to hold the securities of the Exchange, to collect the interest, dividends, and income deriving from those securities, and from time to time to make deliveries of such securities as directed by the Trustees. The proposal thereby addresses a need created when the Exchange determined that it would no longer utilize the services of the trust company that had fulfilled this role in the past. The Exchange has also stated that it will notify the Commission when it replaces its agent with another one.[11] The Commission finds that these proposed changes set in place an appropriate and reasonable arrangement for safeguarding the Exchange's securities and collecting the income derived from those securities.

The proposed rule change would also require the Trustees of the Stock Exchange fund to submit a statement of the Exchange's investments to an additional level of review before they are presented to the Board of Governors. The Commission finds that this proposed change, by providing additional oversight of the financial arrangements of the Stock Exchange Fund, is consistent with the aim of protecting investors and the public interest.

The Commission also finds good cause for approving proposed Amendment Nos. 1 and 2 prior to the thirtieth day after the date of publication of notice of filing in the **Federal Register**. Amendment Nos. 1 and 2 add to the protections of the Exchange's securities embodied in the original proposal by providing that the agent appointed by the Trustees be either a registered broker-dealer or a bank and that the Exchange will notify the Commission as to changes in its agent.

For these reasons, the Commission finds good cause for accelerating approval of the proposed rule change, as amended, to allow the Exchange to implement these protections without further delay.

IV. Solicitation Of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment Nos. 1 and 2, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference room. Copies of the filing will also be available for inspection and copying at the principal offices of the Phlx.

Submissions should refer to File No. SR–Phlx–99–17 and should be submitted by March 9, 2000.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2)[12] of the Act, that the proposed rule change (SR–Phlx–99–17) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–3747 Filed 2–16–00; 8:45 am]

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[9] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). The Commission believes that the proposed rule change, which relates to internal organizational concerns of the Exchange with respect to the handling of its own investments, will have minimal impact, if any, on efficiency, competition, and capital formation.

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Amendment No. 1.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30-39(a)(12).

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Final Order of the United States District Court for the Central District of California, entered October 28, 1999, the United States Small Business Administration hereby revokes the license of RSC Financial Corporation, a California corporation, to function as a small business investment company under the Small Business Investment Company License No. 09/09–5161 issued to RSC Financial Corporation on September 28, 1972 (Reissued November 17, 1983) and said license is hereby declared null and void as of January 21, 2000.

Dated: January 21, 2000.

Small Business Administration.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–3581 Filed 2–16–00; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 3226]

Hubert H. Humphrey Fellowship Program, Request for Proposals; Bureau of Educational and Cultural Affairs

SUMMARY: The Office of Global Educational Programs of the U.S. Department of State's Bureau of Educational and Cultural Affairs announces an open competition for the Hubert H. Humphrey Fellowship Program. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to cooperate with the Bureau in the administration and implementation of the FY 2001 Hubert H. Humphrey Fellowship Program. It is anticipated that the total grant award for all FY2001 program and administrative expenses will be approximately $6,980,000.

Program Information

Overview

The Hubert H. Humphrey Fellowship Program was initiated in 1978. The goal of the Humphrey Program is to strengthen U.S. interaction with outstanding mid-career professionals from a wide range of countries with developmental needs while providing the Humphrey Fellows with opportunities to develop professional expertise and leadership skills for

public service. Each year this Program brings accomplished professionals from designated countries in Africa, the Americas, Asia, Europe, Eurasia and the Middle East to the U.S. for a ten-month stay combining non-degree graduate study, leadership training and professional development. Candidates for the Program are nominated by U.S. Embassies or Fulbright Commissions based on the candidates' professional backgrounds, academic qualifications and leadership potential. By providing these emerging leaders with opportunities to understand U.S. society and culture and to participate with U.S. colleagues in current U.S. approaches to the fields in which they work, the Program provides a basis for the on-going cooperation of U.S. citizens with their professional counterparts in other countries.

Fellowships are granted competitively to candidates who have a public service orientation, a commitment to their country's development, and clear leadership potential. Candidates are recruited from both the public and the private sectors, including non-governmental organizations, in the following areas: agricultural development/agricultural economics; communications/journalism; economic development; educational planning; finance and banking; human resource management/personnel; law/human rights; natural resources and environmental management; public health policy and management; public policy analysis and public administration; drug abuse epidemiology, education, treatment, and prevention; technology policy and management, and urban and regional planning. The Fellows typically range in age from late 20s to mid-50s; are mid-career professionals in leadership positions who have the required experience/skills, commitment to public service and potential for advancement in their professions; have a minimum of five years professional experience; and have interests which relate to policy issues rather than research or technical skills. Fluency in English is required.

Twelve universities (American University; Boston University; Cornell University; Emory University; Johns Hopkins University; University of Maryland, College Park; University of Minnesota, University of Missouri-Columbia; Pennsylvania State University, Rutgers University; Tulane University; and University of Washington) are currently serving as Humphrey host institutions, and are selected through a competitive process coordinated by the grantee organization in consultation with the Bureau. Fellows are placed at one of these Humphrey host institutions in groupings by profession of approximately ten to fifteen Fellows (e.g., thirteen Fellows in public health policy and management from thirteen different countries might be placed at the same host institution). The grantee organization will initially be expected to establish sub-contractual arrangements with the current host campuses identified above for one year. However, proposals should include a strategy for evaluating host campus performance over the course of the first year and include a strategy for recruiting and reviewing applications from the same and/or new institutions to serve as host campuses in appropriate fields of study for the remaining two years.

Should an applicant organization wish to work with other organizations in the implementation of this program, the Bureau prefers that a subcontract arrangement be developed.

Programs and projects must conform with the Bureau requirements and guidelines outlined in the Solicitation Package, which includes the Request for Proposals (RFP), the Project Objectives, Goals and Implementation (POGI) and the Proposal Submission Instructions (PSI).

The Bureau will work cooperatively and closely with the recipient of this cooperative agreement award and will maintain a regular dialogue on administrative and program issues and questions as they arise over the duration of the award. Contingent upon satisfactory performance based on annual reviews, the Bureau intends to renew this award each year for a period of not less than four additional years. The Bureau reserves the right to renew the award beyond that period.

