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

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WHEN: April 18, 2000, at 9:00 a.m.

WHERE: Conference Room, Suite 700
Office of the Federal Register
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

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Rules and Regulations

Federal Register
Vol. 65, No. 70
Tuesday, April 11, 2000

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is amending its rules of practice and procedure to clarify what a party in a Board proceeding must do to get a copy of the hearing tape recording or written transcript, to provide that the official hearing record may be a video tape recording, and to comply with the President's Memorandum on Plain Language. The amendment also informs a non-party who wants a copy of a hearing tape recording or written transcript to send a request under the Board's Freedom of Information Act regulations (5 CFR part 1204). The purpose of the amendment is to guide parties to MSPB cases, representatives, and non-parties on the appropriate way to get copies of hearing tape recordings and written transcripts.

EFFECTIVE DATE: April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: The Board's current rule at 5 CFR 1201.53(a) provides that a verbatim record of a hearing in a Board case must be prepared under the supervision of the judge. The amendment to this rule published today makes clear that a verbatim record, the single official record of the hearing, will be kept in the Board's copy of the appeal file. The amendment also makes clear that an audio tape recording, video tape recording, or written transcript will be the official hearing record. Under the Board's current rule at 5 CFR 1201.53(b), a copy of a hearing tape recording or written transcript is to be made available to a party upon request and upon payment of costs. The amendment to 5 CFR 1201.53(b) published today requires that parties send requests for copies of hearing tape recordings or written transcripts to the adjudicating regional or field office or to the Clerk of the Board as appropriate. Because the current rule at 5 CFR 1201.53(b) only states procedures for parties to request copies of hearing tape recordings or written transcripts, the amendment notifies non-parties that their requests for copies of hearing tape recordings or written transcripts are controlled by the Board's rules at 5 CFR part 1204 (Freedom of Information Act). In addition, the amendment provides that only hearing tape recordings or written transcripts prepared by the official hearing reporter will be accepted by the Board as the official record of the hearing. The amendment to 5 CFR 1201.53(c) clarifies procedures for parties to request an exception to payment of the cost for hearing tape recordings or written transcripts. The current rule at 5 CFR 1201.53(d) has been amended because it refers to written transcripts and the Board now tape records its hearings. The new section 5 CFR 1201.53(e) includes a revision of 5 CFR 1201.54 Thus, the current rule at 5 CFR 1201.54 has been removed.

The Board is publishing this rule as a final rule in accordance with 5 U.S.C. 1204(h).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

PART 1201—[AMENDED]

1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204 and 7701, unless otherwise noted).

2. Section 1201.53 is revised to read as follows:

§ 1201.53 Record of proceedings.

(a) *Preparation.* A word-for-word record of the hearing is made under the judge's guidance. It is kept in the Board's copy of the appeal file and it is the official record of the hearing. Only hearing tape recordings or written transcripts prepared by the official hearing reporter will be accepted by the Board as the official record of the hearing. When the judge assigned to the case tape records a hearing (for example, a telephonic hearing in a retirement appeal), the judge is the ''official hearing reporter'' under this section.

(b) *Copies.* When requested and when costs are paid, a copy of the official record of the hearing will be provided to a party. A party must send a request for a copy of a hearing tape recording or written transcript to the adjudicating regional or field office, or to the Clerk of the Board, as appropriate. A request for a copy of a hearing tape recording or written transcript sent by a non-party is controlled by the Board's rules at 5 CFR part 1204 (Freedom of Information Act). Requests for hearing tape recordings or written transcripts under the Freedom of Information Act must be sent to the appropriate Regional Director, the Chief Administrative Judge of the appropriate MSPB Field Office, or to the Clerk of the Board at MSPB headquarters in Washington, DC.

(c) *Exceptions to payment of costs.* A party may not have to pay for a hearing tape recording or written transcript if he has a good reason. If a party believes he has a good reason and the request is made before the judge issues and initial decision, the party must sent the request for an exception to the judge. If the request is made after the judge issues an initial decision, the request must be sent to the Clerk of the Board. The party must clearly state the reason for the request in an affidavit or sworn statement.

(d) *Corrections to written transcript.* Corrections to the official written transcript may be made on motion by a party or on the judge's own motion. Motions for corrections must be filed within 10 days after the receipt of a written transcript. Corrections of the official written transcript will be made only when substantive errors are found and only with the judge's approval.

(e) *Official record.* Exhibits, the official hearing record, if a hearing is held, all papers filed, and all orders and decisions of the judge and the Board, make up the official record of the case.

§ 1201.54 (Removed)

3. Section 1201.54 is removed in its entirety.

Dated: April 5, 2000.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 00–8861 Filed 4–10–00; 8:45 am]

BILLING CODE 7400–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 99–102–2]

Ports Designated for Exportation of Horses; Dayton, OH

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On February 17, 2000, the Animal and Plant Health Inspection Service published a direct final rule. (See 65 FR 8013–8014, Docket No. 99–102–1.) The direct final rule notified the public of our intentions to amend 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. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: April 17, 2000.

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.

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).

Done in Washington, DC, this 5th day of April 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–8936 Filed 4–10–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM171, Special Conditions No. 25–160–SC]

Special Conditions: Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes modified by Electronic Cable Specialists. These airplanes will have novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The installation of Honeywell Classic Navigator Systems will use advanced electronics when compared to the Inertial Navigation Systems. The applicable type certification regulations do not contain adequate or appropriate safety standards for the protection of this system from the effects of high-intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

DATES: The effective date of these special conditions is March 31, 2000. Comments must be received on or before May 26, 2000.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–114), Docket No. NM171, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM171. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Connie Beane, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (425) 227–2796; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM171.'' The postcard will be date stamped and returned to the commenter.

Background

On November 29, 1999, Electronic Cable Specialists, 5300 West Franklin Drive, Franklin, Wisconsin 53132, applied for a Supplemental Type Certificate (STC) to modify Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes approved under Type Certificate No. A35EU. These are transport category airplanes with twin engines, and a seating capacity of up to 267 passengers. The modification incorporates the installation of Honeywell Classic Navigator Systems. Each system consists of a Honeywell HT–9100 Navigation Management System, a Super Attitude Heading Reference System, and a Digital to Analog Adapter. These advanced systems use electronics to a far greater extent than the original Inertial Navigation Systems and may be more susceptible to electrical and magnetic interference. This disruption of signals could result in loss of attitude or present misleading information to the pilot.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Electronic Cable Specialists must show that Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes, as changed, continue to meet the applicable

provisions of the regulations incorporated by reference in Type Certificate No. A35EU, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The certification basis for the modified Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes includes 14 CFR part 25, dated February 1, 1965, as amended by Amendments 25–1 through 25–21.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes because of novel or unusual design features, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes must comply with the part 25 fuel vent and exhaust emission requirements of 14 CFR part 34 and the part 25 noise certification requirements of 14 CFR part 36.

Special conditions, as appropriate, are issued in accordance with § 11.49, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Electronic Cable Specialists apply at a later date for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes will incorporate a new navigation system, which was not available at the time of certification of these airplanes, that performs critical functions. This system may be vulnerable to high intensity radiated fields (HIRF) external to the airplane.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes, which require that new electrical and electronic systems, such as the Honeywell Navigator Systems, that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraph 1, or 2 below:

1. A minimum threat of 100 volts per meter root-mean-square (rms) electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated. Both peak and average field strength components from the table are to be demonstrated.

Field Strength (volts per meter)		
Frequency	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak of the root-mean-square (rms) over the complete modulation period.

Applicability

As discussed above, these special conditions are applicable Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes modified by Electronic Cable Specialists. Should Electronic Cable Specialists apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes modified by Electronic Cable Specialists. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of the special conditions for this airplane has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis Airbus A300 Model B2–1A, B2–1C, B4–2C, B2K–3C, B4–103, B2–203, B4–203 airplanes modified by Electronic Cable Specialists.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 00–8849 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–57–AD; Amendment 39–11667; AD 2000–07–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 and –200PF Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757–200 and –200PF series airplanes, that requires repetitive detailed visual inspections to detect loose fuse pins in the outboard beam attachment and forward trunnion support on the main landing gear (MLG) and to detect corrosion on the structure adjacent to the fuse pin; and corrective actions, if necessary. This amendment also requires eventual replacement of the fuse pins with new corrosion resistant steel (CRES) fuse pins, which constitutes terminating action for the repetitive inspections. This amendment is prompted by a report of damaged fuse pins caused by corrosion. The actions specified by this AD are intended to prevent corroded fuse pins, which could result in the MLG separating from the wing, and consequent damage to the airplane and possible rupture of the wing fuel tank.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207.

This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2783; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757–200 and –200PF series airplanes was published in the **Federal Register** on October 6, 1999 (64 FR 54227). That action proposed to require repetitive detailed visual inspections to detect loose fuse pins in the outboard beam attachment and forward trunnion support on the main landing gear (MLG) and to detect corrosion on the structure adjacent to the fuse pin; and corrective actions, if necessary. That action also proposed to require eventual replacement of the fuse pins with new corrosion resistant steel (CRES) fuse pins, which would constitute terminating action for the repetitive inspections.

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.

Request To Change Repetitive Inspection Interval

The commenter requests that the proposed repetitive inspection interval be changed from 3,000 flight cycles or 24 months (whichever occurs first) to either 36 months or to 3,000 flight cycles or 24 months (whichever is later). The commenter states that 3,000 flight cycles does not correspond to the 24-month calendar time. The commenter adds that 36 months would more closely reflect the amount of time it takes for its airplanes to accumulate 3,000 flight cycles.

The FAA does not concur with this request. This AD addresses corrosion of the fuse pins, which is a time-related phenomenon. Therefore, the critical element of the repetitive inspection interval in this case is the amount of calendar time that passes between inspections, rather than the number of flight cycles accumulated. Therefore, the FAA finds that the repetitive inspection interval of 3,000 flight cycles or 24 months, whichever occurs first, is appropriate to address the identified unsafe condition in a timely manner and to ensure an adequate level of safety. No change to the final rule is necessary.

Revised Service Information

Since the issuance of the proposed AD, the FAA has reviewed and approved Boeing Service Bulletin 757–57A0054, Revision 1, including Appendix A, both dated December 16, 1999. (The original issue of the service bulletin is referenced in the proposal as the appropriate source of service information for accomplishment of the actions required by this AD.) Revision 1 is essentially equivalent to the original issue; however, Revision 1 adds references to optional parts and changes certain compliance recommendations. Revision 1 recommends that, if the alloy steel fuse pins have already been replaced on an airplane that was four years (or more) old, the inspection of those pins can be extended to within four years or 6,000 flight cycles after installation. A new paragraph (b) has been added to the final rule to specify the revised compliance time for those particular airplanes.

The FAA also has revised the final rule to include Revision 1 of the service bulletin as an additional source of service information. Further, the FAA has revised references to the original

issue of the service bulletin to include Appendix A, dated November 5, 1998.

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 805 airplanes of the affected design in the worldwide fleet. The FAA estimates that 350 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $21,000, or $60 per airplane, per inspection cycle.

It will take approximately 440 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. As a result, the cost of those parts are not attributable to this AD. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $9,240,000, or $26,400 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–07–13 Boeing: Amendment 39–11667. Docket 99–NM–57–AD.

Applicability: Model 757–200 and -200PF series airplanes, line numbers 1 through 806 inclusive; 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent corroded fuse pins, which could result in the main landing gear (MLG) separating from the wing, and consequent damage to the airplane and possible rupture of the wing fuel tank, accomplish the following:

Repetitive Inspections

(a) Perform a detailed visual inspection to detect loose fuse pins in the outboard beam attachment and forward trunnion support on the MLG and to detect corrosion on the structure adjacent to the fuse pin, in accordance with Boeing Alert Service Bulletin 757–57A0054, including Appendix A, dated November 5, 1998, or Boeing Service Bulletin 757–57A0054, Revision 1, including Appendix A, dated December 16, 1999; at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD. Thereafter, repeat the inspection at intervals not to exceed 3,000 flight cycles or 24 months, whichever occurs first, until accomplishment of paragraph (d) of this AD.

(1) Prior to 4 years since date of manufacture of the airplane; or

(2) Within 3,000 flight cycles or 24 months after the effective date of this AD, whichever occurs first.

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

(b) For airplanes on which the alloy steel fuse pins were replaced prior to the effective date of this AD: Perform the initial inspection required by paragraph (a) of this AD within 4 years or 6,000 flight cycles after installation of the pins, whichever occurs later. Thereafter, accomplish the repetitive inspections required by paragraph (a) of this AD at the time specified in that paragraph.

Corrective Action

(c) If any loose fuse pin or corrosion on the structure adjacent to the fuse pin is detected during any inspection required by paragraph (a) of this AD, prior to further flight, perform the applicable corrective action [i.e., detailed visual inspections for cracks or corrosion, repair of discrepant parts, and replacement of fuse pin] in accordance with Boeing Alert Service Bulletin 757–57A0054, including Appendix A, dated November 5, 1998, or Boeing Service Bulletin 757–57A0054, Revision 1, including Appendix A, dated December 16, 1999. Replacement of an alloy steel fuse pin with a new corrosion resistant steel (CRES) fuse pin constitutes terminating action for the repetitive inspection requirements of paragraph (a) of this AD for that fuse pin only.

Terminating Action

(d) At the next scheduled MLG overhaul, or within 12 years after the effective date of this AD, whichever occurs first, replace all alloy steel fuse pins with new CRES fuse pins in the outboard beam attachment and forward trunnion support on the MLG in accordance with Boeing Alert Service Bulletin 757–57A0054, including Appendix A, dated November 5, 1998, or Boeing Service Bulletin 757–57A0054, Revision 1, including Appendix A, dated December 16, 1999. Accomplishment of the action specified in this paragraph constitutes terminating action for the repetitive inspection requirements of this AD.

Alternative Methods of Compliance

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

Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

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

Incorporation by Reference

(g) The actions shall be done in accordance with Boeing Alert Service Bulletin 757–57A0054, including Appendix A, dated November 5, 1998, or Boeing Service Bulletin 757–57A0054, Revision 1, including Appendix A, dated December 16, 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 Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on April 3, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8685 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–42–AD; Amendment 39–11650; AD 2000–06–09]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Arrius 1A Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Turbomeca Arrius 1A series turboshaft engines, that requires installation of module TU63, which provides a separate supply of fuel for one of the 10 main injectors of the fuel injection system. This action is prompted by reports of unexpected power loss during test flights. The actions specified by this AD are intended to prevent unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing.

DATES: Effective June 12, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of June 12, 2000.

ADDRESSES: The service information referenced in the rule may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7132, fax (781) 238–7199.

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 Turbomeca Turboshaft Arrius 1A series turboshaft engines was published in the **Federal Register** on December 1, 1999 (64 FR 67206). That action proposed to require installation of module TU63, which provides a separate supply of fuel for one of the 10 main injectors of the fuel injection system. That action was prompted by reports of cracked injection wheels. That condition, if not corrected, could result in an unexpected power loss, which could result in an in-flight engine shutdown, autorotation, and a forced landing.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

Economic Analysis

There are approximately 100 engines of the affected design in the worldwide fleet. The FAA estimates that nine engines installed on aircraft of US registry would be affected by this AD, that it would take approximately 1 work hour per engine to accomplish the actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $5,500 per engine. Based on these figures, the total cost impact of the AD on US operators is estimated to be $50,040. The manufacturer has advised the DGAC that they may provide module TU63 at no cost to the operator, thereby substantially reducing the cost impact of this rule.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

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:

2000–06–09 Turbomeca: Amendment 39–11650. Docket 99–NE–42–AD.

Applicability: Turbomeca Arrius 1A series turboshaft engines, installed on but not limited to Ecureuil AD355 series helicopters.

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 (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 unexpected power loss, which could result in an uncommanded in-flight engine shutdown, autorotation, and forced landing, accomplish the following:

Installation of Module TU63

(a) Install module TU63 in accordance with the Instructions for Incorporation of Turbomeca Arrius Service Bulletin (SB) No. 319 73 0016, Revision 1, dated December 22, 1997, at the earliest of the following after the effective date of this AD:

(1). The next shop visit, or

(2). Within 120 cycles-in-service, or

(3). Within 30 days.

Definition

(b) For the purpose of this AD, a shop visit is defined as whenever the engine is removed from the helicopter for maintenance.

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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

Ferry Flights

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

Incorporation by Reference

(e) The actions required by this AD shall be done in accordance with Turbomeca Arrius Service Bulletin (SB) No. 319 73 0016, Revision 1, dated December 22, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined 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.

(f) This amendment becomes effective on June 12, 2000.

Issued in Burlington, Massachusetts, on March 20, 2000.

David A. Downey,

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

[FR Doc. 00–7456 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–11–AD; Amendment 39–11652; AD 2000–06–11]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Makila 1 Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Turbomeca Makila 1 series turboshaft engines, that requires a one-time visual inspection of the scavenge and lubrication systems for obstruction due to coke deposits, then reconditioning of the engine oil system prior to return to service. This amendment is prompted by a report of an in-flight engine shutdown due to roller bearings contaminated by certain types of detergent oil. The actions specified by the proposed AD are intended to prevent in-flight engine shutdown due to roller bearing failure following oil contamination.

DATES: Effective June 12, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of June 12, 2000.

ADDRESSES: The service information referenced in the rule may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238–7132, fax (781) 238–7199.

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 Turbomeca Makila 1 series turboshaft engines was published in the **Federal Register** on December 8, 1999 (64 FR 68642). That action proposed to require a one-time visual inspection of the scavenge and lubrication systems for obstruction due to coke deposits, then reconditioning of the engine oil system prior to return to service. That action was prompted by report of an in-flight engine shutdown due to roller bearings contaminated by certain types of detergent oil. That condition, if not corrected, could result in an in-flight engine shutdown due to roller bearing failure following oil contamination.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

Economic Analysis

There are approximately 1,076 engines of the affected design in the worldwide fleet. The FAA estimates that 5 engines installed on aircraft of U.S. registry would be affected by this AD, that it would take approximately 14 work hours per engine to accomplish the actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,200.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

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 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:

2000–06–11 Turbomeca: Amendment 39–11652. Docket 99–NE–11–AD.

Applicability: Turbomeca Makila 1A and 1A1 turboshaft engines, installed on but not limited to Aerospatiale AS 332 Super Puma, AS 532 Cougar, and SA 330 Puma helicopters.

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 (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 in-flight engine shutdown due to roller bearing failure following oil contamination, accomplish the following:

Inspection and Repair

(a) Within 25 hours time-in-service (TIS) after the effective date of this AD, accomplish the following:

(1) For engines that have been operated with 7.5 centistoke (cSt) oil for more than 100 hours TIS, and for engines whose operators can not show documentation that the engine has been operated with 7.5 cSt oil for 100 hours or less TIS, accomplish the following:

(i) Perform a one-time visual inspection of the scavenge and lubrication systems for obstruction due to coke deposits and repair as required, in accordance with section 2.A. and 2.B. of the 'Instructions for incorporation' section of Turbomeca Makila 1 Service Bulletin (SB) No. A298 71 0137, dated December 22, 1997.

(ii) Replace the oil with approved oil other than 7.5 cSt and then recondition and check the engine oil system in accordance with section 2.C. and 2.D.(1) Of Turbomeca Makila 1 SB No. A298 71 0137, dated December 22, 1997, prior to return to service.

(2) For engines that have been operated with 7.5 cSt oil for 100 hours or less TIS, replace the oil with approved oil other than 7.5 cSt and then recondition the engine oil system prior to return to service, in accordance with section 1.A.(2)(b) of Turbomeca Makila 1 SB No. A298 71 0137, dated December 22, 1997.

Alternative Method 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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

Ferry Flights

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

Incorporation by Reference

(d) The actions required by this AD shall be done in accordance with Turbomeca Makila 1 SB No. A298 71 0137, dated December 22, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined 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.

(e) This amendment becomes effective on June 12, 2000.

Issued in Burlington, Massachusetts, on March 21, 2000.

David A. Downey,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–7761 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–33–AD; Amendment 39–11653; AD 2000–06–12]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Artouste III Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Turbomeca Artouste III series turboshaft engines, that requires smoke emissions checks after every ground engine shutdown. If smoke is detected, this AD would require inspecting for fuel flow. If fuel flow is not detected, the engine may have injection wheel cracks, which would require removing the engine from service for repair. If fuel flow is detected, the engine may have a malfunctioning electric fuel cock, which would require removing the electric fuel cock from service and replacing it with a serviceable part. This action is prompted by reports of cracked injection wheels. The actions specified by this AD are intended to prevent injection wheel cracks, which could result in an in-flight engine shutdown.

DATES: Effective June 12, 2000. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of June 12, 2000.

ADDRESSES: The service information referenced in the rule may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7132, fax (781) 238–7199.

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 Turbomeca Turboshaft Artouste III series turboshaft engines was published in the **Federal Register** December 8, 1999 (64 FR 68644). That action proposed to require

smoke emissions checks after every ground engine shutdown. If smoke is detected, that action would require inspecting for fuel flow. If fuel flow is not detected, the engine may have injection wheel cracks, which would require removing the engine from service for repair. If fuel flow is detected, the engine may have a malfunctioning electric fuel cock, which would require removing the electric fuel cock from service and replacing it with a serviceable part. That action was prompted by reports of cracked injection wheels. That condition, if not corrected, could result in an in-flight engine shutdown.

Comments Received

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

Economic Analysis

There are approximately 2,279 engines of the affected design in the worldwide fleet. The FAA estimates that 184 engines installed on rotorcraft of U.S. registry would be affected by this AD, that it would take approximately 1 work hour per engine to accomplish the actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,500 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $655,040.

Regulatory Impact

This rule does not have federalism implications, as defined in Executive Order 13132, because it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

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 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:

2000–06–12 Turbomeca: Amendment 39–11653. Docket 99–NE–33–AD.

Applicability: Turbomeca Artouste III B-B1–D series turboshaft engines, installed on but not limited to Eurocopter SA 315 LAMA and SA 316 Alouette III helicopters.

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 (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 injection wheel cracks, which could result in an in-flight engine shutdown, accomplish the following:

Smoke Check

(a) Following every engine ground shutdown, accomplish the following in accordance with Turbomeca Artouste III Service Bulletin (SB) No. 218 72 0099, dated September 14, 1998:

(1) After every flight, check for smoke emissions through the exhaust pipe, air intake, or turbine casing drain during rundown and after every engine shutdown. If a smoke emission has been noticed, check the fuel system before the next flight to identify the origin of the smoke emissions.

(2) If smoke is not detected, no action is required until the next engine ground shutdown.

(3) If smoke is detected, inspect for fuel flow in accordance with paragraph 2.B.(1) and 2.B.(2) of the referenced SB.

(i) If fuel flow is not detected, prior to further flight, remove the engine from service and replace with a serviceable engine.

(ii) If fuel flow is detected, remove the electric fuel cock from service and replace with a serviceable part in accordance with section 2.B.(4) and 2.B.(5) of the referenced SB .

(iii) Before entry into service, perform an engine ground run and check the fuel system again for smoke emissions through the exhaust pipe, air intake, or turbine casing drain during engine rundown and after shut-down; if smoke emissions still remain after replacement of the electric fuel cock, prior to further flight, remove the engine from service and replace with a serviceable engine.

(b) For the purpose of this AD, a serviceable engine is defined as an engine that does not exhibit smoke emissions.

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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

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

Ferry Flights

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

Incorporation by Reference

(e) The actions required by this AD shall be done in accordance with Turbomeca Artouste III Service Bulletin (SB) No. 218 72 0099, dated September 14, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Turbomeca, 40220 Tarnos, France; telephone (33) 05 59 64 40 00, fax (33) 05 59 64 60 80. This information may be examined 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.

(f) This amendment becomes effective on June 12, 2000.

Issued in Burlington, Massachusetts, on March 21, 2000.

David A. Downey,

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

[FR Doc. 00–7762 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–81–AD; Amendment 39–11660; AD 2000–07–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD requires repetitive inspections to detect cracking of the lower corners of the door frame and cross beam of the forward cargo door, and corrective actions, if necessary. This AD also requires eventual modification of the outboard radius of the lower corners of the door frame and reinforcement of the cross beam of the forward cargo door, which would constitute terminating action for the repetitive inspections. This amendment is prompted by reports indicating that fatigue cracks have been detected in the lower corners of the door frame and cross beam of the forward cargo door. The actions specified by this AD are intended to prevent fatigue cracking of the lower corners of the door frame and cross beam of the forward cargo door, which could result in rapid depressurization of the airplane.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98134–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes was published in the **Federal Register** on August 20, 1999 (64 FR 45477). That action proposed to require repetitive inspections to detect cracking of the lower corners of the door frame and cross beam of the forward cargo door, and corrective actions, if necessary. That action also proposed to require eventual modification of the outboard radius of the lower corners of the door frame and reinforcement of the cross beam of the forward cargo door, which would constitute terminating action for the repetitive inspections.

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.

Request To Allow Repair In Lieu of Replacement

Regarding the proposed requirement to replace any cracked door frame with a new door frame, one commenter questions whether there is no level of damage that can be repaired. The commenter states that it would be preferable for operators to repair a cracked door frame when possible, and only replace the door frame with a new door frame if damage is beyond repair limits.

The FAA infers that the commenter is requesting that paragraph (a)(2)(i) of the proposal be revised to allow repair of the door frame, in lieu of replacement of the door frame with a new door frame, when cracking is within repair limits. The FAA concurs with this request. The FAA finds that it may be possible for damage within certain limits to be repaired. However, no service information that defines allowable limits for repairable damage is available. Without established limits and defined repair procedures, all proposed repairs on the door frame must be approved by the FAA or an authorized Boeing Company Designated Engineering Representative (DER). The FAA has revised paragraph (a)(2)(i) and added paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) to this final rule, to provide repair of a cracked door frame and replacement of a cracked door frame with a new door frame as two alternatives for compliance with paragraph (a)(2)(i) of this AD. (Operators should note that regardless of which alternative for compliance is accomplished, this AD requires installation of a cross beam repair and reinforcement modification of the cross beam, as specified in paragraph (a)(2)(i) of this AD, and modification of the repaired or replaced door frame, as specified in paragraph (a)(2)(ii) of this AD.)

Request To Increase Threshold for Terminating Action

One commenter requests that the compliance time for the terminating action be increased from four years, as proposed, to 75,000 total flight cycles, as required by AD 90–06–02, amendment 39–6489 (55 FR 8372, March 7, 1990). The commenter states that a compliance threshold based on calendar time, rather than on the total number of flight cycles, is inconsistent, because fatigue cracking is related to cabin pressurization cycles. Further, the commenter states that the proposed threshold of four years will cause unnecessary cost to operators that have relatively new or low-flight-cycle airplanes.

The FAA partially concurs with the commenter's request. The FAA does not concur that a threshold of 75,000 total flight cycles for accomplishment of the terminating action, as currently required by AD 90–06–02, provides an adequate level of safety. However, the FAA does concur that fatigue cracking is a function of pressurization cycles and, thus, a threshold based on flight cycles should be included for the terminating action. Therefore, paragraphs (c) and (d) of this final rule have been revised to specify accomplishment of the actions required by that paragraph within 4 years or 12,000 flight cycles after the effective date of this AD, whichever occurs later.

Request To Increase Compliance Time

For the initial inspections specified in paragraphs (a) and (b) of the proposal, one commenter requests, for certain airplanes, an increase in the proposed compliance time of one year or 4,500 flight cycles after the effective date of this AD, whichever occurs later, to prior to the accumulation of 12,000 total flight cycles on the cargo door. The commenter states that, ''if an operator

has accurate accounting of the history of the cargo door, then the number of flight cycles for this door can be determined.''

Another commenter requests that the compliance time for the initial inspections specified in paragraphs (a) and (b) of the proposal be increased to between 15,000 and 20,000 total flight cycles. That commenter states that a compliance time of one year or 4,500 flight cycles is ''harsh for young aircraft.'' The commenter also claims that cracking in the door frames does not start until 20,000 to 30,000 total flight cycles.

The FAA does not concur with the commenters' requests to increase the compliance time for the inspections. In the preamble of the proposal, the FAA explained the difference between the compliance time stated in the service bulletin and the proposed compliance time by stating that the number of total flight cycles for an airplane may not be a good indicator of the number of total flight cycles for the forward cargo door. For example, a door may have been removed from an airplane with many total flight cycles and installed on an airplane with fewer total flight cycles. Also, the FAA has received a report indicating that a cracked door frame was found on an airplane that had accumulated 15,700 total flight cycles. This report contradicts the second commenter's claim that cracking of the door frames does not start until 20,000 to 30,000 total flight cycles. In view of the nature of the cracking and the severity of the unsafe condition addressed by this AD (rapid depressurization of the airplane), the FAA finds that it would be inappropriate to extend the compliance time for the actions required by this AD. No change to the final rule is necessary in this regard.

Request for Clarification on Replacement Door Frame

One commenter requests that paragraph (a)(2)(i) of the proposal be revised to specify a part number or modification status for the replacement door frame. The FAA infers that the commenter is stating that, by making the proposed paragraph (a)(2)(i) more specific, paragraph (a)(2)(ii) would be unnecessary and could be removed from the AD. The commenter states that it is not clear why a new door frame should have to be modified, and points out that no specific instructions are provided for modification of new door frames. The commenter also states that introduction of a new door frame that does not require additional modification [such as the modification described in paragraph (a)(2)(ii) of the proposal] is in order.

The FAA does not concur with the commenter's request. To date, the manufacturer has not issued service information that provides specific instructions on how to modify new door frames. Without such instructions, the FAA cannot provide specific instructions for modification of replaced door frames and, therefore, cannot revise paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. The FAA anticipates that the manufacturer will issue a new revision of the service bulletin that, among other things, will include instructions for modification of replaced door frames. However, based on the nature of the cracking and the unsafe condition addressed by this AD, the FAA finds that it would be inappropriate to delay this AD until the manufacturer issues a new revision of the service bulletin.

With regard to the commenter's question of why it is necessary to modify new door frames, as stated in the preamble of the proposal, the FAA has received reports that cracks have been detected in redesigned door frames, though these frames were supposed to be less susceptible to fatigue cracking. No new design has been developed. Therefore, to prevent any more cracking, the FAA has determined that it is necessary to require a reinforcement modification on newly installed door frames. There is no door frame currently available that is acceptable for installation without such modification. No change to the final rule is necessary in this regard.

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 3,100 Model 737–100, –200, –200C, –300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,400 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 inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $84,000, or $60 per airplane, per inspection cycle.

It will take approximately 38 work hours per airplane to accomplish the required terminating modifications at an average labor rate of $60 per work hour. Required parts will cost $1,865 per airplane. Based on these figures, the cost impact of the terminating modifications required by this AD on U.S. operators is estimated to be $5,803,000, or $4,145 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–07–06 Boeing: Amendment 39–11660. Docket 99–NM–81–AD.

Applicability: All Model 737–100, –200, –200C, –300, –400, and –500 series airplanes; 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the lower corners of the door frame and cross beam of the forward cargo door, which could result in rapid depressurization of the airplane, accomplish the following:

High Frequency Eddy Current Initial/ Repetitive Inspections

(a) Within 1 year or 4,500 flight cycles after the effective date of this AD, whichever occurs later, perform a high frequency eddy current (HFEC) inspection to detect cracking of the lower corners (forward and aft) of the door frame of the forward cargo door in accordance with Boeing 737 Nondestructive Test Manual, Part 6, Section 51–00–00, Figure 4 or Figure 23.

(1) If no cracking is detected, repeat the HFEC inspection thereafter at intervals not to exceed 4,500 flight cycles, until the requirements of paragraph (c) of this AD have been accomplished.

(2) If any cracking is detected during any inspection required by paragraph (a) of this AD, prior to further flight, accomplish the requirements of paragraphs (a)(2)(i) AND (a)(2)(ii) of this AD, which constitute terminating action for the repetitive inspections required by paragraph (a)(1) of this AD.

(i) Accomplish the requirements of paragraph (a)(2)(i)(A) OR (a)(2)(i)(B) of this AD, and install a cross beam repair and reinforcement modification of the cross beam in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994.

(A) Repair the door frame of the forward cargo door in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair or modification method to be approved by the Manager, Seattle ACO, as required by this paragraph; and paragraphs (a)(2)(ii), (b)(2), (b)(3)(ii), and (c)(2) of this AD; the Manager's approval letter must specifically reference this AD.

(B) Replace the door frame of the forward cargo door with a new door frame in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994.

(ii) Modify the repaired or replaced door frame of the forward cargo door in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

Detailed Visual Initial/Repetitive Inspections

(b) Within 1 year or 4,500 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the cross beam (*i.e.,* upper and lower chord and web sections) of the forward cargo door in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994.

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) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 4,500 flight cycles until the requirements of paragraph (c) of this AD have been accomplished.

(2) If any cracking is detected on the lower chord section of the cross beam during any inspection required by paragraph (b) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

(3) If any cracking is detected on any area excluding the lower chord section of the cross beam (*i.e.,* upper chord and web section) during any inspection required by paragraph (b) of this AD, prior to further flight, accomplish the requirements of paragraph (b)(3)(i) or (b)(3)(ii), as applicable, of this AD, which constitute terminating action for the repetitive inspections required by paragraph (b)(1) of this AD.

(i) For airplanes with line numbers 1 through 1231: Install a cross beam repair and preventative modification of the outboard radius of the lower corners (forward and aft) of the door frame in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994.

Note 3: Due to implications and consequences associated with cracking, this AD does not allow the option of replacing the door frame as an alternative method of compliance to installing the preventative modification.

(ii) For airplanes with line numbers 1232 and subsequent: Install a cross beam repair and preventative modification of the outboard radius of the lower corners (forward and aft) of the door frame in accordance with a method approved by the Manager, Seattle ACO or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

Terminating Action

(c) Within 4 years or 12,000 flight cycles after the effective date of this AD, whichever occurs later: Install the preventative modification of the outboard radius of the lower corners (forward and aft) of the door frame and the reinforcement modification of the cross beam of the forward cargo door in accordance with paragraph (c)(1) or (c)(2) of this AD, as applicable. Accomplishment of paragraph (c)(1) or (c)(2) of this AD, as applicable, constitutes terminating action for the repetitive inspections required by paragraphs (a)(1) and (b)(1) of this AD.

(1) For airplanes with line numbers 1 through 1231: Accomplish the preventative modification and the reinforcement modification in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994.

(2) For airplanes with line numbers 1232 and subsequent: Accomplish the preventative modification and the reinforcement modification in accordance with a method approved by the Manager, Seattle ACO or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings.

Modifications Previously Accomplished

(d) For all airplanes on which modifications of the forward lower corner of the door frame and the cross beam of the forward cargo door were accomplished in accordance with Boeing Service Bulletin 737–52–1100, dated August 25, 1988, or Revision 1, dated July 20, 1989, or in accordance with the requirements of AD 90–06–02, amendment 39–6489: Within 4 years or 12,000 flight cycles after the effective date of this AD, whichever occurs later, install the reinforcement modification of the aft corner of the door frame of the forward cargo door in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994. Accomplishment of such modification constitutes terminating action for the repetitive inspections required by this AD.

Note 4: Accomplishment of Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994, does not supersede the requirements of AD 90–06–02, amendment 39–6489.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

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

Incorporation by Reference

(g) Except as provided by paragraphs (a)(2)(i)(A), (a)(2)(ii), (b)(2), (b)(3)(ii), and (c)(2) of this AD; the actions shall be done in accordance with Boeing Service Bulletin 737–52–1100, Revision 2, dated March 31, 1994; and Boeing 737 Nondestructive Test (NDT) Manual, D6–37239, Part 6, Section 51–00–00, Figure 4 or Figure 23; dated August 5, 1997, as applicable. Boeing 737 NDT Manual contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
Title Page	Not Shown	Not Shown.
List of Effective Pages, Pages 1, 2.	Not Shown	Aug. 5, 1997.
List of Effective Pages, Page 2A.	Not Shown	Feb. 5, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98134–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8515 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–65–AD; Amendment 39–11665; AD 2000–07–11]

RIN 2120–AA64

Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Industrie Aeronautiche e Meccaniche (I.A.M.) Model Piaggio P–180 airplanes. This AD requires repetitively inspecting the brake assembly rods and tubings for wear or damage, and replacing any worn or damaged parts. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to prevent the brake hydraulic fluid from leaking because of the brake assembly rods contacting the brake valve tubing, which could result in the inability to adequately stop the airplane during ground operations.

DATES: Effective May 29, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 29, 2000.

ADDRESSES: Service information that applies to this AD may be obtained from I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. 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–65–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. Randy Griffith, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4126; facsimile: (816) 329–4091.

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 all I.A.M. Model Piaggio P–180 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 22, 1999 (64 FR 71694). The NPRM proposed to require repetitively inspecting the brake assembly rods and tubings for wear or damage, and replacing any worn or damaged parts.

Accomplishment of the proposed inspections as specified in the NPRM would be required in accordance with Piaggio Service Bulletin (Mandatory) No.: SB–80–0107, Original Issue: April 30, 1999. Accomplishment of any necessary replacement as specified in the NPRM would be required in accordance with the maintenance manual.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy.