Guidelines

Program Planning and Implementation

Applicants are requested to submit a narrative outlining their overall strategy for the administration and program implementation of all components of the Hubert H. Humphrey Fellowship Program (the selection and placement of the grantees, a fall Washington seminar, professional enhancement workshops, an end-of-the-year workshop, and professional affiliations). In developing this strategy, applicants should provide a vision for the Program as a whole, interpreting the goals of the Humphrey Program with creativity, as well as providing innovative ideas and recommendations for any part of the Program. This overall strategy should include a description of how the various components of the Program will be integrated to anticipate or reinforce one another. For example, the workshops and seminar should build on the campus-based academic and professional program in support of the Humphrey Program's goal of enabling its grantees to develop leadership skills in public service.

This grant should begin on October 1, 2000 and will run through September 30, 2003 (the administrative portion of the grant will only cover October 1, 2000 through September 30, 2001). This grant would include both the administrative and program portions of the Hubert H. Humphrey Fellowship Program such as: the selection and placement of the 2001–2002 class of approximately 140–160 grantees and the monitoring of their programs; the administration of follow-up support and coordination with Humphrey Fellowship Program alumni from all classes including a program of small follow-up grants to alumni; and the administration and implementation of the fall Washington seminar, professional enhancement workshops and an end-of-the-year workshop for the 2001–2002 class of grantees.

The FY2000 administrative agreement with the current administering organization will be amended (with approximately $120,000 in FY 2001 funds) to cover monitoring the programs of FY2000–2001 Fellows until their departure in the spring of 2001. The FY2001 cooperative agreement, which this announcement covers, will be a transition year during which the successful organization will have responsibility for selection, placement, and program implementation for the 2001–2002 Fellows and for alumni programming. In FY2002 and subsequent years, if the grant is renewed, the successful organization would additionally be responsible for monitoring the programs of current year Fellows who would be in the U.S (for example, the programs of 2001–2002 Fellows in FY2002). Please refer to the POGI for specific program and budget guidelines.

Visa/Insurance/Tax Requirements

Programs must comply with J–1 visa regulations. Please refer to Program Specific Guidelines (POGI) in the Solicitation Package for further information. Administration of the program must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

Budget Guidelines

Applicants must submit a comprehensive budget for the administration and program implementation of the Program. There must be a summary budget as well as a breakdown of the administrative budget. Applicants should provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. The summary and detailed administrative and program budgets should be accompanied by a narrative which provides a brief rationale for each line item including a methodology for estimating an appropriate average stipend level and tuition costs for the 2001–2002 class of Fellows, and the number that can be accommodated at that stipend level. In past years' programs, administrative costs have averaged approximately 11% of the overall budget. The total administrative costs funded by the Bureau must be reasonable and appropriate.

Please refer to the POGI for complete budget guidelines and formatting instructions.

Announcement Title and Number

All correspondence with the U.S. Department of State concerning this RFP should reference the above title and number *ECA/ASU–2001–01.*

FOR FURTHER INFORMATION, CONTACT: The Humphrey Fellowships and Institutional Linkages Branch of the Department of State's Bureau of Educational and Cultural Affairs (ECA/A/S/U), SA–44, 301 4th Street, SW, Washington, DC 20547, telephone (202) 619–5289 and fax number (202) 401–1433, to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Department of State's Bureau of Educational and Cultural Affairs' website at http://e.usia.gov/education/rfps. Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, May 12, 2000. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, Bureau of Educational and Cultural Affairs, SA–44, Ref.: *ECA/A/S/U–2001–01,* Program Management Staff, ECA/EX/PM, Room 336 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5'' diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, 'the Bureau' shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

The Bureau therefore requires all organizations to use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at http://www.itpolicy.gsa.gov.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Department of State's Legal Adviser or by other Bureau elements. Final funding decisions are at the discretion of the Department of State's Under Secretary of State for Public Diplomacy and Public Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Program Development and Management:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission as well as the objectives of the Hubert H. Humphrey Program. Proposals should demonstrate how the distribution of administrative staff and time will ensure adequate attention to the program implementation. The plan should also demonstrate the feasibility of achieving the objectives of the Humphrey Program by interpreting the goals for the Humphrey Program as well as providing innovative ideas and recommendations for Program segments. In addition, a detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity and should adhere to the program overview and guidelines stated in this solicitation and in the POGI.

2. *Multiplier effect/impact:* The proposed administrative strategy should maximize the Humphrey Program's potential to encourage the establishment of long-term institutional and individual linkages.

3. *Support for Diversity:* Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity, and should include a strategy for achieving a diverse applicant pool for host institutions. In addition, diversity should be addressed in any program plans such as the fall seminar and, end-of-year workshop and professional enhancement workshops.

4. *Institutional Capacity and Record:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by grants staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the Program's goals.

5. *Follow-on and Alumni Activities:* Proposals should provide a plan for continued follow-on activity (both with and without Bureau support) ensuring that the Humphrey Fellowship year is not an isolated event. Activities should include tracking and maintaining updated lists of all alumni and facilitating follow-up activities for alumni.

6. *Project Evaluation:* Proposals should include a plan and methodology to evaluate the Humphrey Program's degree of success in meeting program goals, both as the activities unfold and at their conclusion. Draft survey questionnaires or other techniques plus a description of methodologies to use to link outcomes to original project objectives are recommended. Successful applicants will be expected to submit intermediate reports after each project component is concluded or quarterly.

7. *Cost-effectiveness and Cost Sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Authority:

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * * ; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Department that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 7, 2000.

Evelyn S. Lieberman,

Under Secretary of State for Public Diplomacy and Public Affairs, U.S. Department of State.