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 4 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per airplane to accomplish the initial inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the initial inspection on U.S. operators is estimated to be $720, or $180 per airplane.

These figures only take into account the cost of the initial inspection and do not take into account the costs of any replacements necessary or repetitive inspections. The FAA has no way of determining the number of parts that will need replacement or the number of inspections each owner/operator of the affected airplanes will incur.

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 adding a new airworthiness directive (AD) to read as follows:

2000–07–11 Industrie Aeronautiche E Meccaniche: Amendment 39–11665; Docket No. 99–CE–65–AD.

Applicability: Model Piaggio P–180 airplanes, all 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 prevent the brake hydraulic fluid from leaking because of the brake assembly rods contacting the brake valve tubing, which could result in the inability to adequately stop the airplane during ground operations, accomplish the following:

(a) Within the next 150 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 150 hours TIS, inspect the brake system assembly for wear or damage. Accomplish the inspection in accordance with the Accomplishment Instructions in Piaggio Service Bulletin (Mandatory) No.: SB–80–0107, Original Issue: April 30, 1999.

(b) If any worn or damaged parts are found during any inspection required by this AD, prior to further flight, replace the parts in accordance with the appropriate maintenance manual. The repetitive inspections required by paragraph (a) of this AD still apply after replacing any worn or damaged parts.

(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, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to Piaggio Service Bulletin (Mandatory) No.: SB–80–0107, Original Issue: April 30, 1999, should be directed to I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

(f) The inspections required by this AD shall be done in accordance with Piaggio Service Bulletin (Mandatory) No.: SB–80–0107, Original Issue: April 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 I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Italian AD 99–219, dated June 22, 1999.

(g) This amendment becomes effective on May 29, 2000.

Issued in Kansas City, Missouri, on March 29, 2000.

Brian A. Hancock,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8512 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–232–AD; Amendment 39–11662; AD 2000–07–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777 series airplanes, that requires replacement of the clevis ends on the tie rods for the center stowage bin supports with improved clevis ends. This amendment is prompted by a report that, under ultimate load conditions, the aluminum clevis ends on the tie rods for the center stowage bin supports can break. The actions specified by this AD are intended to prevent broken tie rods, which could result in the center stowage bins dropping onto the passenger seats below, causing possible injury to the occupants.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

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

FOR FURTHER INFORMATION CONTACT: Julie Alger, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport

Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone (425) 227–2779; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 777 series airplanes was published in the Federal Register on October 27, 1999 (64 FR 57794). That action proposed to require replacement of the clevis ends on the tie rods for the center stowage bin supports with improved clevis ends.

Explanation of New Service Information

Since the issuance of the proposal, the FAA has reviewed and approved Boeing Service Bulletin 777–25–0120, Revision 1, dated March 16, 2000. Revision 1 of the service bulletin is substantially similar to the original issue (which was referenced in the proposal as the appropriate source of service information for accomplishment of the proposed actions) and adds no additional airplanes to the effectivity listing. Revision 1 clarifies certain procedures described in the service bulletin. Accomplishment of the actions specified in Revision 1 of the service bulletin is intended to adequately address the unsafe condition described previously. Therefore, paragraph (a) of this final rule has been revised to reference Revision 1 of the service bulletin as the appropriate source of service information for the accomplishment of the requirements of that paragraph. In addition, a new ''**NOTE 2**'' has been added to this AD (and other notes have been renumbered accordingly) to specify that replacement of clevis ends prior to the effective date of this AD in accordance with the original issue of the service bulletin is acceptable for compliance with paragraph (a) of this AD.

Explanation of Change to Applicability

Operators should note that Revision 1 of the service bulletin deletes three airplanes from the effectivity listing. The intent of the service bulletin was accomplished prior to delivery of those airplanes. Therefore, the applicability statement of this final rule has been revised accordingly.

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.

No Objection to the Proposal

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

Compliance Time May Impact Service

One commenter states that it agrees with the proposed compliance time of four years. However, the commenter is concerned that the proposed replacement is intended to be accomplished during a scheduled maintenance visit, and, therefore, the replacement will not be accomplished on some airplanes for three or four years. The commenter also states that any change to the proposed time of compliance would impact service to the public. The commenter makes no specific request for a change to this AD.

The FAA acknowledges the commenter's point that the replacement required by this AD has the potential to impact service to the public. In developing an appropriate compliance time for this action, the FAA considered not only the manufacturer's recommendation (as specified in Boeing Service Bulletin 777–25–0120, dated February 11, 1999), but also the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modification. In consideration of these items, the FAA has determined that four years represents an appropriate interval of time allowable wherein the modifications can be accomplished during scheduled maintenance intervals for the majority of affected operators, and an acceptable level of safety can be maintained. No change to the final rule is necessary in this regard.

Request To Increase Cost Estimate

One commenter estimates that the replacement of clevis ends specified in Boeing Service Bulletin 777–25–0120 will require 44 work hours instead of the 20 work hours estimated in the service bulletin. (The cost estimate in the NPRM for accomplishment of the replacement on Model 777–200 series airplanes is 12 work hours, excluding the time to gain access and close up.) The FAA infers that the commenter is requesting that the cost estimate be increased in the final rule.

The FAA does not concur with the commenter's request. The number of work hours necessary to accomplish the required actions, specified as 12 in the cost impact information below, was provided to the FAA by the manufacturer based on the best data available to date. This number represents the ''direct'' costs of the specific actions required by this AD: the time necessary to perform only the actions actually required by this AD. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. No change to the final rule is necessary in this regard.

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 168 Model 777–200 and 16 Model 777–300 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 41 Model 777–200 airplanes of U.S. registry will be affected by this AD, that it will take approximately 12 work hours per airplane to accomplish the required replacement of clevis ends, and that the average labor rate is $60 per work hour. Required parts will cost approximately $15,938 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $682,978, or $16,658 per airplane.

Currently, there are no Model 777–300 airplanes on the U.S. Register that will be affected by this AD. However, should an unmodified airplane be imported and placed on the U.S. Register in the future, it would take approximately 17 work hours per airplane to accomplish the actions required by this AD, at an average labor rate of $60 per work hour. Required parts would cost approximately $18,457 per airplane. Based on these figures, the cost impact of the replacement required by this AD on these airplanes is estimated to be $19,477 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–07–08 Boeing: Amendment 39–11662. Docket 99–NM–232–AD.

Applicability: Model 777 series airplanes, line numbers 2 through 103 inclusive, 105 through 119 inclusive, 121 through 161 inclusive, 163 through 177 inclusive, and 179 through 186 inclusive; 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 broken tie rods, which could result in the center stowage bins dropping onto the passenger seats below, causing possible injury to the occupants, accomplish the following:

Replacement

(a) Within 4 years after the effective date of this AD, replace the aluminum clevis ends on the tie rods for the center stowage bin supports with new steel clevis ends, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–25–0120, Revision 1, dated March 16, 2000.

Note 2: Accomplishment of the replacement of clevis ends with new steel clevis ends prior to the effective date of this AD in accordance with Boeing Service Bulletin 777–25–0120, dated February 11, 1999, is acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The replacement shall be done in accordance with Boeing Service Bulletin 777–25–0120, Revision 1, dated March 16, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8513 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–205–AD; Amendment 39–11661; AD 2000–07–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300 series airplanes, that requires modification of wing center box angle fittings at frame 47. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent reduced structural integrity of the wing center box angle fittings at frame 47 due to fatigue cracking.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to

include an airworthiness directive (AD) that is applicable to certain Airbus Model A300 series airplanes was published in the **Federal Register** on January 27, 2000 (65 FR 4386). That action proposed to require modification of wing center box angle fittings at frame 47.

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 states that it is not affected by the proposal.

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

The FAA estimates that 38 airplanes of U.S. registry will be affected by this AD, that it will take approximately 430 work hours per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Required parts will cost approximately $8,840 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,316,320, or $34,640 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 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:

2000–07–07 Airbus Industrie: Amendment 39–11661. Docket 99–NM–205–AD.

Applicability: Model A300 series airplanes, as listed in Airbus Service Bulletin A300–53–0298, Revision 03, dated November 26, 1998; certificated in any category; except those on which Airbus Service Bulletin A300–53–0282 or Airbus Service Bulletin A300–53–0291 has been accomplished.

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 reduced structural integrity of the wing center box angle fittings at frame (FR) 47, accomplish the following:

(a) Prior to the accumulation of the applicable threshold specified in the ''MANDATORY TH'' column of the table in paragraph 1.B.(4) of the service bulletin, or within 6,500 flight cycles after the effective date of this AD, whichever occurs later: Except as required by paragraph (b) of this AD, modify the wing center box angle fittings at FR 47 (including removing certain sealant and fasteners, performing rotating probe inspections to detect cracking, cold working certain fastener holes, installing new fasteners and sealant, and repairing damage), in accordance with Airbus Service Bulletin A300–53–0298, Revision 03, dated November 26, 1998.

Note 2: Operators should note that the area required to be modified by paragraph (a) of this AD remains subject to the requirements of AD 96–13–11, amendment 39–9679, after modification.

(b) Where Airbus Service Bulletin A300–53–0298, Revision 03, dated November 26, 1998, specifies that Airbus be contacted for repair instructions for certain damage conditions, this AD requires that such damage conditions be repaired prior to further flight in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Generale de l'Aviation Civile (DGAC) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD, the modification shall be done in accordance with Airbus Service Bulletin A300–53–0298, Revision 03, dated November 26, 1998, which contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1–21, 32–40, 42–46, 67, 68, 71–74, 93, 94, 103–110, 151, 157–161, 205–214.	03	November 26, 1998.
22–31, 41, 47–55, 57–66, 69, 70, 75–92, 95–102, 152–156, 163–204, 215.	Original	October 14, 1993.
56, 102A, 102B, 111–150	1	March 17, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–076–267(B), dated February 24, 1999.

(f) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8514 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–53–AD; Amendment 39–11666; AD 2000–07–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, that requires repetitive structural inspections of certain aging airplanes, and repair, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design service goal. The actions specified by this AD are intended to prevent degradation of the structural capabilities of the affected airplanes. This AD relates to the recommendations of the Airworthiness Assurance Task Force assigned to review Model 727 series airplanes, which indicate that, to assure long term continued operational safety, various structural inspections should be accomplished.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

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

FOR FURTHER INFORMATION CONTACT: Walter Sippel, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2774; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 727 series airplanes was published in the **Federal Register** on June 25, 1999 (64 FR 34168). That action proposed to require repetitive structural inspections of certain aging airplanes, and repair, if necessary.

Comments

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

Support for the Proposal

The Air Transport Association (ATA) of America, on behalf of three of its members, indicates that these members generally support the proposal. One of those members states that it does not operate any Boeing Model 727–200 series airplanes, line numbers 1 through 1214; another member has no objections to the proposed rule; and another member has no objection to the intent of the proposed rule but proposes certain clarifications.

Requests To Correct References

Two commenters state that a number of incorrect references are cited in the proposed AD. The commenters recommend changing references from ''AD 94–05–04'' to ''AD 90–06–09'' in the ''Other Relevant Rulemaking'' and ''Differences Between Proposed Rule and Service Bulletin'' sections of the proposed AD, the applicability of the proposed AD, and paragraph (d) of the proposed AD [cited as paragraphs (g)(1) and (g)(2) in the final rule]. One of the commenters contends that Revision 3 of Boeing Service Bulletin 727–57–0127, dated August 24, 1989 (which is referenced in Boeing Document Number D6–54860), clearly references repetitive inspections at intervals of 14,000 flight cycles. However, the Boeing document only specifies an inspection in accordance with Note 2 of Revision 3 of the service bulletin, and Note 2 does not refer to the repetitive inspections. Another of the commenters contends that Revision 2 of the service bulletin, dated February 13, 1976, was cited in the Boeing document and was mandated by AD 94–07–08.

Although the ''Other Relevant Rulemaking'' and ''Differences'' sections are not included in the final rule, the FAA concurs that it is necessary to change all references from ''AD 94–05–04'' to ''AD 90–06–09'' because the proposed AD incorrectly referenced AD 94–05–04. However, with regard to the correct revision number of the service bulletin, the FAA points out that AD 94–07–08 specifies Revision 3 rather than Revision 2 of the service bulletin, and that Revision 2 of the service bulletin is relevant to AD 90–06–09. To clarify the applicability of the final rule,

the FAA has changed the AD reference, and clarified that the actions are to be accomplished for certain airplanes on which the modification specified by either Revision 2 or Revision 3 of the service bulletin has not been accomplished. In addition, the AD references are changed in paragraphs (g)(1) and (g)(2) of the final rule.

Request To Extend Compliance Time for Initial Inspection

The commenter states that the compliance time in paragraph (a) of the proposed AD should be extended. That compliance time assumes that all Model 727 series airplanes have exceeded the initial inspection threshold, as it requires the initial inspection within 2,000 flight cycles [a phase-in (grace) period] after the effective date of the AD. The commenter points out that Note 2 in Part III of the Accomplishment Instructions of Boeing Service Bulletin 727–57–0127, Revision 3, specifies a threshold of 16,000 flight cycles and a phase-in period if an airplane has exceeded that threshold. The commenter has reviewed the active fleet of Model 727 series airplanes and has found that, at the present time, there are 36 airplanes that have accumulated less than 14,000 total flight cycles. The commenter also states that if the initial inspection has been accomplished in accordance with AD 94–07–08, that AD also requires repetitive inspection intervals of 14,000 total flight cycles. Therefore, the commenter recommends extending the compliance time in paragraph (a) of the proposed AD.

The FAA concurs that the compliance time should be extended, and that whether the initial inspection has or has not been accomplished in accordance with AD 94–07–08 should be considered. Therefore, paragraph (a) of the final rule has been revised to specify the inspection requirements for those airplanes on which the initial inspection has not been accomplished in accordance with AD 94–07–08, and a new paragraph (b) has been added to specify the inspection requirements for those airplanes on which the initial inspection has been accomplished in accordance with AD 94–07–08. [Paragraphs (a)(1) and (a)(2) of the proposed AD have been renumbered as paragraphs (c) and (d) in the final rule.]

Request To Clarify Type of Inspection

One commenter states that although the proposed AD requires a ''dye penetrant inspection,'' Revision 3 of the Boeing service bulletin only specifies a ''penetrant inspection,'' and does not reference a Boeing process specification, Non-Destructive Test manual reference, or any other kind of reference as to the type of penetrant inspection (*e.g.,* dye or fluorescent) that should be performed.

The FAA acknowledges that clarification of the type of inspection is necessary. Paragraph (a)(1) of the proposed rule specifies a ''dye penetrant inspection'' in accordance with Boeing Service Bulletin 727–57–0127, Revision 3, and Boeing Standard Overhaul Practices Manual D6–51702, Chapter 20–20–02, Revision 79, dated March 1, 1999. Although the service bulletin specifies a ''penetrant inspection,'' Figure 1 of the Standard Overhaul Practices Manual specifies a ''fluorescent dye penetrant inspection (Type I).'' Based on the type of inspection included in the manual, the FAA has clarified the type of inspection specified in the preamble and paragraph (c) of the final rule.

Request To Clarify Terminating Action Required by AD 94–07–08

One commenter states that operators have expressed concerns that another AD is being written to mandate the inspections required by Boeing Service Bulletin 727–57–0127 [Revision 3], when AD 94–07–08 currently mandates such inspections. However, the proposed AD does not state that it will supersede the inspection requirements of Service Bulletin 727–57–0127, as mandated by AD 94–07–08. Therefore, the commenter recommends adding a note to the proposed AD stating that ''Upon incorporation of the requirements of this AD, the inspection requirements of Boeing Service Bulletin 727–57–0127 mandated by AD 94–07–08 may be deleted.''

The FAA acknowledges the concern expressed by the commenter that the proposed AD requires inspections currently required by paragraph (a) of AD 94–07–08. In response, the FAA has clarified in paragraph (g)(1) of the final rule that accomplishment of the inspections required by this AD constitutes terminating action for the inspections required by paragraph (a) of AD 94–07–08, as specified in Boeing Service Bulletin 727–57–0127, Revision 3.

Request To Delete Reference to Corrosion

One commenter states that, although the summary of the proposed AD states that the AD was prompted by reports of incidents involving fatigue cracking and corrosion found on older airplane models, Boeing Service Bulletin 727–57–0127 only addresses fatigue cracking and does not address corrosion. The FAA infers that the commenter suggests deleting the reference to corrosion in the summary of the proposed rule.

The FAA does not concur. Although the service bulletin does not include a reference to corrosion and only includes a reference to fatigue cracking, the FAA points out that the Working Group's reference to Boeing Document Number D6–54860, ''Aging Airplane Service Bulletin Structural Modification Program—Model 727,'' Revision C, dated December 11, 1989 (as cited in the Discussion paragraph of the proposed AD), was established to address problems associated with both fatigue cracking and corrosion. In light of this, the FAA considers that the reference to corrosion is appropriate, and no change to the final rule is necessary in this regard.

Request To Clarify Inspection Requirement for Airplanes in Groups 4 and 5

One commenter recommends revising ''Other Relevant Rulemaking'' in the proposed AD to clarify that AD 94–07–08 inadvertently omitted the requirement to mandate repetitive inspections for certain wing ribs on airplanes in groups 4 and 5, because Section 4 of Boeing Document Number D6–54860 references Revision 2 of Boeing Service Bulletin 727–57–0127. The commenter adds that Revision 3 of the service bulletin specifies an additional rib inspection for airplanes in groups 4 and 5 only, and no additional requirements for airplanes in groups 1, 2, 3, and 6.

Although ''Other Relevant Rulemaking'' is not included in the final rule, the FAA acknowledges that AD 94–07–08 inadvertently omitted a requirement for the repetitive inspections. However, the FAA points out that the commenter was mistaken in stating that Boeing Document Number D6–54860, references Revision 3 (rather than Revision 2) of the service bulletin. In addition, Revision 3 of the service bulletin does include the additional rib inspection for airplanes in groups 4 and 5. Therefore, no change to the final rule is necessary in this regard.

Request To Allow Later Revisions of Service Bulletins

One commenter states that, in the ''Initial Inspection'' section of the NPRM, the reference documents for accomplishing the dye penetrant and high frequency eddy current inspections include a specific revision number for the service bulletin. The commenter suggests adding ''or later revisions'' so that when future revisions are released, there will not be any confusion as to which revision to use.

The FAA does not concur with the request to revise the AD to reference later revisions of the service bulletin, because it cannot approve the use of a document that does not yet exist. In addition, when a service bulletin is referenced in an AD, the use of the phrase, ''or later FAA-approved revisions,'' violates Office of the Federal Register regulations regarding approval of materials that are incorporated by reference. Therefore, the FAA has determined that it is necessary to specify a certain revision number for all service bulletins specified in the final rule. However, the FAA points out that operators may submit any requests to use a later service bulletin through an appropriate FAA Principal Maintenance Inspector, as provided for by paragraph (h) of this AD.