[FR Doc. 00–3683 Filed 2–16–00; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 3225]

Bureau of Educational and Cultural Affairs; Partners in Education Program; Notice: Amendment to Original Request for Proposals (RFPs)

SUMMARY: The United States Department of State, Bureau of Educational and Cultural Affairs, announces revisions to the original RFP announced in the **Federal Register** on December 15, 1999:

(1) Due to funding cuts, the overall budget for programming and administration has decreased from $1,420,000 to $1,125,000; therefore, the number of participants has been lowered correspondingly. The NIS teacher/administrator/trainer exchange should now involve approximately 36 Russian, 25 Ukrainian, 14 Kyrgyz and 10 Uzbek participants. The US teacher exchange now involves approximately 20. The NIS directors exchange remains at approximately 22 but also involves 4 interpreters. The Bureau reserves the right to adjust the budget further in accordance with availability of funds.

(2) The following program costs are corrected from the original RFP:

I. NIS teacher/administrator/trainer component: $6,720 per person × 85 participants = $571,200.

II. US teacher component: $3,000 per person × 20 participants = $60,000.

III. NIS Directors component: $6,900 per person × 26 (22 participants + 4 interpreters) = $179,400.

IV. General Program Costs: $52,070.

Total program costs + administrative costs = $1,125,000.

(3) NIS teacher/administrator/trainer component host site financial incentive: $9,000 (originally $5,000). This amount is included in the per participant program cost.

(4) Deadline for proposals has been moved from Monday, February 28 to Monday, March 20, 2000.

FOR FURTHER INFORMATION CONTACT: Interested organizations should contact Rachel Waldstein, U.S. Department of State, Office of Global Educational Programs, Teacher Exchange Branch, 202–619–4568 prior to Monday, March 20, 2000.

Dated: February 7, 2000.

Evelyn S. Lieberman,

Under Secretary for Public Diplomacy and Public Affairs, Department of State.

[FR Doc. 00–3685 Filed 2–16–00; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 2000–2–14; Docket OST–99–6499]

Application of Spernak Airways, Inc. for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Spernak Airways, Inc., fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property and mail.

DATES: Persons wishing to file objections should do so no later than February 24, 2000.

ADDRESSES: Objections and answers to objections should be filed in Docket OST–99–6499 and addressed to the Department of Transportation Dockets (SVC–124.1, Room PL–401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (X–56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2343.

Dated: February 10, 2000.

A. Bradley Mims,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 00–3800 Filed 2–16–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–439 (Sub–No. 5X); STB Docket No. AB–33 (Sub–No. 144X)]

Dallas Area Rapid Transit, Abandonment Exemption in Dallas County, TX; Union Pacific Railroad Company, Discontinuance of Service Exemption in Dallas County, TX

Dallas Area Rapid Transit (DART) and Union Pacific Railroad Company (UP) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for DART to abandon and UP to discontinue service over approximately 1.585 miles of rail line from milepost 213.024 at Malcolm X Boulevard to milepost 211.439 near Fletcher Street, just west of the switch to the Age of Steam Museum in the City and County of Dallas, TX.[1] The line traverses United States Postal Service Zip Codes 75223, 75226, and 75246.

DART and UP have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 2000, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 28, 2000. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 8, 2000, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representatives: Judith H. Caldwell, Oppenheimer Wolff Donnelly & Bayh LLP, 1350 Eye Street, NW., Suite 200, Washington, DC 20005–3324; and James P. Gatlin, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179–0001.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

DART and UP have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 22, 2000. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), DART shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by DART's filing of a notice of consummation by February 17, 2001, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 10, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–3860 Filed 2–16–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 10, 2000.

The Department of 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 March 20, 2000 to be assured of consideration.

[1] DART acquired this line from the Missouri Pacific Railroad Company in 1990. *See Dallas Area Rapid Transit—Acquisition and Operation Exemption—Rail Lines of Missouri Pacific Railroad Company,* Finance Docket No. 31690 (ICC served July 17, 1990). UP concurrently acquired trackage rights over the line. *See Missouri Pacific Railroad Company—Trackage Rights Exemption—Dallas Area Rapid Transit,* Finance Docket No. 31733 (ICC served Sept. 13, 1990).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

Internal Revenue Service (IRS)

OMB Number: 1545–0973.

Form Number: IRS Form 8569.

Type of Review: Extension.

Title: Availability Statement.

Description: The data collected from this form is used by the executive panels responsible for screening internal and external applicants for the SES Candidate Development Program, and other executive positions.

Respondents: Individuals or households, Federal Government.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 84 hours.

OMB Number: 1545–1499.

Revenue Procedure Number: Revenue Procedure 96–52

Type of Review: Extension.

Title: Acceptance Agents,

Description: Revenue Procedure 96–52 describes application procedures for becoming an acceptance agent and the requisite agreement that an agent must execute with IRS.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 12,825.

Estimated Burden Hours Per Respondent: 3 hours, 12 minutes

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 41,006 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 00–3753 Filed 2–16–00; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 65, No. 33

Thursday, February 17, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG17

List of Approved spent Fuel Storage Casks: (HI–STAR 100) Addition

Correction

In the issue of September 20, 1999, on page 50872, in the second column, in the correction of rule document 99–23075, in the last line, the date ''September 20, 2019'' should read ''October 4, 2019''.

[FR Doc. C9–23075 Filed 2–16–00; 8:45 am]

BILLING CODE 150501–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 35

[T.D. 8873]

RIN 1545-AW78

New Technologies in Retirement Plans

Correction

In rule document 00–1897, beginning on page 6001, in the issue of Tuesday, February 8, 2000, make the following correction:

PART 35 [CORRECTED]

On page 6007, in the third column, amendatory paragraph 6 is corrected to read as follows:

''**Par. 6.** Redesignate § 35.3405–1 as § 35.3405–1T and revise the heading to read as follows:''

[FR Doc. C0–1897 Filed 2–16–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
February 17, 2000

Part II

Department of Labor

Employment and Training Administration

Workforce Enforcement Act Allotments and Wagner-Peyser Act Preliminary Planning Estimates for Program Year (PY) 2000; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act Allotments and Wagner-Peyser Act Preliminary Planning Estimates for Program Year (PY) 2000

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Workforce Investment Act (WIA) allotments for Program Year (PY) 2000 (July 1, 2000–June 30, 2001) for WIA title I Youth, Adults and Dislocated Worker programs; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 2000. This is the first year in which allotments are made to States and outlying areas under WIA. The allotments for States are based on formulas defined in the Act. The allotments for the outlying areas are based on a discretionary formula as authorized under WIA Title I. Comments are invited upon the formula used to allot funds to the outlying areas, only. This formula is described in detail in the section on Youth allotments.