Request To Revise Inspection Intervals

One commenter recommends extending the inspection intervals in paragraph (b) of the proposed AD to give credit for the accomplishment of initial or previous inspections in accordance with AD 94–07–08, and basing the next required inspection interval on the date the previous inspection was accomplished.

The FAA does not concur that it is necessary to revise the inspection intervals required by paragraph (b) of the proposed AD [cited as paragraph (e) of the final rule] because paragraph (a) of the proposed AD [cited as paragraph (b) of the final rule] states that the initial inspection is required within 2,000 flight cycles after the effective date of this AD, ''unless accomplished within the last 12,000 flight cycles in accordance with AD 94–07–08.'' Therefore, the proposed AD provides credit for a previous inspection that was accomplished within 12,000 flight cycles; as a result, the proposed AD allows operators to repeat the inspection within 14,000 flight cycles after the last inspection. No change to the final rule is necessary in this regard.

Explanation of Change Made to the Proposal

The FAA has revised paragraph (c) of the proposed rule that requires repair in accordance with Boeing Service Bulletin 727–57–0127, Revision 3. That paragraph, renumbered as paragraph (f) in the final rule, adds that repair also may be accomplished in accordance with a method approved by the FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

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 975 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 538 airplanes of U.S. registry will be affected by this AD, that it will take approximately 300 work hours per airplane to accomplish the required inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $9,684,000, or $18,000 per airplane, per inspection cycle.

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

Should an operator elect to accomplish the optional terminating action rather than continue the repetitive inspections, it would take approximately 900 work hours per airplane to accomplish the modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $31,144 per airplane. Based on these figures, the cost impact of this optional terminating action is estimated to be $85,144 per airplane.

Regulatory Impact

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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 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:

2000–07–12 Boeing: Amendment 39–11666. Docket 99-NM–53-AD.

Applicability: Model 727–100, –100C, and –200 series airplanes, line numbers 1 through 1214 inclusive; certificated in any category; except those on which the modification specified by either Boeing Service Bulletin 727–57–0127, Revision 2, dated February 13, 1976, or Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989, has been installed.

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

Initial Inspection

(a) For those airplanes on which the initial inspection has not been accomplished in accordance with AD 94–07–08, amendment

39–8866: Prior to the accumulation of 16,000 total flight cycles or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, accomplish the inspections required by either paragraph (c) or (d) of this AD.

(b) For those airplanes on which the initial inspection has been accomplished in accordance with AD 94–07–08, amendment 39–8866: Within 2,000 flight cycles after the effective date of this AD, unless accomplished within the last 12,000 flight cycles in accordance with AD 94–07–08, accomplish the inspections required by either paragraph (c) or (d) of this AD.

(c) Perform a fluorescent dye penetrant inspection (Type I) to detect cracking of certain wing ribs at the rib-to-stringer attachment in the areas specified in Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989; in accordance with Boeing Standard Overhaul Practices Manual D6–51702, Chapter 20–20–02, Revision 79, dated March 1, 1999.

(d) Perform a high frequency eddy current inspection to detect cracking of certain wing ribs at the rib-to-stringer attachment in the areas specified in Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989; in accordance with Boeing Commercial Jet Nondestructive Test Manual, Chapter 51–00–00, Part 6, dated August 5, 1997.

Repetitive Inspections and Corrective Action

(e) If no crack is detected during any inspection required by either paragraph (c) or (d) of this AD, repeat the applicable inspection thereafter at intervals not to exceed 14,000 flight cycles.

(f) If any crack is detected during any inspection required by either paragraph (c) or (d) of this AD, prior to further flight, repair in accordance with Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989; or in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD. Repeat the applicable inspection thereafter at intervals not to exceed 14,000 flight cycles, following accomplishment of the repair.

Terminating Action

(g)(1) Accomplishment of the actions required by this AD constitutes terminating action for the inspections required by paragraph (a) of AD 94–07–08, as specified in Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989.

(2) Accomplishment of the structural modifications specified in either Boeing Service Bulletin 727–57–0127, Revision 2, dated February 13, 1976; or Revision 3, dated August 24, 1989; constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. An alternative method of compliance that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO.

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

Special Flight Permits

(i) 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

(j) Except as provided by paragraph (f) of this AD, the repairs shall be done in accordance with Boeing Service Bulletin 727–57–0127, Revision 3, dated August 24, 1989; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8516 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–40–AD; Amendment 39–11658; AD 2000–07–04]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes, that requires repetitive tests of the flight idle backup system of the propeller control system; repetitive inspections to determine the level of wear of the pins and bushings of the cam followers on the power lever rods of the engine controls; and follow-on corrective actions, if necessary. This amendment also requires eventual replacement of the power lever and condition lever rods of the engine controls with new, improved parts, which constitutes terminating action for the repetitive tests and inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the flight idle backup system. In the event of failure of the primary propeller control system, such failure of the flight idle backup system could lead to uncommanded movement of the pitch of the propeller blade to below flight idle and into reverse thrust during flight, and consequent reduced controllability of the airplane.

DATES: Effective May 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 16, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 series airplanes was published in the **Federal Register** on June 11, 1999 (64 FR 31520). That action proposed to require repetitive tests of the flight idle backup system of the propeller control system; repetitive inspections to determine the level of wear of the pins and bushings of the cam followers on the power lever rods of the engine controls; and follow-on corrective actions, if necessary. That action also proposed to require eventual

replacement of the power lever and condition lever rods of the engine controls with new, improved parts, which constitutes terminating action for the repetitive tests and inspections.

Comment Received

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, the manufacturer, requests that paragraph (a) of the proposed AD be revised. The commenter states that, by requiring FAA or Luftfahrt-Bundesamt (LBA) approval if any discrepancy is discovered during the flight idle backup test required by paragraph (a), the AD would impose an undue hardship against operators of Dornier Model 328–100 series airplanes. The commenter suggests that paragraph (a) be revised to specify that if any discrepancy is detected, the inspection required by paragraph (b) should be performed prior to further flight. The commenter further suggests that, if Type C wear is found during that inspection, the power lever microswitches should be adjusted or calibrated; if Type A or B wear is found, the rod should be replaced per paragraph (f) of the AD, or the pin and bushing should be replaced as specified in paragraph C, section 6, of Dornier Alert Service Bulletin ASB 328–76–024, Revision 1, dated August 5, 1998 (which was cited as the appropriate source of service information for accomplishment of the inspections).

The FAA partially concurs. The FAA concurs that, if any discrepancy is found during the test required by paragraph (a) of the AD, accomplishment of the inspection required by paragraph (b) of the AD prior to further flight, with applicable corrective actions, constitutes an acceptable alternative to immediate repair in accordance with an FAA- or LBA-approved method. The FAA does not concur with the request to revise paragraph (a) to require such action solely, since both methods constitute acceptable corrective actions. To require only accomplishment of paragraph (b), and follow-on actions, as the commenter suggests, would also necessitate a reopening of the comment period, and thus further delay issuance of the final rule.

However, the FAA has determined that such an option may be incorporated into the AD as an alternative method of compliance to the repair required by paragraph (a). A new paragraph (a)(2) has been included in the final rule to specify such an option, with the provision that adjustment or calibration of the power lever microswitches must also be accomplished if Type C wear is found. Regarding findings of Type A or B wear, the FAA considers the existing follow-on corrective actions specified in paragraphs (c) and (d) of the AD to be adequate [those actions are required depending on the type of wear found during the inspection required by paragraph (b) of the AD]. Additionally, since replacement of all rods with improved rods is already an acceptable terminating action for the requirements of the AD, as specified in paragraph (f) of the AD, operators may choose to accomplish such corrective action at an earlier time if desired. No change is made to the final rule in regard to findings of Type A or B wear.

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 with the change described previously. 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

The FAA estimates that 50 airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the required test, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the test required by this AD on U.S. operators is estimated to be $3,000, or $60 per airplane, per test cycle.

It will take approximately 1 work hour per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $3,000, or $60 per airplane, per inspection cycle.

It will take approximately 10 work hours per airplane to accomplish the required replacement, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $30,000, or $600 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–07–04 Dornier Luftfahrt GMBH: Amendment 39–11658. Docket 99–NM–40–AD.

Applicability: Model 328–100 series airplanes having serial numbers (S/N) 3005 through 3098 inclusive, and S/N 3100, 3103, 3104, 3106, 3107, 3109, and 3110, on which Dornier Service Bulletin SB–328–76–268, dated August 11, 1998, or Revision 1, dated December 9, 1998, has not been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the flight idle backup system, which, in the event of failure of the primary propeller control system, could lead to uncommanded movement of the pitch of the propeller blade to below flight idle and into reverse thrust during flight, and consequent reduced controllability of the airplane, accomplish the following:

Flight Idle Backup Test

(a) Prior to the accumulation of 3,000 total flight hours, or within 3 days after the effective date of this AD, whichever occurs later, perform a test of the flight idle backup system of the propeller control system in accordance with Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998. If any discrepancy is detected, prior to further flight, accomplish the actions required by either paragraph (a)(1) or (a)(2) of this AD. Repeat the test thereafter at intervals not to exceed 1 day until accomplishment of the requirements of paragraph (c), (d), (e), or (f), as applicable.

(1) Repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Luftfahrt-Bundesamt (LBA) (or its delegated agent). Or

(2) Accomplish the inspection required by paragraph (b) of this AD, and the applicable follow-on corrective actions required by paragraph (c), (d), or (e) of the AD; AND, if Type C wear is found during the inspection required by paragraph (b), prior to further flight, adjust or calibrate the power lever microswitches in accordance with Dornier Airplane Maintenance Manual JIC 76–11–05–820–000.

Inspection of Cam Followers of Power Lever Rods

(b) Prior to the accumulation of 3,000 total flight hours, or within 7 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to determine the level of wear of the pins and bushings of the cam followers of the power lever rods of the engine controls, in accordance with Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998. Classify the level of wear for each power lever rod as specified in paragraphs (b)(1), (b)(2), and (b)(3) and accomplish the requirements of paragraph (c), (d), or (e) of this AD, as applicable, at the times specified in that paragraph.

(1) Type A wear: The bushing is worn such that the pin is visible in one or more locations.

(2) Type B wear: The bushing is worn, but the pin is not visible.

(3) Type C wear: The bushing is not worn.

Corrective Actions

(c) For power lever rods on which Type A wear is detected during the inspection required by paragraph (b) of this AD: Within 900 flight hours after accomplishment of that inspection, accomplish the requirements of paragraph (c)(1) or (c)(2) of this AD in accordance with Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998. Accomplishment of paragraph (c)(1) or (c)(2) terminates the tests required by paragraph (a) of this AD for that power lever rod only.

(1) Replace the power lever rod with a new power lever rod.

(2) Replace the pins and bushings with new pins and bushings, and accomplish paragraphs (c)(2)(i) and (c)(2)(ii) of this AD.

(i) Thereafter, accomplish follow-on inspections and corrective actions (i.e. inspections for wear or looseness of the replaced pins and bushings), at the times and in accordance with the Accomplishment Instructions of the alert service bulletin; and,

(ii) Within 900 flight hours after replacement of the pins and bushings, replace the power lever rod with a new power lever rod.

(d) For power lever rods on which Type B wear is detected during the inspection required by paragraph (b) of this AD: Thereafter, accomplish follow-on inspections and corrective actions at the times and in accordance with the Accomplishment Instructions of Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998, until the requirements of paragraph (f) of this AD are accomplished.

(e) For power lever rods on which Type C wear is detected during the inspection required by paragraph (b) of this AD: Determination of Type C wear terminates the tests required by paragraph (a) of this AD for that power lever rod only. Thereafter, accomplish follow-on inspections and corrective actions at the times and in accordance with the Accomplishment Instructions of Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998, until the requirements of paragraph (f) of this AD are accomplished.

Terminating Action

(f) Within 6 months after the effective date of this AD: Replace the power lever and condition lever rods of the engine controls with new, improved parts in accordance with Dornier Service Bulletin SB–328–76–268, Revision 1, dated December 9, 1998. Accomplishment of the replacement constitutes terminating action for the requirements of this AD.

Note 2: Replacement of the power lever and condition lever rods accomplished prior to the effective date of this AD in accordance with Dornier Service Bulletin SB–328–76–268, dated August 11, 1998, is considered acceptable for compliance with paragraph (f) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

(h) 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

(i) Except as required by paragraphs (a)(1) and (a)(2) of this AD, the actions shall be done in accordance with Dornier Alert Service Bulletin ASB–328–76–024, Revision 1, dated August 5, 1998; and Dornier Service Bulletin SB–328–76–268, Revision 1, dated December 9, 1998; 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 Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German airworthiness directive 1998–344/3, dated February 11, 1999.

(j) This amendment becomes effective on May 16, 2000.

Issued in Renton, Washington, on March 31, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8517 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–1]

Amendment to Class E Airspace; Creston, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Creston, IA.

DATE: The direct final rule published at 65 FR 5763 is effective on 0901 UTC, June 15, 2000.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2000 (65 FR 5763). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 15, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Dated: Issued in Kansas City, MO on March 30, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–8963 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–2]

Amendment to Class E Airspace; Ord, NE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Ord, NE.

DATES: The direct final rule published at 65 FR 5764 is effective on 0901 UTC, June 15, 2000.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2000 (65 FR 5764). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 15, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 30, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–8964 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–55]

Amendment to Class E Airspace; O'Neill, NE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at O'Neill, NE.

DATES: The direct final rule published at 65 FR 5766 is effective on 0901 UTC, June 15, 2000.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2000 (65 FR 5766). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 15, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 30, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–8965 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ACE–5]

Amendment to Class E Airspace; Monticello, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Monticello, IA.

DATES: The direct final rule published at 65 FR 5770 is effective on 0901 UTC, June 15, 2000.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2000 (65 FR 5770). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 15, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 30, 2000.

Herman J. Lyons, Jr.

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–8966 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–56]

Amendment to Class E Airspace; Grand Island, NE

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Grand Island, NE.

DATES: The direct final rule published at 65 FR 5765 is effective on 0901 UTC, June 15, 2000.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2000 (65 FR 5765). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on June 15, 2000. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 30, 2000.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 00–8967 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 870, 888, and 890

[Docket No. 99N–2210]

Cardiovascular, Orthopedic, and Physical Medicine Diagnostic Devices; Reclassification of Cardiopulmonary Bypass Accessory Equipment, Goniometer Device, and Electrode Cable Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is reclassifying from class I into class II the cardiopulmonary bypass accessory equipment device that involves an electrical connection to the patient, the goniometer device, and the electrode cable. FDA is also exempting these devices from the premarket notification requirements. FDA is reclassifying these devices on its own initiative based on new information. FDA is taking this action to establish sufficient regulatory controls that will provide reasonable assurance of the safety and effectiveness of these devices.

DATES: This regulation is effective May 11, 2000.

FOR FURTHER INFORMATION CONTACT: Heather S. Rosecrans, Center for Devices and Radiological Health (HFZ–404), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1190.

SUPPLEMENTARY INFORMATION:

I. Background (Proposed Rule)

On August 9, 1999 (64 FR 43114), FDA, on its own initiative, proposed to reclassify the following devices from class I to class II: (1) Cardiopulmonary bypass accessory equipment, when intended to be used in the cardiopulmonary bypass circuit to support, adjoin, or connect components, or to aid in the setup of the extracorporeal line; (2) the goniometer device, which is an AC-powered device, when intended to evaluate joint function by measuring and recording ranges of motion, acceleration, or forces exerted by a joint; and (3) the electrode cable device, which is an electrode cable device composed of strands of insulated electrical conductors laid together around a central core and intended for medical purposes to connect an electrode from a patient to a diagnostic machine.

In addition to general controls, FDA identified two special controls that FDA believes are adequate to control the risks to health described for these devices: (1) On May 9, 1997, FDA issued a final rule establishing a performance standard for electrode lead wires and patient cables. The agency determined that the performance standard is needed to prevent electrical connections between patients and electrical power sources. In the preamble to the May 9, 1997, final rule establishing this standard, FDA identified cardiopulmonary bypass accessory equipment, the goniometer, and the electrode cable as devices that would be subject to this standard after they were reclassified into class II; and (2) based on the available information, FDA also identified a guidance document entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' The guidance provides information on electrocution hazards posed by unprotected patient electrical connectors. The guidance is intended to help affected parties understand the steps needed to achieve compliance with the performance standard for electrode lead wires and patient cables.

Since May 11, 1998, electrode lead wires or patient cables have been required to comply with the ECG Cables and Lead Wires, ANSI/AAMI EC 53–1995 standard if they are intended for use with any of the following devices:

1. Breathing frequency monitors,
2. Ventilatory effort monitors (Apnea detectors),
3. Electrocardiographs (ECG's),
4. Radio frequency physiological signal transmitters and receivers,
5. Cardiac monitors,
6. Electrocardiograph electrodes (including pre-wired ECG electrodes),
7. Patient transducer and electrode cables (including connectors),
8. Medical magnetic tape recorders (e.g. Holter monitors),
9. Arrhythmia detectors and alarms,
10. Telephone electrocardiograph transmitters and receivers.

Manufacturers and users had an additional 2 years to prepare for the second phase of implementation of the standard. Beginning on May 9, 2000, any electrode lead wire or patient cable lead intended for use with any medical device must comply with the standard. The performance standard incorporates the specific requirements of international standard, IEC–60601, clause 56.3(c), which requires leads to be constructed in such a manner as to preclude patient contact with hazardous voltages or, for certain devices, contact with electrical ground. Design changes and labeling changes need to be

considered by manufacturers and importers of these devices. Adapters can be used to convert devices already in the marketplace so they can accept electrode wires and patient cables that comply with the new performance standard.

II. Comments

FDA invited interested persons to submit written comments on the proposed rule. FDA received one comment. The comment objected that the rule should not apply to battery-powered goniometers.

FDA agrees in part. Some battery-powered goniometers have cables and leads that connect them to displays and other devices. Because devices that use electrode lead wires and patient cables present the risk of electrocution to the patient, FDA believes that these devices should be in class II and subject to the standard. Goniometers that do not use electrode lead wires and patient cables will remain in class I and will be exempt from premarket notification. FDA is also revising the identification section in § 888.1500 (21 CFR 888.1500). Presently, it refers only to AC-powered devices. Since publication of that proposed rule, FDA has found several battery-powered goniometers to be substantially equivalent to the goniometer identified in § 888.1500(a). FDA is revising this section to include battery-powered devices.