DATES: Comments must be received by March 20, 2000.

ADDRESSES: Submit written comments to the Employment and Training Administration, Office of Financial and Administrative Management, 200 Constitution Ave, NW, Room N–4702, Washington, DC 20210, Attention: Ms. Sherryl Bailey, 202–219–7979, 202–219–6564 (fax), e-mail: sbailey@doleta.gov.

FOR FURTHER INFORMATION CONTACT: For WIA Title I allotments, contact: Youth Activities Allotments: Lorenzo Harrison at 202–219–6236; Adult and Dislocated Worker Employment and Training Activities Allotments: John Beverly at 202–219–7694; and Wagner-Peyser preliminary planning estimates: Timothy Sullivan at 202–219–5257. (These are not toll-free numbers.) Information may also be found at the website—http://usworkforce.org.

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing Workforce Investment Act (WIA) allotments for Program Year (PY) 2000 (July 1, 2000–June 30, 2001) for WIA title I Youth Activities, Adults and Dislocated Workers Activities; and, in accordance with Section 6(b)(5) of the Wagner-Peyser Act, preliminary planning estimates for public employment service (ES) activities under the Wagner-Peyser Act for PY 2000. This document provides information on the amount of funds available during PY 2000 to States with an approved WIA title I and Wagner-Peyser 5-Year Strategic Plan and information regarding allotments to the outlying areas. The allotments and estimates are based on the appropriations for DOL for Fiscal Year (FY) 2000.

Attached is a listing of the allotments for PY 2000 for programs under WIA title I Youth Activities, Adults and Dislocated Workers Employment and Training Activities; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. The PY 2000 allotments for Youth, Adults and Dislocated Workers Employment and Training Programs, and the Wagner-Peyser Act preliminary planning estimates, are based on the funds appropriated by the Omnibus Consolidated Appropriations Act of 2000, Public Law 106–113, for FY 2000.

The Wagner-Peyser preliminary estimates are based on averages for the most current 12 months ending September 1999 for each State's share of the civilian labor force and unemployment. Final Wagner-Peyser Act planning estimates will be published in the **Federal Register**.

Youth Activities Allotments

PY 2000 Youth Activities funds under WIA total $1,250,965,000 (including $250 million for Youth Opportunity grants). Attachment I contains a breakdown of the $1,000,965,000 in WIA title I Youth Activities program allotments by State for PY 2000 and provides a comparison of these allotments to the sum of the PY 1999 JTPA Title II–B Summer Youth and JTPA Title II–C Youth Training allotments for all States, outlying areas, Puerto Rico and the District of Columbia. Before determining the amount available for States, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Youth Activities, in accordance with WIA provisions, resulting in $3,127,413, an increase of $1,332,752 or 74 percent increase over PY 1999 JTPA Title II–B Summer Youth and JTPA Title II–C Youth Training amounts. From the total funds for outlying areas for the WIA Youth Activities program, WIA section 127(b)(1)(B) requires that competitive grants be awarded to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States, and further provides that the amount for such grants is not to exceed the amount reserved for the Freely Associated States for the JTPA II–B Summer Youth and the JTPA II–C Youth Training for PY 1997. WIA has corresponding requirements for competitive grants for the Adult Activities and Dislocated Worker Activities programs. To ensure that all outlying areas, those listed above as well as the Virgin Islands, would not lose funds from PY 1999 in total for the Youth Activities, Adult Activities, and Dislocated Worker Activities programs combined, the Secretary determined that a total of one million dollars would be reserved for the required competitive grants for all three programs for PY 2000. For the WIA Youth Activities program, the amount of competitive grants was set at $222,535, the maximum allowed by WIA which is the amount of JTPA PY 1997 total Youth allotments for the Freely Associated States. The distribution of the remaining WIA Youth Activities non-competitive funds to all outlying areas, including the Virgin Islands, is not specified by WIA, but is at the Secretary's discretion. In order to be consistent with the spirit of WIA, the methodology used is similar to that used in JTPA for the outlying areas allotments, which generally followed the concepts used for the State formula. Based on this principle, the remaining non-competitive funds were distributed among the areas by formula based on relative share of number of unemployed, a 90 percent hold-harmless of the prior year share, a $75,000 minimum (all similar to the JTPA methodology), and the addition of a 130 percent stop gain of the prior year share (new addition by WIA for the State formula). The prior year share was based on the sum of the PY 1999 JTPA II–B Summer Youth and JTPA II–C Youth Training programs for each area. Data for all outlying areas was updated to 1995 data. This data was obtained from the Bureau of the Census for American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of Palau, and the U. S. Virgin Islands, based on mid-decade surveys for those areas conducted with the assistance of the Bureau. For Guam, data from a similar survey was not available from the Bureau, so data from the Guam June 1995 labor force survey was used. For the Republic of the Marshall Islands, where 1995 unemployment data was not available, 1988 survey data in combination with 1995 population estimates were used as the basis of the formula.

The total amount available for Native Americans is 1.5 percent of the total amount for Youth Activities excluding

Youth Opportunity Grants, in accordance with WIA section 127. This total is $15,014,475, down $825,367, or 5.2 percent from the PY 1999 JTPA Summer Youth level for Native Americans.

After determining the amount for the outlying areas and Native Americans, the amount available for allotment to the States for PY 2000 is $982,823,112, less than PY 1999 by $507,385, or a decrease of 0.05 percent. Since this amount was below the required $1 billion threshold specified in Section 127(b)(1)(C)(iv)(IV), the WIA funding minimum provisions were not triggered in, and, instead, as required by WIA, the minimum allotments were calculated using the JTPA Section 262(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent State minimum floor were used. Also, as required by WIA, a new provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors required in WIA are the same as in JTPA and use the following data for the PY 2000 allotments:

(1) The number of unemployed for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 1998 through preliminary June 1999;

(2) The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for the same 12-month period used for ASU unemployed data; and

(3) The number of economically disadvantaged youth (age 16 to 21, excluding college students and military) are from the 1990 Census.