III. Exemption From Premarket Notification

A. FDA Is Exempting These Devices From Premarket Notification

On November 21, 1997, the President signed into law the FDA Modernization Act (FDAMA) (Public Law 105–115). Section 206 of FDAMA, in part, added a new section 510(m) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(m). Section 510(m)(1) of the act requires FDA, within 60 days after enactment of FDAMA, to publish in the **Federal Register** a list of each type of class II device that does not require a report under section 510(k) of the act to provide reasonable assurance of safety and effectiveness. Section 510(m) of the act further provides that a 510(k) will no longer be required for these devices upon the date of publication of the list in the **Federal Register**. FDA published that list in the **Federal Register** of January 21, 1998 (63 FR 3142). Section 510(m)(2) of the act provides that 1 day after the date of publication of the list under section 510(m)(1) of the act, FDA may exempt a device on its own initiative or upon petition of an interested person, if FDA determines that a 510(k) is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined that, for the devices proposed for class II in this rule, the special controls along with general controls other than premarket notification will provide reasonable assurance of the safety and effectiveness of these devices. Therefore, FDA is exempting these devices from the premarket notification requirements subject to the applicable limitations on exemptions.

B. Certain Cardiopulmonary Bypass Equipment Will Remain in Class I

FDAMA also added a new section 510(l) to the act which provides that a class I device is exempt from the premarket notification requirements under section 510(k) of the act, unless the device is intended for a use which is of substantial importance in preventing impairment of human health or it presents a potential unreasonable risk of illness or injury. FDA refers to the devices that meet these criteria as ''reserved.'' In the **Federal Register** of February 2, 1998 (63 FR 5387), FDA published a list of devices it considered reserved and that require premarket notification and a list of devices it believed met the exemption criteria in FDAMA. FDA invited comments on the February 2, 1998, notice. In the **Federal Register** of November 12, 1998 (63 FR 63222), after reviewing the comments submitted on the February 2, 1998, **Federal Register** notice, FDA proposed to designate which devices require premarket notification, and which are exempt, subject to limitations, under notice and comment rulemaking proceedings under new section 510(l) of the act. One comment on the proposed rule stated that, for cardiopulmonary bypass accessory equipment, the ''reserved'' designation should be limited to accessory equipment that involves an electrical connection to the patient. FDA agrees with this comment and, on January 14, 2000 (65 FR 2296), FDA issued a final rule on exemptions from premarket notification to adopt this comment. In this rule, FDA stated that cardiopulmonary bypass accessory equipment that does not involve electrical connection to the patient is a class I device and is exempt from the premarket notification requirements.

IV. Environmental Impact

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

V. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Based on the May 9, 1997 (62 FR 25477), **Federal Register**, a final rule was issued establishing a performance standard for electrode lead wires and patient cables, which included and applied to the cardiopulmonary bypass accessory equipment that involves an electrical connection to the patient, the goniometer, and the electrode cable. FDA's analysis determined that the imposition of the performance standard would not have a significant economic impact on a substantial number of small entities. This reclassification will have no economic effect other than the imposition of this standard. In addition, the rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

VI. Paperwork Reduction Act of 1995

FDA has determined that this rule contains no collections of information. Therefore, clearance from the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Parts 870, 888, and 890

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 870, 888, and 890 are amended as follows:

PART 870—CARDIOVASCULAR DEVICES

1. The authority citation for 21 CFR part 870 continues to read as follows:

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

2. Section 870.4200 is revised to read as follows:

§ 870.4200 Cardiopulmonary bypass accessory equipment.

(a) *Identification.* Cardiopulmonary bypass accessory equipment is a device that has no contact with blood and that is used in the cardiopulmonary bypass circuit to support, adjoin, or connect components, or to aid in the setup of the extracorporeal line, e.g., an oxygenator mounting bracket or system-priming equipment.

(b) *Classification.* (1) Class I. The device is classified as class I if it does not involve an electrical connection to the patient. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 870.9.

(2) Class II (special controls). The device is classified as class II if it involves an electrical connection to the patient. The special controls are as follows:

(i) The performance standard under part 898 of this chapter, and

(ii) The guidance document entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 870.9.

PART 888—ORTHOPEDIC DEVICES

3. The authority citation for 21 CFR part 888 continues to read as follows:

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

4. Section 888.1500 is revised to read as follows:

§ 888.1500 Goniometer.

(a) *Identification.* A goniometer is an AC-powered or battery powered device intended to evaluate joint function by measuring and recording ranges of motion, acceleration, or forces exerted by a joint.

(b) *Classification.* (1) Class I (general controls) for a goniometer that does not use electrode lead wires and patient cables. This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 888.9.

(2) Class II (special controls) for a goniometer that uses electrode lead wires and patient cables. The special controls consist of:

(i) The performance standard under part 898 of this chapter, and

(ii) The guidance entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 888.9.

PART 890—PHYSICAL MEDICINE DEVICES

5. The authority citation for 21 CFR part 890 continues to read as follows:

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

6. Section 890.1175 is amended by revising paragraph (b) to read as follows:

§ 890.1175 Electrode cable.

* * * * *

(b) *Classification.* Class II (special controls). The special controls consist of:

(1) The performance standard under part 898 of this chapter, and

(2) The guidance document entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 890.9.

Dated: March 2, 2000.

Linda S. Kahan,

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

[FR Doc. 00–8850 Filed 4–10–00; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN107–1a; FRL–6573–8]

Approval and Promulgation of Implementation Plan; Indiana Particulate Matter Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On February 3, 1999, the State of Indiana Department of Environmental Management (IDEM) submitted a site-specific State Implementation Plan (SIP) request to revise Particulate Matter (PM) emission limits for a facility owned by Central Soya Company, Inc., located in Indianapolis, Marion County, Indiana. Central Soya is converting its grain elevator from a processing to a storage facility. The SIP revision request reflects changes in emission limits resulting from the shutdown of various operations at the plant, and provides new emission limits reflecting the addition of new operations.

The projected PM emission decrease associated with the elimination of selected activities at the facility is 71.22 tons per year. The projected PM emission increases associated with the changes in operations at the facility is 14.81 tons per year. The overall change is a projected net decrease in PM emissions of approximately 56 tons per year from the facility. Because Indiana's Central Soya SIP revision request is consistent with the Clean Air Act and applicable policy, EPA is approving it.

DATES: This rule is effective on June 12, 2000, unless EPA receives adverse written comments by May 11, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent 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. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommended that you contact Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, at (312) 886–6084.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' are used, we mean EPA. Also, whenever we refer to ''Central Soya'', we mean Central Soya Company, Incorporated, at 1102 West 18th Street in Marion County, Indianapolis, Indiana.

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I. What Is EPA Approving in This Action?

II. The Indiana State Plan Requirement

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What is the existing State requirement for this source?
What are the changes requested by Central Soya?
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I. What Is EPA Approving in This Action?

EPA is approving a requested revision to Indiana SIP rule 326 IAC 6–1–12 for Central Soya, as submitted by Indiana to EPA with a letter dated February 3, 1999. The rule addresses particulate matter concentration and annual emission limits for a number of sources at Central Soya's Marion County, Indianapolis, Indiana facility. Indiana submitted additional technical support information on February 23, 1999. The revision reflects the elimination of old processes and the addition of new operations at the facility. We are approving mass rate limits reflected in both an annual rate, which represents a cap on the total emissions for that source, and a concentration limit in grains per dry standard cubic feet (grains/dscf).

II. The Indiana State Plan Requirement

What Pollutant Does This Revision Affect?

This revision provides for the reduction in emissions of particulate matter from the sources which are closed down, and an increase in emissions for additional sources. Particulate emissions should change from a total of 71.22 tons per year, the previously approved emission level, to 14.81 tons per year. This represents a net emissions decrease of approximately 56 tons of PM per year.

What Is the Existing State Requirement for This Source?

Prior to this SIP revision request, Central Soya had been subject to particulate matter emission limits for a boiler and a number of other sources and operations under 326 IAC 6–1–12(a). Those limits, as noted in the record of public hearing of the Air Pollution Control Board, are as follows:

Source description	Tons/year	Grains per dry standard cubic foot
Vogt Boiler	32.3	[1] 0.350
Toasting Feed Mill	5.0	0.013
Dry Soybean Meal	5.6	0.03
Soybean Meal Cooler	10.2	0.03
Pellet Cooler (South)	7.4	0.03
Feed Pellet Cooler (North)	9.0	0.034
Bean Bowl Storage	0.2	0.001
Conveyor System Aspiration	0.42	0.001
Truck Pit Receiving Area	1.1	0.006

[1] lb/MMBtu.

What Are the Changes Requested by Central Soya?

Central Soya asked the State to amend 326 IAC 6–1–12 to eliminate a number of sources and add several new sources. Central Soya has reported that the following sources (identified by point input I.D.) are no longer in operation: (01) Vogt Boiler; (02) Toasting Mill Feed; (03) Dry Soybean Mill; (04) Soybean Meal Cooler; (05) Pellet Cooler South; (06) Feed Pellet Cooler North; (08) Bean Bowl Storage; (09) Conveyor System Aspiration; and (10) Truck Pit. Central Soya has asked the State to delete these sources from the State rule.

Central Soya also requested that EPA approve the revised emission limits applicable to (09A) Elevator Gallery Belt Trippers; (09B) Elevator Gallery Belt Loaders (East and West); and (09C) Elevator Grain Dryer Conveying Legs. Central Soya also requested that the State add two other sources to the inventory: (10A) Elevator #1 Truck and Rail Receiving System and Basement, and (10B) Elevator #2 Truck and Rail Receiving System. The Indiana Air Pollution Control Board approved these changes on November 1, 1998.

What Are the Criteria for Approving Changes to Central Soya SIP Requirements?

The general criteria used by EPA to evaluate such emissions trades, or ''bubbles,'' under the Clean Air Act are set out in the EPA's Emissions Trading Policy Statement (ETPS) (see 51 FR 43814, December 4, 1986). The ETPS allows a State to forego a modeling analysis in those trades where the ''applicable net baseline emissions do not increase and in which the sum of the emissions increases, looking only at the increasing sources, totals less than 25 tons per year of particulate matter.'' EPA considers that such trades will have, at most, a ''de minimis'' impact on local air quality. 51 FR 43844.

In the case of Central Soya, Indiana also elected to perform a ''Level II'' modeling analysis under the ETPS. A Level II analysis must include emissions from the sources involved in the trade, and must demonstrate that the air quality impact of the trade does not exceed set significance levels. For PM, the significance levels are 10 micrograms per cubic meter ($\mu g/m^3$) for any 24-hour period, and 5 $\mu g/m^3$ for any annual period.

The modeling analysis submitted by the IDEM in support of the requested Central Soya SIP revision is consistent with a Level II analysis. The analysis shows that the SIP revision request will not cause or contribute to any exceedances of the PM NAAQS. The maximum modeled PM air quality impacts were 1.8 $\mu g/m^3$ in 24-hours, and 0.0 $\mu g/m^3$ on an annual basis. Therefore, IDEM has demonstrated that this SIP revision will not have a significant impact on air quality.

III. The Indiana Plan for Particulate Matter

Who Is Affected by This SIP Revision?

This revision reduces the emissions of particulate matter from selected sources in the Central Soya facility, as well as the facility as a whole. The reductions come about because of the change in operations at the plant. The State reports that the facility underwent a change from a processing plant to exclusively a storage facility. Citizens of Marion County living near the facility will benefit from the reductions because the net overall change should be a positive impact on air quality.

Did the Public Have an Opportunity To Comment on the Changes?

The State published a public notice on November 3, 1997, and December 23, 1997, to inform citizens that the revised plan was available for review and public

[1] See 56 FR 56694 (November 6, 1991). On June 9, 1999, EPA revoked the one-hour ozone standard for eastern Massachusetts. See 64 FR 30911 (June 9, 1999). EPA has proposed to reinstate that standard. See 64 FR 57424 (October 25, 1999).

comment. Indiana held two Air Pollution Control Board meetings on the Central Soya rule changes on December 3, 1997 and February 4, 1998. The State did not receive any adverse comment regarding these changes.

What Revisions Are We Approving?

Previous to this SIP revision request, Central Soya had been subject to particulate matter emission limits for a boiler and a number of other sources and operations under 326 IAC 6–1–12(a). These approved limits are noted in the record of public hearing of the Air Pollution Control Board.

Indiana has amended rule 326 IAC 6–1–12(a) to eliminate a number of sources, resulting in a reduction of annual particulate matter emissions from Central Soya. Indiana has added five sources to the rule. These are: Elevator Gallery Belt Trippers; Elevator Gallery Belt Loaders (East and West); Elevator Grain Dryer Conveying Legs; Elevator #1 Truck and Rail Receiving System and Basement; and Elevator #2 Truck and Rail Receiving System. The State-approved emission limits for the five new sources are listed in the following table:

Source description	Tons/year	Grains per dry standard cubic foot
Elevator Gallery Belt Tripper (East and West)	0.92	0.006
Elevator Gallery Belt Loaders (East and West)	0.70	0.006
Elevator Grain Dryer Conveying Legs	1.01	0.006
Elevator #1 Truck/Rail Receiving System and Basement	7.23	0.006
Elevator #2 Truck/Rail Receiving System	4.95	0.006

How Did Indiana Show That the Changes to the SIP Are Approvable?

The State's technical support document included a table of the changes in emissions at the Central Soya facility for the sources listed. These changes, as published in the November 1, 1998 Indiana Register, Volume 22, Number 2 (page 417), indicate that the decreases in PM emissions should total 71.22 tons per year and the increases should total 14.81 tons per year. This represents a net decrease in emissions of 56.41 tons per year.

The State also performed air emissions ambient modeling. The modeling shows that impacts are below the Level II significant impact levels of 10.0 $\mu g/m^3$ for the 24-hour and 5.0 $\mu g/m^3$ for the annual time averaged period.

IV. Review and Approval of the Indiana SIP Revision for Central Soya Company, Inc.

Why Is Indiana's SIP Revision Approvable?

The revision to this SIP is approvable because the changes requested by the State meet the requirements of the Clean Air Act and EPA's bubble policy, as noted above. Also, the emissions increases should have, at most, a ''de minimis'' impact on air quality as a result of the concurrent emissions reductions.

Are the Particulate Matter Air Quality Standards and Public Health Protected as a Result of the Approval of This SIP Submission?

The particulate matter air quality standard and public health should be protected by this SIP revision. The Clean Air Act and applicable policy permit changes to the State's implementation plan without the need for a detailed technical review under certain carefully circumscribed situations. These include emission changes in which there is a net reduction in emissions. This approach should ensure that ambient air quality standards will be attained and maintained, and public health protected. The request being approved today results in a net reduction in particulate matter emissions.

When Will This Rule Change Become Federally Enforceable?

This revision will become Federally enforceable on the effective date of this approval.

V. Final Rulemaking Action

In this rulemaking action, EPA approves the Central Soya Company, Incorporated SIP submission as a revision to the Indiana SIP. The revision eliminates a total of nine source operations and adds five new operations. It has the overall effect of reducing the emissions of particulate matter from the facility. The Indiana Air Pollution Control Board approved the revision and published it in the Indiana Register, Volume 22, Number 2, page 417, dated November 1, 1998. EPA is publishing this direct final approval without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective June 12, 2000, without further notice unless EPA receives relevant adverse written comment by May 11, 2000. Should the Agency receive such comments, it will publish a final rule informing the public that this direct final action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on June 12, 2000.

VI. 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

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

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 June 12, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 28, 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 P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(130) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(130) On February 3, 1999, Indiana submitted a site specific SIP revision request for the Central Soya Company, Incorporated, Marion County, Indiana. The submitted revision amends 326 IAC 6–1–12(a), and provides for revised particulate matter emission totals for a number of source operations at the plant. The revision reflects the closure of nine operations and the addition of five new ones, resulting in a net reduction in particulate matter emissions.

(i) *Incorporation by reference.* The entry for Central Soya Company, Incorporated contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 12: Marion County. Subsection (a) amended at 22, Indiana Register 416, effective October 16, 1998.

[FR Doc. 00–8828 Filed 4–10–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA063–01–7200a; A–1–FRL–6574–7A]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts. These SIP submittals include revisions to regulations for controlling volatile organic compound (VOC) emissions, including emissions from marine vessel loading and consumer products. The intended effect of this action is to approve the revised regulations into the Massachusetts SIP. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This direct final rule is effective on June 12, 2000 without further notice, unless EPA receives adverse comment by May 11, 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: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning Unit (mail code CAQ), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

What action is EPA taking?
What are the CAA requirements for marine vessels?
How has Massachusetts addressed these CAA requirements?
What were the issues outlined in EPA's conditional approval of Massachusetts' marine vessel rule?
How has Massachusetts addressed these issues?
What revisions did Massachusetts make to its VOC definition?
How does Massachusetts' VOC definition compare to EPA's VOC definition?
What revisions did Massachusetts make to its consumer products rule?
Why is EPA approving Massachusetts' SIP submittals?
What is the process for EPA's approval of these SIP revisions?

What Action Is EPA Taking?

EPA is approving Massachusetts' revised 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' and incorporating this rule into the Massachusetts SIP. EPA is also approving definitions in 310 CMR 7.00 which are associated with the marine vessel rule. EPA is also approving Massachusetts' revised 310 CMR 7.00 definition of ''volatile organic compound'' and an amendment to Massachusetts' 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' and incorporating these regulations into the Massachusetts SIP.

What Are the CAA Requirements for Marine Vessels?

Section 183(f) of the CAA requires EPA to promulgate reasonably available control technology (RACT) standards to reduce VOC emissions from the loading and unloading of tank vessels. Furthermore, on November 12, 1993 (58 FR 60021), marine vessels were added to the list of those categories for which EPA will promulgate a maximum achievable control technology (MACT) standard. On September 19, 1995 (60 FR 48388), EPA promulgated both RACT and MACT standards for marine tank vessels. Section 183(f)(4) of the CAA states that after EPA promulgates such standards, no State may adopt, or attempt to enforce, less stringent standards for tank vessels subject to EPA's regulation.

In addition, section 182(b)(1) of the amended CAA requires States with ozone nonattainment areas classified as moderate and above to develop reasonable further progress plans to reduce VOC emissions by 15 percent within these areas by 1996 when compared to 1990 baseline VOC emission levels. Also, section 182(b)(2)(C) of the CAA requires that RACT be implemented for all major VOC sources by May 31, 1995. Pursuant to the Clean Air Act Amendments of 1990, the Commonwealth of Massachusetts was designated as serious nonattainment for ozone.[1]

Therefore, in Massachusetts, sources with the potential to emit greater than

[1] See 56 FR 56694 (November 6, 1991). On June 9, 1999, EPA revoked the one-hour ozone standard for eastern Massachusetts. See 64 FR 30911 (June 9, 1999). EPA has proposed to reinstate that standard. See 64 FR 57424 (October 25, 1999).