Adult Employment and Training Activities Allotments

The total Adult Employment and Training Activities appropriation is $950,000,000, a reduction of $5 million, or 0.5 percent from PY 1999. Attachment II shows the PY 2000 Adult Employment and Training Activities allotments and comparison to PY 1999 JTPA Adult allotments by State.

Similarly to the Youth Activities program, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Adults, or $2,375,000, a decrease of $156,611 and 6 percent from PY 1999. The Adult Activities program portion of the one million dollar total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $290,896. This amount is less than the maximum allowed by WIA (PY 1997 Adult allotments for the Freely Associated States). The amount represents a 12.25 percent share of the total Adult Activities program funds for all outlying areas and is calculated to be the same share as for the Dislocated Worker Activities program, after subtracting the Youth Activities program portion from the one million dollar total described above. The remaining non-competitive WIA title I Adult Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion (described in the Youth Activities section), were distributed among the areas by the same principles, formula and data as used for outlying areas for Youth Activities.

After determining the amount for the outlying areas, the amount available for allotments to the States is $947,625,000, less than PY 1999 by $4.8 million, or 0.5 percent. Like the Youth Activities program, the WIA minimum provisions were not triggered in for the PY 2000 allotments because the total amount available for the States was below the $960 million threshold required for Adults in section 132(b)(1)(B)(iv)(IV). Instead, as required by WIA, the minimum allotments were calculated using the JTPA section 262(a)(3) (as amended by section 701 of the Job Training Reform Amendments of 1992) minimums of 90 percent hold-harmless of the prior year allotment percentage and 0.25 percent State minimum floor. Also, similarly to the Youth Activities program, a new provision applying a 130 percent stop-gain of the prior year allotment percentage was used. The three formula factors use the same data as used for the Youth Activities formula, except that data for the number of economically disadvantaged adults (age 22 to 72, excluding college students and military) from the 1990 Census was used.

Dislocated Worker Employment and Training Activities Allotments

The total Dislocated Worker appropriation is $1,589,025,000, an increase of $185.5 million, or 13.2 percent from the PY 1999 level. The total appropriation includes 80 percent allotted by formula to the States, while 20 percent is retained for National Emergency Grants, technical assistance and training, demonstration projects, and for the outlying areas Dislocated Worker allotments. Attachment III shows the PY 2000 Dislocated Worker Activities fund allotments by State.

Similarly to the Youth and Adults programs, the total available for the outlying areas was reserved at 0.25 percent of the full amount appropriated for Dislocated Workers Activities, resulting in an increase of $983,946, or 32.9 percent, for the areas from PY 1999. The Dislocated Worker Activities program portion of the one million dollar total for competitive grants for all three programs (described above in Youth Activities) required for the outlying areas (Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States) was set at $486,569. This amount is less than the maximum allowed by WIA (PY 1997 Dislocated Worker allotments for the Freely Associated States). The amount represents a 12.25 percent share of the total Dislocated Worker Activities program funds for all outlying areas and is calculated to be the same share as for the Adult Activities program, after subtracting the Youth Activities program portion from the one million dollar total described above. The remaining non-competitive WIA Title I Dislocated Worker Activities funds for grants to all outlying areas, including the Virgin Islands, for which the methodology is at the Secretary's discretion (described in the Youth Activities section), were distributed among the areas by the same principles and methodology used in JTPA, i.e., based on the same pro rata share as the areas received for the PY 2000 WIA Adult Activities program.

The amount available for allotments to the States is eighty percent of the Dislocated Workers appropriation, or $1,271,220,000, a gain of 13.1 percent over PY 1999. Since the Dislocated Worker Activities formula has no floor amount or hold-harmless provisions, funding changes for States directly reflect the impact of changes in number of unemployed. The three formula factors required in WIA are the same as in the JTPA Dislocated Workers formula and use the following data for the PY 2000 allotments:

(1) The number of unemployed are averages for the 12-month period, October 1998 through September 1999;

(2) The number of excess unemployed are averages for the 12-month period, October 1998 through September 1999; and

(3) The number of long-term unemployed are averages for calendar year 1998.

Wagner-Peyser Act Preliminary Planning Estimates

The public employment service program involves a Federal-State

partnership between the U.S. Employment Service and the State Employment Security Agencies. Under the Wagner-Peyser Act, funds are allotted to each State to administer a labor exchange program responding to the needs of the State's employers and workers through a system of local employment services offices. State funding for the Employment Service remains at the same level as for PY 1999. Attachment IV shows the Wagner-Peyser Act preliminary planning estimates for PY 2000. These preliminary planning estimates have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. They are based on monthly averages for each State's share of the civilian labor force (CLF) and unemployment for the 12 months ending September 1999. Final planning estimates will be published in the **Federal Register**, based on Calendar Year 1999 data, as required by the Wagner-Peyser Act.

State planning estimates reflect $18,000,000 or 2.363 percent of the total amount appropriated which is being withheld from distribution to States to finance postage costs associated with the conduct of Wagner-Peyser Act labor exchange services for PY 2000.

The Secretary of Labor is required to set-aside up to three percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment service (ES) activities, as required under Section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, $22,312,050, the three percent set-aside funds are included in the total planning estimate. The set-aside funds are distributed in two steps to States which have lost in relative share of resources from the previous year. In Step 1, States which have a CLF below one million and are also below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining set-aside funds are distributed on a pro-rata basis in Step 2 to all other States losing in relative share from the prior year but did not meet the size and density criteria for Step 1.

Under Wagner-Peyser Act section 7, ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Additional Resources

For those States with remaining funds in their One-Stop Career Center implementation grants, those funds may be used for WIA implementation activities including the development of labor market information tools such as America's Job Bank.

Signed at Washington, DC, this 11th day of February, 2000.

Raymond L. Bramucci,

Assistant Secretary of Labor for Employment and Training.