50 tpy are considered major VOC sources. Furthermore, Massachusetts is located in the Northeast Ozone Transport Region (OTR). The entire Commonwealth is, therefore, subject to section 184(b) of the amended CAA. Section 184(b) requires that RACT be implemented for all major VOC sources (defined as 50 tons per year for sources in the OTR).

How Has Massachusetts Addressed These CAA Requirements?

In response to the above CAA requirements, Massachusetts adopted 310 CMR 7.24(8) to control VOC emissions from marine vessel transfer operations. On August 27, 1996 (61 FR 43973), EPA issued a conditional approval of Massachusetts' 310 CMR 7.24(8) marine vessel rule. EPA's conditional approval cited two outstanding issues associated with Massachusetts' regulation.

What Were the Issues Outlined in EPA's Conditional Approval of Massachusetts' Marine Vessel Rule?

EPA's conditional approval of Massachusetts' marine vessel rule cited the following two outstanding issues associated with this regulation: (1) a lack of monitoring requirements; and (2) emission limits for ballasting operations.

(1) Lack of Monitoring Requirements

Massachusetts' marine vessel rule requires that, upon initial startup of the air pollution control equipment, the owner or operator of a marine terminal conduct an initial performance test in order to demonstrate compliance. However, the initially adopted version of the rule did not require the facility to demonstrate continued compliance as is generally required of VOC sources. Specifically, as noted in EPA's conditional approval, the regulation should require that certain parameters be monitored continuously while marine vessel loading or ballasting operations are occurring and that records be kept of any periods of operation during which the previously established parameter boundaries are exceeded.[2]

(2) Emission Limits for Ballasting Operations

The marine vessel rule that Massachusetts initially adopted applies to the loading of an organic liquid and to ballasting operations. However, the emissions limitations of the rule do not apply to ballasting operations. EPA's conditional approval noted that, although EPA's national marine vessel rule does not apply to ballasting operations, the absence of emission limitations for ballasting operations in Massachusetts' rule is inconsistent with the VOC emission reductions claimed in Massachusetts' reasonable further progress (RFP) plan for the Boston-Worcester-Lawrence ozone nonattainment area. Specifically, Massachusetts 1990 base year inventory shows that uncontrolled marine vessel transfer operations result in 3.2 tons of VOC per summer day (tpsd), which includes 2.8 tpsd from ballasting and 0.4 tpsd from loading operations. Massachusetts' initial marine vessel rule SIP submittal states that ballasting emissions will be reduced by 2.1 tpsd. This statement assumes that ballasting operations are subject to a 95 percent control efficiency requirement (i.e., 0.95 control efficiency $\times$ 0.8 rule effectiveness $\times$ 2.8 tpsd uncontrolled = 2.1 tpsd reduction). Therefore, EPA's conditional approval stated that Massachusetts' marine vessel rule should require that ballasting operations be subject to the emission limitations stated in section 7.24(8)(c)(1)(B) of the rule.

How Has Massachusetts Addressed These Issues?

On October 17, 1997, Massachusetts submitted a SIP revision containing a revised version of its marine vessel rule 310 CMR 7.24(8). Massachusetts' revised marine vessel rule adequately addresses the two issues outlined in EPA's conditional approval.

(1) Lack of Monitoring Requirements

In Massachusetts' revised rule, a new provision has been added which requires emission control equipment to be monitored in accordance with the procedures specified in EPA's national marine vessel rule, specifically sections 63.564(e) through (j) of 40 CFR part 63, subpart Y. Massachusetts has, therefore, adequately addressed the issue of monitoring requirements.

The revised rule also includes a reference to the vapor-tightness pressure test procedures in EPA's national rule, specifically section 63.565(c)(1) of 40 CFR part 63, subpart Y. Previously, Massachusetts' rule required that these tests be ''conducted in accordance with procedures specified by the DEP and EPA.''

(2) Emission Limits for Ballasting Operations

In Massachusetts' revised rule, the requirement for marine terminal owners to install and operate equipment to control VOC emissions which result solely from ballasting operations has been rescinded. However, the revised rule states that, if a system is in place to control emissions from gasoline loading operations, then that system must also be used to control ballasting emissions. In such a case, ballasting emissions are subject to the emission limits of the rule.

Massachusetts' revision is acceptable since ballasting emissions in Massachusetts are now known to be less significant than originally estimated. As previously stated, Massachusetts had initially calculated uncontrolled ballasting emissions to be 2.8 tpsd. However, as reported in Massachusetts public hearing background document, industry data has subsequently shown that 1994 uncontrolled ballasting emissions were only 0.4 tpsd. Massachusetts plans to adjust future emissions inventory estimates of ballasting emissions to reflect this lower level of emissions.

In addition, as previously mentioned, EPA's national marine vessel rule does not apply to ballasting operations. In promulgating this rule, EPA noted that the U.S. Coast Guard has regulations which address ballasting and that ''the relatively low amount of actual emissions associated with ballasting does not justify dual regulation of ballasting.''

What Revisions Did Massachusetts Make to Its VOC Definition?

On July 30, 1996, Massachusetts submitted a SIP revision containing revisions to its 310 CMR 7.00 definition of the term ''volatile organic compound.'' In the revised definition, acetone has been added to the list of compounds that are exempt from the definition of VOC because of their negligible photochemical reactivity. The revised definition also clarifies that the previously adopted exemption for volatile methyl siloxanes is specifically for ''cyclic, branched, or linear, completely methylated siloxanes.'' EPA promulgated an exemption for acetone in its definition of VOC on June 16, 1995 (60 FR 31633) and an exemption for cyclic, branched, or linear, completely methylated siloxanes on October 5, 1994 (59 FR 50693).

[2] See the monitoring requirements of EPA's national marine vessel rule (especially sections 63.564 (e),(g), and (h)) and/or the monitoring requirements Massachusetts has imposed on other types of VOC sources (e.g., 310 CMR 7.18(2)(e)).

How Does Massachusetts' VOC Definition Compare to EPA's VOC Definition?

Massachusetts' revised VOC definition is consistent with EPA's VOC definition codified at 40 CFR 51.100(s), with the exception of more recent revisions to EPA's definition which were promulgated subsequent to Massachusetts' July 30, 1996 SIP submittal. EPA promulgated these additional revisions on October 8, 1996 (61 FR 52848), August 25, 1997 (62 FR 44900), and April 9, 1998 (63 FR 17331). These revisions add more compounds to the list of those exempted from the definition of VOC because of their negligible photochemical reactivity. Massachusetts' VOC definition also does not include an exemption for perchloroethylene which was promulgated by EPA on February 7, 1996 (61 FR 4588). As stated in EPA's exemption rulemakings, States are not obligated to exclude from control as a VOC those compounds that EPA has found to be negligibly reactive. However, EPA will no longer enforce measures controlling the exempted compounds as part of a federally-approved SIP. EPA's exemption rulemakings also state that a State may not take credit for controlling the EPA-exempted compounds in its ozone control strategy. Nor may reductions of EPA-exempted compounds be used as emission reduction credits or offsets to be traded against the emission of non-exempt compounds. Massachusetts is not taking credit for reductions of EPA-exempted compounds in its rate of progress plans and does not allow trading of exempt for non-exempt emissions.

What Revisions Did Massachusetts Make to Its Consumer Products Rule?

On July 30, 1996, Massachusetts submitted revisions to its 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products.'' In this rule, minor clarifications were made to the definition of the term ''waterproofing sealer.'' The revised definition is consistent with EPA's national rule codified at 40 CFR part 59, subpart D ''National VOC Emission Standards for Architectural Coatings.''

Why Is EPA Approving Massachusetts' SIP Submittals?

EPA is approving Massachusetts' revised marine vessel rule because the Commonwealth has successfully addressed the issues outlined in EPA's earlier conditional approval. EPA is also approving Massachusetts revised VOC definition and clarifications to its consumer product rule because these revisions are consistent with current EPA guidance. Further information on Massachusetts' October 17, 1997 and July 30, 1996 SIP submittals and EPA's evaluation of these submittals can be found in a memorandum dated September 7, 1999 entitled ''Technical Support Document—Massachusetts—Revised VOC Rules.'' Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section.

What Is the Process for EPA's Approval of These SIP Revisions?

The 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 adverse comments be filed. This action will be effective June 12, 2000 without further notice unless the Agency receives adverse comments by May 11, 2000.

If the EPA receives such comments, then EPA will publish a document 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. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 12, 2000 and no further action will be taken on the proposed rule.

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.

Final Action

EPA is approving Massachusetts' revised 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' and incorporating this rule into the Massachusetts SIP. EPA is also approving the following definitions in 310 CMR 7.00 which are associated with the marine vessel rule: ''combustion device,'' ''leak,'' ''leaking component,'' ''lightering or lightering operation,'' ''loading event,'' ''marine tank vessel,'' ''marine terminal,'' ''marine vessel,'' ''organic liquid,'' and ''recovery device.'' EPA is also approving Massachusetts' revised 310 CMR 7.00 definition of ''volatile organic compound'' and an amendment to Massachusetts' 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' and incorporating these regulations into the Massachusetts SIP.

Administrative Requirements

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

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission

that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

The Congressional Review Act, 5 U.S.C. 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).

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 June 12, 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).) Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping.

Dated: March 24, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

Part 52 of 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 W—Massachusetts

§ 52.1119 [Amended]

2. Remove § 52.1119(a)(2).

3. Section 52.1120 is amended by adding paragraphs (c)(115) and (c)(121) to read as follows:

§ 52.1120 Identification of plan

* * * * *

(c) * * *

(115) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on October 17, 1997 and July 30, 1996.

(i) Incorporation by reference.

(A) 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' effective in the Commonwealth of Massachusetts on October 5, 1997.

(B) Definition of ''volatile organic compound'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(C) Definition of ''waterproofing sealer'' in 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' effective in the Commonwealth of Massachusetts on June 28, 1996.

(ii) Additional materials

(A) Nonregulatory portions of the submittal.

* * * * *

(121) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on January 11, 1995 and March 29, 1995.

(i) Incorporation by reference.

(A) Definitions of ''combustion device,'' ''leak,'' ''leaking component,'' ''lightering or lightering operation,'' ''loading event,'' ''marine tank vessel,'' ''marine terminal,'' ''marine vessel,'' ''organic liquid,'' and ''recovery device'' in 310 CMR 7.00 ''Definitions'' effective in the Commonwealth of Massachusetts on January 27, 1995.

(ii) Additional materials.

(A) Nonregulatory portions of the submittal.

4. In § 52.1167, Table 52.1167 is amended by adding new entries to existing state citations for 310 CMR 7.00 and 310 CMR 7.25; and by adding new state citation 310 CMR 7.24(8).

§ 52.1167 EPA-approved Massachusetts State regulation.

* * * * *

TABLE 52.1167.—EPA-APPROVED MASSACHUSETTS REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.00	Definitions	7/30/96	4/11/00	[Insert *FR* citation from published date].	115	Definition of ''volatile organic compound'' revised.
*	*	*	*	*	*	*
310 CMR 7.00	Definitions	1/11/95 3/29/95	4/11/00	[Insert *FR* citation from published date].	121	Definitions associated with marine vessel rule.
*	*	*	*	*	*	*
310 CMR 7.24(8)	Marine Volatile Organic Liquid Transfer.	10/17/97	4/11/00	[Insert *FR* citation from published date].	115	

TABLE 52.1167.—EPA-APPROVED MASSACHUSETTS REGULATIONS—Continued

State citation	Title/subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7.25	Best Available Controls for Consumer and Commercial Products.	7/30/96	4/11/00	[Insert *FR* citation from published date].	115	Definition of ''water-proofing sealer'' revised.
*	*	*	*	*	*	*

[FR Doc. 00–8830 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–6575–7]

Protection of Stratospheric Ozone

AGENCY: Environmental Protection Agency.

ACTION: Notice of acceptability.

SUMMARY: This notice expands the list of acceptable substitutes for ozone-depleting substances (ODS) under the Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program.

EFFECTIVE DATE: April 11, 2000.

ADDRESSES: Information relevant to this notice is contained in Air Docket A–91–42, Central Docket Section, South Conference Room 4, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone: (202) 260–7548. The docket may be inspected between 8:00 a.m. and 5:30 p.m. weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Kelly Davis at (202) 564–2303 or fax (202) 565–2096, Environmental Protection Agency, Stratospheric Protection Division, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, NW., Washington, DC 20001. The Stratospheric Protection Hotline can be reached at (800) 296–1996. Further information can be found at EPA's Ozone Depletion World Wide Web site at ''http://www.epa.gov/ozone/title6/snap/''.

SUPPLEMENTARY INFORMATION:

I. Section 612 Program
A. Statutory Requirements
B. Regulatory History
II. Listing of Acceptable Substitutes
A. Refrigeration and Air Conditioning
B. Foam Blowing
III. Additional Information
Appendix A—Summary of Acceptable Decisions

I. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

• *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

• *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.

• *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substance to or delete a substance from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional 6 months.

• *90-Day Notification*—Section 612(e) requires EPA to require any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer's unpublished health and safety studies on such substitutes.

• *Outreach*—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

• *Clearinghouse*—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. Regulatory History

On March 18, 1994, EPA published rulemaking (59 FR 13044) which described the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors compose the principal industrial sectors that historically consumed the largest volumes of ozone-depleting compounds.

As described in this original rule for the SNAP program, EPA does not believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substance. Consequently, by this notice EPA is adding substances to the list of acceptable alternatives without first requesting comment on new listings.

EPA does, however, believe that notice-and-comment rulemaking is required to place any substance on the list of prohibited substitutes, to list a substance as acceptable only under certain conditions, to list substances as acceptable only for certain uses, or to remove a substance from either the list of prohibited or acceptable substitutes.

Updates to these lists are published as separate notices of rulemaking in the **Federal Register**.

The Agency defines a ''substitute'' as any chemical, product substitute, or alternative manufacturing process, whether existing or new, intended for use as a replacement for a class I or class II substance. Anyone who produces a substitute must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to substitute manufacturers, but may include importers, formulators or end-users, when they are responsible for introducing a substitute into commerce.

A complete chronology of SNAP decisions and the appropriate **Federal Register** citations can be found at EPA's Ozone Depletion World Wide Web site at http://www.epa.gov/ozone/title6/snap/chron.html. This information is also available from the Air Docket (see **ADDRESSES** section above for contact information).

II. Listing of Acceptable Substitutes

This section presents EPA's most recent acceptable listing decisions for substitutes in the refrigeration and foams sectors. For copies of the full list of SNAP decisions in all industrial sectors, contact the EPA Stratospheric Protection Hotline at (800) 296–1996.

The sections below presents a detailed discussion of the substitute listing. The table summarizing today's listing decisions is in Appendix A. The comments contained in the table in Appendix A provide additional information, but are not legally binding under section 612 of the Clean Air Act. Thus, adherence to recommendations in the comments section of the table is not mandatory for use of a substitute. In addition, the comments should not be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA strongly encourages users of acceptable substitutes to apply all comments to their use of these substitutes. In many instances, the comments simply refer to standardized operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the comments, if adopted, would not require significant changes in existing operating practices for the affected industry.

A. Refrigeration and Air Conditioning

1. Acceptable Substitutes

(a) Furan (C_4F_8O). *Furan is acceptable as a substitute for CFC-114 in retrofits of existing uranium isotope separation processing equipment.* Furan, a perfluorocarbon (PFC), does not contribute to stratospheric ozone depletion. The environmental characteristics of concern for this compound are its extremely high global warming potential and long atmospheric lifetime. Long atmospheric lifetimes make the warming effects of PFCs essentially irreversible. As a result, PFCs are included in the Climate Change Action Plan, which broadly instructs EPA to use section 612 of the CAA, as well as voluntary programs, to control emissions.

Despite these concerns, EPA has listed several PFCs as acceptable replacements for CFC-114 in uranium isotope separation processing. PFCs have physical and thermodynamic properties that make them the only viable alternatives to CFC-114 in this end-use that have been identified as of this time. PFCs offer high dielectric resistance, noncorrosivity, thermal stability, materials compatibility, chemical inertness, low toxicity, and nonflammability.

In this end-use, Furan may offer some advantages over other PFCs currently listed as acceptable. The most significant advantage may be that its vapor pressure is lower which results in lower leak rates and a reduced likelihood that new leaks will be created in the system. Another distinction between Furan and other alternatives examined relates to the relatively low molecular weight of the compound. The low molecular weight relative to the material being processed makes it easy to separate Furan from the process stream.

EPA is listing Furan as acceptable in retrofit and existing uranium isotope separation system designs only. For new equipment designs in this end-use, EPA believes other alternatives may exist or may be developed to meet the needs of newly designed systems. Users of Furan should note that if other alternatives become available, EPA may determine to list Furan as unacceptable due to the availability of other suitable substitutes. If EPA took such action, EPA could also consider whether to grandfather existing uses. EPA's 1994 SNAP rulemaking specifies the criteria EPA would use in making a decision to grandfather existing uses (59 FR 13057; March 18, 1994).

EPA urges industry to continue to search for other long-term alternatives for this end-use that do not have high GWPs and long atmospheric lifetimes. In cases where users must use PFCs, they should make every effort to minimize emissions. Users are also strongly encouraged to recover, recycle, and/or destroy these fluids during servicing and after the end of the equipment's useful life.

B. Foam Blowing

1. Acceptable Substitutes

(a) Saturated Light Hydrocarbons C3-C6. *Saturated Light Hydrocarbons C3-C6 are acceptable as a substitute for HCFC-141b in all foam end-uses, except as a HCFC replacement in spray foam applications. (Spray foam applications fall under the Rigid Polyurethane Spray and Commercial Refrigeration, and Sandwich Panels end-use.). Today's action does not affect previous decisions made by EPA to list specific hydrocarbon blowing agents as acceptable in spray foam. The acceptability of hydrocarbons as HCFC-141b replacements in spray foam applications will be determined on a product-by-product basis until standard industry practices/training become more established.* C3–C6 saturated light hydrocarbons are already acceptable substitutes for CFC-11 in all foam end-uses, and for HCFC-141b in some foam end-uses (rigid polyurethane and polyisocyanurate laminated boardstock, rigid polyurethane appliance, and polyurethane integral skin). Today's action expands the acceptable applications for C3-C6 saturated light hydrocarbons as substitutes for HCFCs in the following applications/end-uses: rigid polyurethane commercial refrigeration and sandwich panels, rigid polyurethane slabstock and other foams, polystyrene extruded insulation boardstock and billet, phenolic insulation board and bunstock, and polyolefin. Hydrocarbon blowing agents have no ozone depletion potential, low global warming potentials, and are low in toxicity. However, these agents are flammable and should be handled with proper precautions.