BILLING CODE 4510–30–P

Attachment I

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
JTPA PY 1999 Summer Youth/Youth Training vs WIA PY 2000 Youth Activities

	JTPA PY 1999	WIA PY 2000	Difference	% Change
Total	$1,000,965,000	$1,000,965,000	$0	0.00%
Alabama	13,743,905	14,066,303	322,398	2.35%
Alaska	3,496,339	3,215,719	(280,620)	-8.03%
Arizona	15,627,353	16,578,123	950,770	6.08%
Arkansas	9,900,441	10,429,385	528,944	5.34%
California	162,913,181	171,424,027	8,510,846	5.22%
Colorado	6,521,560	6,550,692	29,132	0.45%
Connecticut	8,560,463	7,700,441	(860,022)	-10.05%
Delaware	2,458,326	2,457,058	(1,268)	-0.05%
District of Columbia	4,508,952	4,528,781	19,829	0.44%
Florida	41,357,488	39,070,163	(2,287,325)	-5.53%
Georgia	20,192,229	20,496,219	303,990	1.51%
Hawaii	5,422,065	6,045,743	623,678	11.50%
Idaho	4,254,719	4,095,248	(159,471)	-3.75%
Illinois	40,375,499	40,030,985	(344,514)	-0.85%
Indiana	12,244,411	11,014,284	(1,230,127)	-10.05%
Iowa	3,624,003	3,259,920	(364,083)	-10.05%
Kansas	3,824,507	3,440,280	(384,227)	-10.05%
Kentucky	15,724,321	15,511,193	(213,128)	-1.36%
Louisiana	20,992,650	21,598,829	606,179	2.89%
Maine	4,135,926	3,720,413	(415,513)	-10.05%
Maryland	15,327,453	13,787,590	(1,539,863)	-10.05%
Massachusetts	14,404,582	12,957,434	(1,447,148)	-10.05%
Michigan	26,915,731	28,969,657	2,053,926	7.63%
Minnesota	8,947,656	8,048,735	(898,921)	-10.05%
Mississippi	13,203,331	12,562,595	(640,736)	-4.85%
Missouri	15,573,066	14,008,527	(1,564,539)	-10.05%
Montana	3,559,773	4,149,252	589,479	16.56%
Nebraska	2,458,326	2,457,058	(1,268)	-0.05%
Nevada	4,070,417	3,661,485	(408,932)	-10.05%
New Hampshire	2,458,326	2,457,058	(1,268)	-0.05%
New Jersey	26,346,299	23,699,434	(2,646,865)	-10.05%
New Mexico	9,432,345	10,430,066	997,721	10.58%
New York	87,182,149	81,034,703	(6,147,446)	-7.05%
North Carolina	15,160,408	14,391,704	(768,704)	-5.07%
North Dakota	2,458,326	2,457,058	(1,268)	-0.05%
Ohio	39,285,194	41,633,629	2,348,435	5.98%
Oklahoma	7,947,802	10,326,811	2,379,009	29.93%
Oregon	12,311,379	14,609,203	2,297,824	18.66%
Pennsylvania	38,129,075	34,298,461	(3,830,614)	-10.05%
Puerto Rico	54,464,419	54,369,986	(94,433)	-0.17%
Rhode Island	2,768,806	2,490,640	(278,166)	-10.05%
South Carolina	13,441,965	12,091,526	(1,350,439)	-10.05%
South Dakota	2,458,326	2,457,058	(1,268)	-0.05%
Tennessee	20,527,851	18,465,533	(2,062,318)	-10.05%
Texas	84,115,891	88,620,250	4,504,359	5.35%
Utah	2,744,753	3,301,394	556,641	20.28%
Vermont	2,458,326	2,457,058	(1,268)	-0.05%
Virginia	14,880,880	13,385,882	(1,494,998)	-10.05%
Washington	19,668,344	21,370,932	1,702,588	8.66%
West Virginia	9,920,584	10,548,280	627,696	6.33%
Wisconsin	8,372,050	9,633,249	1,261,199	15.06%
Wyoming	2,458,326	2,457,058	(1,268)	-0.05%
State Total	983,330,497	982,823,112	(507,385)	-0.05%
American Samoa	89,123	134,797	45,674	51.25%
Guam	871,121	1,317,552	446,431	51.25%
Marshall Islands	72,621	152,810	80,189	110.42%
Micronesia	129,157	271,773	142,616	110.42%
Northern Marianas	50,448	106,153	55,705	110.42%
Palau	24,217	77,869	53,652	221.55%
Virgin Islands	557,974	843,924	285,950	51.25%
Outlying Areas Competitive	0	222,535	222,535	N/A
Outlying Areas Total	1,794,661	3,127,413	1,332,752	74.26%
Native Americans	15,839,842	15,014,475	(825,367)	-5.21%

Attachment II

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
JTPA PY 1999 Adult Training vs WIA PY 2000 Adult Activities

	JTPA PY 1999	WIA PY 2000	Difference	% Change
Total	$955,000,000	$950,000,000	($5,000,000)	-0.52%
Alabama	13,332,002	13,600,837	268,835	2.02%
Alaska	3,372,802	3,089,722	(283,080)	-8.39%
Arizona	14,833,378	15,648,932	815,554	5.50%
Arkansas	9,598,305	10,068,804	470,499	4.90%
California	153,202,942	160,743,770	7,540,828	4.92%
Colorado	6,401,920	6,409,369	7,449	0.12%
Connecticut	8,360,632	7,486,306	(874,326)	-10.46%
Delaware	2,381,171	2,369,063	(12,108)	-0.51%
District of Columbia	4,409,902	4,412,566	2,664	0.06%
Florida	41,604,521	39,256,368	(2,348,153)	-5.64%
Georgia	19,308,691	19,518,990	210,299	1.09%
Hawaii	5,467,505	6,049,854	582,349	10.65%
Idaho	4,043,134	3,872,663	(170,471)	-4.22%
Illinois	38,887,986	38,399,632	(488,354)	-1.26%
Indiana	11,790,620	10,557,597	(1,233,023)	-10.46%
Iowa	3,583,969	3,209,170	(374,799)	-10.46%
Kansas	3,769,137	3,434,681	(334,456)	-8.87%
Kentucky	15,779,990	15,516,224	(263,766)	-1.67%
Louisiana	20,163,665	20,662,594	498,929	2.47%
Maine	4,095,359	3,667,080	(428,279)	-10.46%
Maryland	15,134,882	13,552,128	(1,582,754)	-10.46%
Massachusetts	13,941,489	12,483,536	(1,457,953)	-10.46%
Michigan	25,413,403	27,277,938	1,864,535	7.34%
Minnesota	8,691,343	7,782,432	(908,911)	-10.46%
Mississippi	12,018,011	11,341,654	(676,357)	-5.63%
Missouri	15,336,859	13,732,983	(1,603,876)	-10.46%
Montana	3,637,993	4,193,064	555,071	15.26%
Nebraska	2,381,171	2,369,063	(12,108)	-0.51%
Nevada	3,965,677	3,550,960	(414,717)	-10.46%
New Hampshire	2,381,171	2,369,063	(12,108)	-0.51%
New Jersey	25,982,597	23,265,426	(2,717,171)	-10.46%
New Mexico	9,044,618	9,968,030	923,412	10.21%
New York	87,772,524	81,558,176	(6,214,348)	-7.08%
North Carolina	14,997,078	14,198,520	(798,558)	-5.32%
North Dakota	2,381,171	2,369,063	(12,108)	-0.51%
Ohio	38,240,941	40,353,010	2,112,069	5.52%
Oklahoma	7,934,062	10,261,832	2,327,770	29.34%
Oregon	12,070,623	14,237,385	2,166,762	17.95%
Pennsylvania	38,242,301	34,243,052	(3,999,249)	-10.46%
Puerto Rico	53,146,634	52,848,829	(297,805)	-0.56%
Rhode Island	2,768,365	2,478,859	(289,506)	-10.46%
South Carolina	13,026,517	11,664,248	(1,362,269)	-10.46%
South Dakota	2,381,171	2,369,063	(12,108)	-0.51%
Tennessee	20,234,920	18,118,821	(2,116,099)	-10.46%
Texas	78,467,213	82,451,236	3,984,023	5.08%
Utah	2,381,171	2,753,861	372,690	15.65%
Vermont	2,381,171	2,369,063	(12,108)	-0.51%
Virginia	14,509,964	12,992,562	(1,517,402)	-10.46%
Washington	18,909,263	20,455,166	1,545,903	8.18%
West Virginia	9,738,640	10,306,103	567,463	5.83%
Wisconsin	8,186,644	9,366,589	1,179,945	14.41%
Wyoming	2,381,171	2,369,063	(12,108)	-0.51%
State Total	952,468,389	947,625,000	(4,843,389)	-0.51%
American Samoa	169,022	125,230	(43,792)	-25.91%
Guam	475,405	453,836	(21,569)	-4.54%
Marshall Islands	358,998	265,985	(93,013)	-25.91%
Micronesia	535,238	396,563	(138,675)	-25.91%
Northern Marianas	143,413	153,481	10,068	7.02%
Palau	109,422	81,072	(28,350)	-25.91%
Virgin Islands	740,113	607,937	(132,176)	-17.86%
Outlying Areas Competitive	0	290,896	290,896	N/A
Outlying Areas Total	2,531,611	2,375,000	(156,611)	-6.19%

Attachment III

U. S. Department of Labor
Employment and Training Administration
Comparison of State Allotments
JTPA PY 1999 Dislocated Workers vs WIA PY 2000 Dislocated Workers Activities

	JTPA PY 1999	WIA PY 2000	Difference	% Change
Total	$1,403,510,000	$1,589,025,000	$185,515,000	13.22%
Alabama	11,310,449	12,337,794	1,027,345	9.08%
Alaska	6,053,763	6,719,943	666,180	11.00%
Arizona	9,383,103	11,542,782	2,159,679	23.02%
Arkansas	10,872,546	12,375,366	1,502,820	13.82%
California	252,751,353	297,723,349	44,971,996	17.79%
Colorado	6,515,135	8,967,371	2,452,236	37.64%
Connecticut	10,137,244	8,480,789	(1,656,455)	-16.34%
Delaware	1,730,577	1,664,457	(66,120)	-3.82%
District of Columbia	9,278,408	10,174,200	895,792	9.65%
Florida	37,376,186	41,053,379	3,677,193	9.84%
Georgia	17,327,420	21,970,886	4,643,466	26.80%
Hawaii	9,203,634	12,921,697	3,718,063	40.40%
Idaho	5,142,284	6,033,643	891,359	17.33%
Illinois	33,944,834	38,725,943	4,781,109	14.08%
Indiana	9,999,244	10,502,473	503,229	5.03%
Iowa	4,603,653	4,984,236	380,583	8.27%
Kansas	5,107,811	5,772,856	665,045	13.02%
Kentucky	10,071,794	11,423,295	1,351,501	13.42%
Louisiana	25,508,779	24,339,414	(1,169,365)	-4.58%
Maine	4,094,611	3,854,255	(240,356)	-5.87%
Maryland	19,792,477	16,806,330	(2,986,147)	-15.09%
Massachusetts	13,467,578	13,588,888	121,310	0.90%
Michigan	21,366,758	22,130,803	764,045	3.58%
Minnesota	8,482,964	8,023,090	(459,874)	-5.42%
Mississippi	14,148,987	13,390,794	(758,193)	-5.36%
Missouri	13,857,280	15,326,715	1,469,435	10.60%
Montana	4,879,006	6,417,081	1,538,075	31.52%
Nebraska	1,997,095	2,388,261	391,166	19.59%
Nevada	3,910,433	5,076,189	1,165,756	29.81%
New Hampshire	1,583,448	2,247,442	663,994	41.93%
New Jersey	36,304,389	30,833,430	(5,470,959)	-15.07%
New Mexico	14,447,813	20,907,033	6,459,220	44.71%
New York	141,469,827	142,360,726	890,899	0.63%
North Carolina	14,354,831	16,906,622	2,551,791	17.78%
North Dakota	791,223	1,421,909	630,686	79.71%
Ohio	28,150,483	30,844,022	2,693,539	9.57%
Oklahoma	6,881,200	8,085,953	1,204,753	17.51%
Oregon	17,668,368	30,420,464	12,752,096	72.17%
Pennsylvania	36,555,932	38,179,716	1,623,784	4.44%
Puerto Rico	82,314,462	108,278,443	25,963,981	31.54%
Rhode Island	3,851,636	2,924,830	(926,806)	-24.06%
South Carolina	8,163,435	9,726,336	1,562,901	19.15%
South Dakota	986,630	1,477,871	491,241	49.79%
Tennessee	14,120,459	14,194,628	74,169	0.53%
Texas	74,819,227	74,756,662	(62,565)	-0.08%
Utah	3,229,390	4,343,544	1,114,154	34.50%
Vermont	1,391,491	1,220,468	(171,023)	-12.29%
Virginia	13,872,204	12,359,788	(1,512,416)	-10.90%
Washington	13,905,356	28,220,707	14,315,351	102.95%
West Virginia	16,082,147	23,364,426	7,282,279	45.28%
Wisconsin	9,944,587	11,506,979	1,562,392	15.71%
Wyoming	1,204,056	1,921,722	717,666	59.60%
State Total	1,124,408,000	1,271,220,000	146,812,000	13.06%
American Samoa	199,534	209,467	9,933	4.98%
Guam	561,225	759,113	197,888	35.26%
Marshall Islands	423,804	444,902	21,098	4.98%
Micronesia	631,859	663,314	31,455	4.98%
Northern Marianas	169,302	256,721	87,419	51.63%
Palau	129,175	135,606	6,431	4.98%
Virgin Islands	873,718	1,016,871	143,153	16.38%
Outlying Area Competitive	0	486,569	486,569	N/A
Outlying Area Total	2,988,617	3,972,563	983,946	32.92%
National Reserve	276,113,383	313,832,437	37,719,054	13.66%