The flammability of hydrocarbon blowing agents are of particular concern in spray foam applications where a controlled factory environment is not possible. The potential for explosion or fire highlights the need for safety training. While training can not provide an absolute guarantee of safety, EPA believes that a comprehensive training program, if implemented properly, can adequately control risks associated with use of potentially flammable hydrocarbon-blown spray foam systems.

In December 1999, EPA listed Exxsol Blowing Agents, a specific hydrocarbon pentane blend, as acceptable in all foam end-uses (64 FR 68039) including spray foam. Draft training materials for spray foam applications were provided to EPA

and are available through the Air Docket (Docket A–91–42, Category IX–B, Background Documents for Notice 11). EPA may list other hydrocarbon blowing agents as acceptable for spray foam applications if companies wishing to distribute or use hydrocarbons in spray foam applications establish safety training programs. Interested parties should contact EPA.

III. Additional Information

Contact the Stratospheric Protection Hotline at (800) 296–1996, Monday–Friday, between the hours of 10:00 a.m. and 4:00 p.m. (EST). For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044). Notices and rulemakings under the SNAP program, as well as all EPA publications on protection of stratospheric ozone, are available from EPA's Ozone Depletion World Wide Web site at ''http://www.epa.gov/ozone/title6/snap/'' and from the Stratospheric Protection Hotline whose number is listed above.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: March 29, 2000.

Paul Stolpman,

Director, Office of Atmospheric Programs, Office of Air and Radiation.

APPENDIX A: SUMMARY OF ACCEPTABLE DECISIONS

End-use	Substitute	Decision	Comments
Refrigeration and Air Conditioning Sector			
Uranium Isotope Separation Processing (Retrofit).	Furan for CFC–114	Acceptable	EPA urges industry to continue to search for other long-term alternatives for this end-use that do not contain substances with such high GWPs and long atmospheric lifetimes. In cases where users must adopt PFCs, they should make every effort to minimize emissions. Users are also strongly encouraged to recover, recycle, and/or destroy these fluids during servicing and after the end of the equipment's useful life.
Foam Blowing			
All foam end-uses, except as a HCFC–141b replacement in spray foam applications (see comments).	Saturated Light Hydrocarbons C3–C6 for HCFC–141b.	Acceptable	Today's action does not affect previous decisions made by EPA to list specific hydrocarbon blowing agents as acceptable in spray foam. The acceptability of hydrocarbons as HCFC–141b replacements in spray foam applications will be determined on a product-by-product basis until standard industry practices/training become more established. EPA may list other hydrocarbon blowing agents as acceptable for spray foam applications if companies wishing to distribute or use hydrocarbons in spray foam applications establish safety training programs. Interested parties should contact EPA.

[FR Doc. 00–8958 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 410, 411, 414, 415, and 485

[HCFA–1065–CN]

RIN 0938–AJ61

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2000

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule with comment period.

SUMMARY: This document corrects technical errors that appeared in the final rule with comment period published in the **Federal Register** on November 2, 1999, entitled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2000.''

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Diane Milstead, (410) 786–3355.

SUPPLEMENTARY INFORMATION:

Background

In FR Doc. 99–28367 of November 2, 1999, (64 FR 59380), there were a number of technical errors. The errors relate to the omission of language discussing payment for pulse oximetry, temperature gradient studies and venous pressure determinations and the removal of the x-ray requirement before chiropractic manipulation; acceptance of the RUC recommendations for work relative value units (RVUs); RUC recommendations for CPT codes 17276 and 95165; a comment on codes in the ''zero work'' pool; discussion of CPT code 61862 and the correct billing procedures; and regulations text definitions concerning the coverage of prostate screening. Additionally there are various revisions to Addenda B and C.

The provisions in this correction notice are effective as if they had been included in the document published in the **Federal Register** on November 2, 1999, that is, January 1, 2000.

Discussion of Addenda B and C

1. On page 39626 of the July 22, 1999 proposed rule, we discussed revising the work RVUs for certain pediatric surgical services to reflect more appropriate data. We inadvertently omitted these work RVU changes from Addendum B of the November 2, 1999 final rule. Entries on the pages listed below are corrected as follows: Page 59451 for CPT code 21740; page 59476 for CPT codes 38550 and 38555; page 59477 for CPT code 39503; page 59479 for CPT codes 42810 and 42815; page 59480 for CPT codes 43305, 43310, 43312, and 43831; page 59482 for CPT codes 45120 and 45121; page 59483 for CPT codes 46715, 46716, 46730, 46735,

46740, and 46751; page 59484 for CPT codes 47700 and 47701; page 59485 for CPT codes 49215, 49495, 49580, 49600, 49605, and 49606; page 59488 for CPT code 51940; and page 59495 for CPT code 60280. These corrections are reflected in correction number 8 to follow.

2. On page 59421 of the November 2, 1999 final rule, we assigned 5.85 work RVUs to CPT code 61885. We inadvertently omitted this value from Addenda B and C. Entries on the pages listed below are corrected as follows: Page 59497 and page 59582 for CPT code 61885. These corrections are reflected in correction number 9 to follow.

3. In Addendum B, we assigned incorrect status indicators for the following CPT codes: Page 59553 for CPT codes 94760 and 94761; and page 59578 for HCFA Common Procedure Coding System (HCPCS) codes Q0183, Q0184, Q0185, Q0186, Q1001, Q1002, Q1003, Q1004, and Q1005. These corrections are reflected in correction number 10 to follow.

4. On page 39630 of the July 22, 1999 proposed rule, we discussed accepting the RUC work RVU recommendations for five CPT codes that were carrier priced for 1999. The status of these codes would also change from Carrier Priced (C) to Active (A) in the final rule. We inadvertently omitted the work RVUs, status indicator, and correct global indicator changes from Addendum B of the final rule. Entries on the pages listed below are corrected as follows: Page 59473 for CPT code 35500; page 59475 for CPT code 36823; page 59476 for CPT code 38792; page 59495 for CPT 60650 (renumbered from CPT code 56321 for which we accepted the RUC recommendation); page 59476 for CPT code 38120 (renumbered from CPT code 56345 for which we accepted the RUC recommendation); and page 59481 for CPT code 44201 (renumbered from CPT code 56347 for which we accepted the RUC recommendation). In addition, we failed to reflect the practice expense values assigned to these codes. These corrections are reflected in correction 11 to follow.

5. In Addendum B, we inadvertently published incorrect global periods for CPT codes 33968, 47560, 62263, 96570 and 96571. Entries on pages listed below are corrected as follows: Pages 59472 and 59582 for CPT code 33968; page 59484 for CPT code 47560; pages 59497 and 59582 for CPT code 62263; and pages 59556 and 59583 for CPT codes 96570 and 96571. These corrections are reflected in correction number 12 to follow.

6. On page 39629 of the July 22, 1999 proposed rule, we proposed changing ventricular assist device insertions, CPT codes 33975 and 33976, to an XXX global and reducing the work RVUs accordingly. In the November 2, 1999 final rule, in Addendum B, we changed the global periods to XXX but inadvertently failed to reduce the work RVUs as stated in the proposed rule. Entries on the page listed below are corrected as follows: Page 59472 for CPT codes 33975 and 33976. In addition, we failed to show the adjustments to the CPEP data made to accommodate the changing global periods. These corrections are reflected in correction number 13 to follow.

7. In Addendum B, we inadvertently assigned incorrect practice expense and malpractice RVUs to HCPCS codes G0102, G0104, G0105, and incorrect malpractice relative value units for CPT codes 59000 through 59899. Entries on the pages listed below are corrected as follows: Page 59571 for HCPCS codes G0102, G0104, and G0105; pages 59494 and 59495 for CPT codes 59000 through 59899. These corrections are reflected in correction number 14 to follow.

8. On pages 59448 and 59582 of Addendum B, we assigned an incorrect procedure status and global period to CPT code 20979. Entries on pages listed below are corrected as follows: Pages 59448 and 59582 for CPT code 20979. These corrections are reflected in correction number 15 to follow.

9. In Addendum B, we inadvertently assigned incorrect practice expense RVUs for HCPCS codes G0106, G0106–26, G0106–TC, G0120, G0120–26, G0120–TC, G0170, G0171 and CPT code 45378–53. Entries on pages listed below are corrected as follows: Page 59571 for HCPCS codes G0106, G0106–26, G0106–TC, G0120, G0120–26 and G0120–TC; page 59572 and page 59583 for G0170 and G0171; and page 59482 for CPT 45378–53. These corrections are reflected in correction number 16 to follow.

10. We incorrectly denoted that CPT code 40814 was not applicable in a non-facility setting. On page 59477 of Addendum B, the applicable practice expense values are included for the nonfacility setting for CPT code 40814. These corrections are reflected in correction number 17 to follow.

11. In Addendum B, we assigned incorrect practice expense and/or malpractice RVUs for HCPCS codes G0163, G0163–26, G0163–TC, G0164, G0164–26, G0164–TC, G0165, G0165–26, and G0165–TC. Entries on the pages listed below are corrected as follows: Page 59571 for HCPCS codes G0163, G0163–26, and G0163–TC and page 59572 for G0164, G0164–26, G0164–TC, G0165, G0165–26 and G0165–TC. These corrections are reflected in correction number 18 to follow.

Correction of Errors

In FR Doc. 99–28367 of November 2, 1999, make the following corrections:

1. On page 59395, second column, after the sixth full paragraph, add the following:

CPT code 17276, Destruction, malignant lesion, any method scalp, neck, hands, feet, genitalia; lesion diameter over 4.0cm

The RUC forwarded a recommendation for supplies. We accepted the recommendation but deleted what appeared to be duplicated gauze supplies.''

2. On page 59398, first column, after the last paragraph insert the following:

''CPT Code 95165, professional services for the supervision and provision of antigens for allergen immunotherapy.

The nature of the RUC's recommendation regarding this code was significantly different than its recommendations regarding other codes. The RUC did not examine the direct expense inputs for code 95165 but commented on the definition of dose used for claims involving this code. Because the direct expense inputs have not been reviewed, we believe that it is not appropriate to revise the practice expense value at this time.''

3. On page 59406, in the last line of column two, insert the words '', in Table 7,'' between the words ''95956'' and ''should''.

4. On page 59413, column three, after line 7, add the following:

''Result of Evaluation of Comments:

We are adopting our proposal to bundle payment for these services beginning January 2000 with the exception of code 94762, which we will continue to pay separately when continuous overnight monitoring is medically necessary as a separate procedure.

M. Removal of Requirement for X-ray Before Chiropractic Manipulation

We are conforming our regulations to section 4513(a) of the BBA that deleted the requirement that a spinal subluxation be demonstrated by an x-ray for a chiropractor to receive payment under Medicare Part B for manual manipulation of the spine to correct a subluxation.

Comment: We received one comment requesting we revise § 410.22 (Limitations on services of a chiropractor) to recognize chiropractors as physicians for purposes of ordering and furnishing diagnostic tests and other services and supplies related to manual manipulation for treatment of subluxation of the spine.

Response: We believe that extending the scope of services of the chiropractor to include other services, such as ordering and furnishing diagnostic tests, is inconsistent with section 1861(r) of the Act. Thus, we cannot implement this comment.

Comment: Two commenters expressed concern that the x-ray requirement has been removed without being replaced by clear''

5. On page 59418, in the third column, line 6 from the top, replace ''69'' with ''85'', and line 9, replace ''31'' with ''15''.

§ 410.39 [Corrected]

6. On page 59440, in the second column, § 410.39 is corrected by adding paragraphs (a)(4) and (a)(5) as follows:

§ 410.39 Prostate cancer screening tests: Conditions for and limitations on coverage.

* * * * *

(a) * * *

(4) A physician for purposes of this provision means a doctor of medicine or osteopathy (as defined in section 1861(r)(1) of the Act) who is fully knowledgeable about the beneficiary, and who would be responsible for explaining the results of the screening examination or test.

(5) A physician assistant, nurse practitioner, clinical nurse specialist, or certified nurse midwife for purposes of this provision means a physician assistant, nurse practitioner, clinical nurse specialist, or certified nurse midwife (as defined in sections 1861(aa) and 1861(gg) of the Act) who is fully knowledgeable about the beneficiary, and who would be responsible for explaining the results of the screening examination or test.

* * * * *

7. On page 59440, in the second and third columns, in § 410.39, paragraphs (b) and (d), add the phrase ''as defined in paragraphs (a)(4) or (a)(5) of this section,'' after the word ''midwife.''

Addendum B [Corrected]

8. In the table of Addendum B, the following CPT codes are corrected to read as follows:

CPT[1]/ HCPCS[2]	MOD	Status	Description	Physician Work RVUs[3]	Fully implemented non-facility PE RVUs	Year 2000 transitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully Implemented non facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
21740		A	Reconstruction of sternum	16.80	NA	NA	15.80	12.78	1.95	NA	NA	34.55	31.53	090
38550		A	Removal, neck/armpit lesion	6.92	NA	NA	5.24	4.38	0.50	NA	NA	12.66	11.80	090
38555		A	Removal, neck/armpit lesion	14.14	NA	NA	11.47	9.68	1.53	NA	NA	27.14	25.35	090
39503		A	Repair of diaphragm hernia	37.54	NA	NA	14.98	21.16	3.26	NA	NA	55.78	61.96	090
42810		A	Excision of neck cyst	3.25	4.77	4.09	3.83	3.62	0.27	8.29	7.61	7.35	7.14	090
42815		A	Excision of neck cyst	7.07	NA	NA	6.06	7.35	0.55	NA	NA	13.68	14.97	090
43305		A	Repair esophagus and fistula	17.39	NA	NA	12.60	13.74	1.32	NA	NA	31.31	32.45	090
43310		A	Repair of esophagus	27.47	NA	NA	17.64	18.04	3.07	NA	NA	48.18	48.58	090
43312		A	Repair esophagus and fistula	30.50	NA	NA	23.15	19.02	3.46	NA	NA	57.11	52.98	090
43831		A	Place gastrostomy tube	7.84	NA	NA	4.15	4.90	0.74	NA	NA	12.73	13.48	090
45120		A	Removal of rectum	25.00	NA	NA	11.45	14.62	2.31	NA	NA	38.76	41.93	090
45121		A	Removal of rectum and colon	27.51	NA	NA	12.98	12.35	2.65	NA	NA	43.14	42.51	090
46715		A	Repair of anovaginal fistula	7.46	NA	NA	4.31	4.06	0.86	NA	NA	12.63	12.38	090
46716		A	Repair of anovaginal fistula	12.85	NA	NA	6.50	6.54	1.21	NA	NA	20.56	20.60	090
46730		A	Construction of absent anus	22.39	NA	NA	11.74	11.70	1.91	NA	NA	36.04	36.00	090
46735		A	Construction of absent anus	27.02	NA	NA	12.15	13.15	2.59	NA	NA	41.76	42.76	090
46740		A	Construction of absent anus	24.19	NA	NA	10.40	11.47	2.31	NA	NA	36.90	37.97	090
46751		A	Repair of anal sphincter	8.77	NA	NA	5.53	4.98	0.86	NA	NA	15.16	14.61	090
47700		A	Exploration of bile ducts	15.62	NA	NA	8.23	8.26	1.37	NA	NA	25.22	25.25	090
47701		A	Bile duct revision	29.55	NA	NA	13.21	11.06	2.87	NA	NA	45.63	43.48	090
49215		A	Excise sacral spine tumor	23.20	NA	NA	10.50	9.86	2.18	NA	NA	35.88	35.24	090
49495		A	Repair inguinal hernia, init	5.84	NA	NA	3.67	4.54	0.56	NA	NA	10.07	10.94	090
49580		A	Repair umbilical hernia	3.34	NA	NA	2.74	3.47	0.34	NA	NA	6.42	7.15	090
49600		A	Repair umbilical lesion	10.96	NA	NA	5.66	5.69	0.95	NA	NA	17.57	17.60	090
49605		A	Repair umbilical lesion	24.94	NA	NA	11.31	10.31	2.20	NA	NA	38.45	37.45	090
49606		A	Repair umbilical lesion	21.31	NA	NA	8.89	8.96	1.91	NA	NA	32.11	32.18	090
51940		A	Correction of bladder defect	28.43	NA	NA	13.38	16.98	1.90	NA	NA	43.71	47.31	090
60280		A	Remove thyroid duct lesion	5.87	NA	NA	4.86	6.06	0.48	NA	NA	11.21	12.41	090

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[3] + Indicates RVUs are not used for Medicare payment.
[4] PE RVUs = Practice Expense Relative Value Units.

9. In the table of Addenda's B and C, the following CPT code is corrected to read as follows:

CPT[1]/ HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs[4]	Year 2000 transitional non-facility PE RVUs[4]	Fully implemented facility PE RVUs[4]	Year 2000 transitional facility PE RVUs[4]	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
61885		A	Implant neurostim one array	5.85	NA	NA	4.86	6.06	0.48	NA	NA	11.21	12.41	090

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10. In the table of Addendum B, the following HCPCS codes are corrected to read as follows:

CPT[1]/ HCPCS[2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs[4]	Year 2000 transitional non-facility PE RVUs[4]	Fully implemented facility PE RVUs[4]	Year 2000 transitional facility PE RVUs[4]	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
Q0183		X	Nonmetabolic active tissue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q0184		X	Metabolically active tissue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q0185		X	Metabolic active D/E tissue	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q0186		X	Paramedic intercept, rural	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented non-facility PE RVUs [4]	Year 2000 transitional non-facility PE RVUs [4]	Fully implemented facility PE RVUs [4]	Year 2000 transitional facility PE RVUs [4]	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
Q1001		X	Ntiol category 1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q1002		X	Ntiol category 2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q1003		X	Ntiol category 3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q1004		X	Ntiol category 4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
Q1005		X	Ntiol category 5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94760		T	Measure blood oxygen level	0.00	0.08	0.18	0.08	0.18	0.02	0.10	0.20	0.10	0.20	XXX
94761		T	Measure blood oxygen level	0.00	0.15	0.42	0.15	0.42	0.05	0.20	0.47	0.20	0.47	XXX

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[4] PE RVUs = Practice Expense Relative Value Units.