Attachment IV

U. S. Department of Labor
Employment and Training Administration
Employment Service (Wagner-Peyser)
PY 2000 Preliminary vs PY 1999 Final Allotments

	Final PY 1999	Preliminary PY 2000	Difference	% Change
Total	$761,735,000	$761,735,000	$0	0.00%
Alabama	10,818,638	10,784,633	(34,005)	-0.31%
Alaska	8,084,754	8,084,754	0	0.00%
Arizona	11,172,593	11,555,462	382,869	3.43%
Arkansas	6,430,437	6,420,648	(9,789)	-0.15%
California	88,901,633	88,858,811	(42,822)	-0.05%
Colorado	10,526,947	10,457,603	(69,344)	-0.66%
Connecticut	8,736,524	8,562,879	(173,645)	-1.99%
Delaware	2,077,382	2,077,382	0	0.00%
District of Columbia	3,563,903	3,493,068	(70,835)	-1.99%
Florida	35,261,415	35,794,895	533,480	1.51%
Georgia	19,386,536	19,364,087	(22,449)	-0.12%
Hawaii	3,306,209	3,299,736	(6,473)	-0.20%
Idaho	6,736,039	6,736,039	0	0.00%
Illinois	30,933,009	30,923,643	(9,366)	-0.03%
Indiana	14,522,121	14,364,919	(157,202)	-1.08%
Iowa	7,116,348	7,064,476	(51,872)	-0.73%
Kansas	6,612,331	6,612,062	(269)	-0.00%
Kentucky	9,830,334	9,782,785	(47,549)	-0.48%
Louisiana	11,070,781	11,004,332	(66,449)	-0.60%
Maine	4,005,859	4,005,859	0	0.00%
Maryland	13,950,476	13,830,676	(119,800)	-0.86%
Massachusetts	15,887,108	15,667,389	(219,719)	-1.38%
Michigan	24,322,001	24,232,816	(89,185)	-0.37%
Minnesota	11,837,882	11,777,260	(60,622)	-0.51%
Mississippi	6,661,236	6,640,453	(20,783)	-0.31%
Missouri	13,824,139	13,708,998	(115,141)	-0.83%
Montana	5,504,726	5,504,726	0	0.00%
Nebraska	6,615,599	6,615,599	0	0.00%
Nevada	5,351,173	5,351,173	0	0.00%
New Hampshire	2,995,629	2,973,582	(22,047)	-0.74%
New Jersey	21,489,195	21,423,712	(65,483)	-0.30%
New Mexico	6,177,271	6,177,271	0	0.00%
New York	47,949,342	47,748,098	(201,244)	-0.42%
North Carolina	17,733,142	17,625,880	(107,262)	-0.60%
North Dakota	5,605,458	5,605,458	0	0.00%
Ohio	27,895,395	28,271,605	376,210	1.35%
Oklahoma	8,490,808	8,390,820	(99,988)	-1.18%
Oregon	9,355,503	9,485,443	129,940	1.39%
Pennsylvania	30,411,633	30,242,128	(169,505)	-0.56%
Puerto Rico	10,628,820	10,559,140	(69,680)	-0.66%
Rhode Island	2,663,024	2,622,423	(40,601)	-1.52%
South Carolina	9,506,604	9,490,576	(16,028)	-0.17%
South Dakota	5,180,731	5,180,731	0	0.00%
Tennessee	13,782,638	13,705,403	(77,235)	-0.56%
Texas	51,000,748	51,803,330	802,582	1.57%
Utah	10,733,587	10,520,249	(213,338)	-1.99%
Vermont	2,426,951	2,426,951	0	0.00%
Virginia	16,201,763	16,095,425	(106,338)	-0.66%
Washington	15,341,326	15,695,362	354,036	2.31%
West Virginia	5,929,859	5,929,859	0	0.00%
Wisconsin	13,355,009	13,351,960	(3,049)	-0.02%
Wyoming	4,019,463	4,019,463	0	0.00%
State Total	741,922,032	741,922,032	0	0.00%
Guam	348,011	348,011	0	0.00%
Virgin Islands	1,464,957	1,464,957	0	0.00%
Postage	18,000,000	18,000,000	0	0.00%

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S. 1733/P.L. 106–171

Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Feb. 11, 2000)

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