11. In the table of Addendum B, the following CPT codes are corrected to read as follows:

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs	Year 2000 trasitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
35500		A	Harvest vein for bypass	6.45	NA	NA	2.43	2.43	0.73	NA	NA	9.61	9.61	ZZZ
36823		A	Insert cannula(s)	21.00	NA	NA	11.54	11.54	0.67	NA	NA	33.21	33.21	090
38120		A	Laparoscopic splenectomy	17.00	NA	NA	7.83	7.83	1.04	NA	NA	25.87	25.87	090
38792		A	Identify sentinel node	0.52	NA	NA	0.20	0.20	0.01	NA	NA	0.73	0.73	000
44201		A	Laparoscopic jejunostomy	9.78	NA	NA	3.61	3.61	1.35	NA	NA	14.74	14.74	090
60650		A	Laparoscopy adrenalectomy	20.00	NA	NA	9.10	9.10	1.35	NA	NA	30.45	30.45	090

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12. In the table of Addenda's B and/or C, the following CPT codes are corrected to read as follows:

CPT [1]/ HCPC [2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs	Year 2000 trasitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
33968		A	Remove aortic assist device	0.64	0.25	0.25	0.25	0.25	0.27	1.16	1.16	1.16	1.16	000
47560		A	Laparoscopy w/ cholangio	4.89	N/A	N/A	1.95	2.48	0.46	N/A	N/A	7.30	7.83	000
62263		A	Lysis epidural adhesions	6.02	4.61	4.61	2.18	2.18	0.88	11.51	11.51	9.08	9.08	010
96570		A	Photodynamic tx, 30 min	1.10	0.71	0.71	0.43	0.43	0.28	2.09	2.09	1.81	1.81	ZZZ
96571		A	Photodynamc tx, addl 15 min	0.55	0.31	0.31	0.21	0.21	0.28	1.14	1.14	1.04	1.04	ZZZ

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13. In table of Addendum B, the following CPT codes are corrected to read as follows:

CPT [1]/ HCPC [2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs	Year 2000 trasitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
33975		A	Implant ventricular device	21.00	NA	NA	16.80	16.10	2.86	NA	NA	40.66	39.96	XXX
33976		A	Implant ventricular device	23.00	NA	NA	18.65	19.82	3.91	NA	NA	45.56	46.73	XXX

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14. In table of Addendum B, the following CPT codes are corrected to read as follows:

CPT [1]/ HCPC [2]	MOD	Status	Description	Physician work RVUs[3]	Fully implemented non-facility PE RVUs	Year 2000 trasitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
G0102		A	Prostate ca screening; dre	0.17	0.51	0.37	0.06	0.09	0.01	0.69	0.55	0.24	0.27	XXX
G0104		A	CA screen; flexi sigmoidscope	0.96	1.35	1.34	0.33	0.46	0.07	2.38	2.37	1.36	1.49	000
G0105		A	Colorectal scrn; hi risk ind	3.70	5.99	5.24	1.29	2.86	0.26	9.95	9.20	5.25	6.82	000
59000		A	Amniocentesis	1.30	1.54	1.30	0.49	0.77	0.19	3.03	2.79	1.98	2.26	000
59012		A	Fetal cord punture, prenatal	3.45	NA	NA	1.38	2.11	0.51	NA	NA	5.34	6.07	000
59015		A	Chorion biopsy	2.20	1.27	1.29	0.85	1.08	0.32	3.79	3.81	3.37	3.60	000
59020		A	Fetal contract stress test	0.66	0.78	1.06	0.78	1.06	0.21	1.65	1.93	1.65	1.93	000
59020	26	A	Fetal contract stress test	0.66	0.26	0.53	0.26	0.53	0.13	1.05	1.32	1.05	1.32	000
59020	TC	A	Fetal contract stress test	0.00	0.52	0.53	0.52	0.53	0.08	0.60	0.61	0.60	0.61	000
59025		A	Fetal non-stress test	0.53	0.43	0.55	0.43	0.55	0.10	1.06	1.18	1.06	1.18	000
59025	26	A	Fetal non-stress test	0.53	0.20	0.31	0.20	0.31	0.08	0.81	0.92	0.81	0.92	000
59025	TC	A	Fetal non-stress test	0.00	0.23	0.24	0.23	0.24	0.02	0.25	0.26	0.25	0.26	000
59030		A	Fetal scalp blood sample	1.99	NA	NA	0.77	1.24	0.30	NA	NA	3.06	3.53	000
59050		A	Fetal monitor w/ report	0.89	NA	NA	0.34	0.61	0.12	NA	NA	1.35	1.62	XXX
59051		A	Fetal monitor/interpret only	0.74	NA	NA	0.28	0.58	0.10	NA	NA	1.12	1.12	XXX
59100		A	Remove uterus lesion	12.35	NA	NA	6.05	5.27	1.80	NA	NA	20.20	19.42	090

CPT [1]/ HCPC [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented non-facility PE RVUs	Year 2000 trasitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
59120		A	Treat ectopic pregnancy	11.49	NA	NA	5.73	7.13	1.67	NA	NA	18.89	20.29	090
59121		A	Treat ectopic pregnancy	11.67	NA	NA	5.84	5.84	1.70	NA	NA	19.21	19.21	090
59130		A	Treat ectopic pregnancy	14.22	NA	NA	6.89	6.68	2.07	NA	NA	23.18	22.97	090
59135		A	Treat ectopic pregnancy	13.88	NA	NA	6.76	8.73	2.01	NA	NA	22.65	24.62	090
59136		A	Treat ectopic pregnancy	13.18	NA	NA	6.49	6.62	1.92	NA	NA	21.59	21.72	090
59140		A	Treat ectopic pregnancy	5.46	NA	NA	3.40	4.23	0.79	NA	NA	9.65	10.48	090
59150		A	Treat ectopic pregnancy	6.89	NA	NA	3.95	4.44	1.00	NA	NA	11.84	12.33	090
59151		A	Treat ectopic pregnancy	7.86	NA	NA	4.01	6.68	1.15	NA	NA	13.02	15.69	090
59160		A	D & C after delivery	2.71	3.30	3.24	2.07	2.63	0.39	6.40	6.34	5.17	5.73	010
59200		A	Insert cervical dilator	0.79	1.19	0.89	0.29	0.3	0.11	2.09	1.79	1.19	1.20	000
59300		A	Episiotomy or vaginal repair	2.41	1.56	1.32	0.92	0.73	0.34	4.31	4.07	3.67	3.48	000
59320		A	Revision of cervix	2.48	NA	NA	1.30	1.62	0.36	NA	NA	4.14	4.46	000
59325		A	Revision of cervix	4.07	NA	NA	1.92	2.53	0.59	NA	NA	6.58	7.19	000
59350		A	Repair of uterus	4.95	NA	NA	1.84	2.84	0.73	NA	NA	7.52	8.52	000
59400		A	Obstetrical care	23.06	NA	NA	13.44	14.86	3.35	NA	NA	39.85	41.27	MMM
59409		A	Obstetrical care	13.50	NA	NA	5.08	7.69	1.97	NA	NA	20.55	23.16	MMM
59410		A	Obstetrical care	14.78	NA	NA	6.01	8.6	2.15	NA	NA	22.94	25.53	MMM
59412		A	Antepartum manipulation	1.71	1.16	1.24	0.65	0.99	0.25	3.12	3.20	2.61	2.95	MMM
59414		A	Deliver placenta	1.61	NA	NA	1.13	1.19	0.24	NA	NA	2.98	3.04	MMM
59425		A	Antepartum care only	4.81	4.62	3.88	4.62	3.1	0.71	10.14	9.40	10.14	8.62	MMM
59426		A	Antepartum care only	8.28	7.85	6.61	7.81	5.25	1.20	17.33	16.09	17.29	14.73	MMM
59430		A	Care after delivery	2.13	1.14	0.78	1.14	0.68	0.32	3.59	3.23	3.59	3.13	MMM
59510		A	Cesarean delivery	26.22	NA	NA	15.40	16.87	3.82	NA	NA	45.44	46.91	MMM
59514		A	Cesarean delivery only	15.97	NA	NA	6.01	8.97	2.32	NA	NA	24.30	27.26	MMM
59515		A	Cesarean delivery	17.37	NA	NA	7.56	10.2	2.53	NA	NA	27.46	30.10	MMM
59525		A	Remover uterus after cesarean	8.54	NA	NA	3.19	3.66	1.24	NA	NA	12.97	13.44	ZZZ
59610		A	Vbac delivery	24.62	NA	NA	9.36	12.82	3.58	NA	NA	37.56	41.02	MMM
59612		A	Vbac delivery only	15.06	NA	NA	5.77	8.03	2.20	NA	NA	23.03	25.29	MMM
59614		A	Vbac care after delivery	16.34	NA	NA	6.29	8.74	2.38	NA	NA	25.01	27.46	MMM
59618		A	Attempted Vbac delivery	27.78	NA	NA	10.51	14.43	4.05	NA	NA	42.34	46.26	MMM
59620		A	Attempted Vbac delivery only	17.53	NA	NA	6.67	9.30	2.55	NA	NA	26.75	29.38	MMM
59622		A	Attempted Vbac after care	18.93	NA	NA	7.27	10.05	2.76	NA	NA	28.96	31.74	MMM
59812		A	Treatment of miscarriage	3.25	4.21	4.07	2.23	3.06	0.48	7.94	7.80	5.96	6.79	090
59820		A	Care of miscarriage	4.01	4.40	4.24	2.52	3.3	0.59	9.00	8.84	7.12	7.90	090
59821		A	Treatment of miscarriage	4.47	4.87	3.91	2.71	2.83	0.66	10.00	9.04	7.84	7.96	090
59830		A	Treat uterus infection	6.11	NA	NA	3.64	4.28	0.89	NA	NA	10.64	11.28	090
59840		R	Abortion	3.01	4.64	4.07	2.14	2.82	0.44	8.09	7.52	5.59	6.27	010
59841		R	Abortion	5.24	6.01	5.04	3.35	3.71	0.75	12.00	11.03	9.34	9.70	010
59850		R	Abortion	5.91	NA	NA	2.52	3.43	0.86	NA	NA	9.29	10.20	090
59851		R	Abortion	5.93	NA	NA	2.87	3.76	0.86	NA	NA	9.66	10.55	090
59852		R	Abortion	8.24	NA	NA	4.34	5.16	1.19	NA	NA	13.77	14.59	090
59855		R	Abortion	6.12	NA	NA	3.17	3.83	0.89	NA	NA	10.18	10.84	090
59856		R	Abortion	7.48	NA	NA	3.55	4.55	1.09	NA	NA	12.12	13.12	090
59857		R	Abortion	9.29	NA	NA	4.28	5.52	1.36	NA	NA	14.93	16.17	090
59866		R	Abortion (mpr)	4.00	NA	NA	1.55	2.33	0.58	NA	NA	6.13	6.91	000
59870		A	Evacuate mole of uterus	4.28	NA	NA	2.85	3.01	0.62	NA	NA	7.75	7.91	090
59871		A	Remove cerclage suture	2.13	1.89	1.91	0.81	1.37	0.32	4.34	4.36	3.26	3.82	000
59898		C	Laparo proc, ob care/delivery	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59899		C	Maternity care procedure	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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15. In table of Addenda B and C, the following CPT code is corrected to read as follows:

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented facility PE RVUs	Year 2000 transitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
20979		N	U.S. bone stimulation	0.17	0.25	0.25	0.07	0.07	0.01	0.43	0.43	0.25	0.25	XXX

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[3] + Indicates RVUs are not used for Medicare payment.
[4] PE RVUs = Practice Expense Relative Value Units.

16. In the table of Addendum B, the following CPT codes are corrected to read as follows:

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented non-facility PE RVUs	Year 2000 transitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 Transitional non-facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 Transitional non-facility total	Fully implemented facility total	Year 2000 Transitional facility total	Global
G0106		A	Colon CA screen; barium enema	0.99	2.51	2.66	2.51	2.66	0.15	3.65	3.80	3.65	3.80	XXX
G0106	26	A	Colon CA screen; barium enema	0.99	0.27	0.38	0.27	0.38	0.04	1.30	1.41	1.30	1.41	XXX
G0106	TC	A	Colon CA screen; barium enema	0.00	2.24	2.28	2.24	2.28	0.11	2.35	2.39	2.35	2.39	XXX
G0120	A	A	Colon ca scrn barium enema	0.99	2.51	2.66	2.51	2.66	0.15	3.65	3.80	3.65	3.80	XXX
G0120	26	A	Colon ca scrn barium enema	0.99	0.27	0.38	0.27	0.38	0.04	1.30	1.41	1.30	1.41	XXX
G0120	TC	A	Colon ca scrn barium enema	0.00	2.24	2.28	2.24	2.28	0.11	2.35	2.39	2.35	2.39	XXX
G0170		A	Skin biograft	1.50	3.14	3.14	1.10	1.10	0.39	5.03	5.03	2.99	2.99	10
G0171		A	Skin biograft add-on	0.38	0.30	0.30	0.15	0.15	0.39	1.07	1.07	0.92	0.92	ZZZ
45378	53	A	Diagnostic colonoscopy	0.96	1.35	1.34	0.33	0.46	0.07	2.38	2.37	1.36	1.49	000

[1] CPT codes and descriptions only are copyright 1999 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

[2] Copyright 1994 American Dental Association. All rights reserved (D0110–D9999).
[3] + Indicates RVUs are not used for Medicare payment.
[4] PE RVUs = Practice Expense Relative Value Units.

17. In the table of Addendum B, the following CPT code is corrected to read as follows:

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented non-facility PE RVUs	Year 2000 transitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 Transitional non-facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 Transitional non-facility total	Fully implemented facility total	Year 2000 Transitional facility total	Global
40814		A	Excise/repair mouth lesion	3.42	3.64	3.58	3.64	2.70	0.25	7.31	7.25	7.31	6.37	90

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[2] Copyright 1994 American Dental Association. All rights reserved (D0110–D9999).
[3] + Indicates RVUs are not used for Medicare payment.
[4] PE RVUs = Practice Expense Relative Value Units.

18. In the table of Addendum B, the following HCPCS codes are corrected to read as follows:

CPT [1]/ HCPCS [2]	MOD	Status	Description	Physician work RVUs [3]	Fully implemented non-facility PE RVUs	Year 2000 transitional non-facility PE RVUs	Fully implemented facility PE RVUs	Year 2000 transitional facility PE RVUs	Malpractice RVUs	Fully implemented non-facility total	Year 2000 transitional non-facility total	Fully implemented facility total	Year 2000 transitional facility total	Global
G0163		A	PET for rec of colorectal ca	1.50	56.21	56.21	56.21	56.21	2.06	59.77	59.77	59.77	59.77	XXX
G0163	26	A	PET for rec of colorectal ca	1.50	0.58	0.58	0.58	0.58	0.05	2.13	2.13	2.13	2.13	XXX
G0163	TC	A	PET for rec of colorectal ca	0.00	55.63	55.63	55.63	55.63	2.01	57.64	57.64	57.64	57.64	XXX
G0164		A	PET for lymphoma staging	1.87	56.35	56.35	56.35	56.35	2.06	60.28	60.28	60.28	60.28	XXX
G0164	26	A	PET for lymphoma staging	1.87	0.72	0.72	0.72	0.72	0.05	2.64	2.64	2.64	2.64	XXX
G0164	TC	A	PET for lymphoma staging	0.00	55.63	55.63	55.63	55.63	2.01	57.64	57.64	57.64	57.64	XXX
G0165		A	PET, rec of melanoma/met ca	1.50	56.21	56.21	56.21	56.21	2.06	59.77	59.77	59.77	59.77	XXX
G0165	26	A	PET, rec of melanoma/met ca	1.50	0.58	0.58	0.58	0.58	0.05	2.13	2.13	2.13	2.13	XXX
G0165	TC	A	PET, rec of melanoma/met ca	0.00	55.63	55.63	55.63	55.63	2.01	57.64	57.64	57.64	57.64	XXX

[1] CPT codes and descriptions only are copyright 1999 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.
[2] Copyright 1994 American Dental Association. All rights reserved (D0110–D9999).
[3] + Indicates RVUs are not used for Medicare payment.
[4] PE RVUs = Practice Expense Relative Value Units.

(Section 1848 of the Social Security Act (42 U.S.C. 1395w–4)) (Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 23, 2000.

Brian P. Burns,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 00–8717 Filed 4–10–00; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; FCC 99–238]

Revision of the Commission's Rules Specifying the Portions of the Nation's Local Telephone Networks that Incumbent Local Telephone Companies Must Make Available to Competitors

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** of January 18, 2000 (65 FR 2542) a report and order and final rule, 47 CFR 51.319, specifying which portions of their telephone networks incumbent local exchange carriers must make available to competitive telecommunications carriers as unbundled network elements. The document, as published, inadvertently removed a portion of 52.319 that the Commission added to the rule previously on January 10, 2000 (65 FR 1331) addressing the obligation of incumbent local exchange carriers to make available the high frequency portion of the local loop as a new network element. The purpose of this correction is to add this portion of the rule back into 47 CFR 51.319.

DATES: Effective on April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Jodie Donovan-May, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418–1580.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a report and order and final rule in the **Federal Register** of January 18, 2000 (65 FR 2542). As published, this final rule inadvertently removed paragraph (h). The Commission had added paragraph (h) to § 51.310 in a report and order and final rule published in the **Federal Register** of January 10, 2000 (65 FR 1331). This correction adds paragraph (h) back into the Commission's final rule.

Specifically, in rule FR Doc. 00–1036 published on January 18, 2000 (65 FR 2542), make the following correction:

1. On page 2554, in the third column, in § 51.319, paragraph (h) is added to read as follows:

§ 51.319 Specific unbundling requirements.

* * * * *

(h) *High frequency portion of the loop.* (1) The high frequency portion of the loop network element is defined as the frequency range above the voiceband on a copper loop facility that is being used to carry analog circuit-switched voiceband transmissions.

(2) An incumbent LEC shall provide nondiscriminatory access in accordance with § 51.311 of these rules and section 251(c)(3) of the Act to the high frequency portion of a loop to any requesting telecommunications carrier for the provision of a telecommunications service conforming with § 51.230 of these rules.

(3) An incumbent LEC shall only provide a requesting carrier with access to the high frequency portion of the loop if the incumbent LEC is providing, and continues to provide, analog circuit-switched voiceband services on the particular loop for which the requesting carrier seeks access.

(4) *Control of the loop and splitter functionality.* In situations where a requesting carrier is obtaining access to the high frequency portion of the loop, the incumbent LEC may maintain control over the loop and splitter

equipment and functions, and shall provide to requesting carriers loop and splitter functionality that is compatible with any transmission technology that the requesting carrier seeks to deploy using the high frequency portion of the loop, as defined in this subsection, provided that such transmission technology is presumed to be deployable pursuant to § 51.230.

(5) *Loop conditioning.* (i) An incumbent LEC must condition loops to enable requesting carriers to access the high frequency portion of the loop spectrum, in accordance with §§ 51.319(a)(3), and 51.319(h)(1). If the incumbent LEC seeks compensation from the requesting carrier for line conditioning, the requesting carrier has the option of refusing, in whole, or in part, to have the line conditioned, and a requesting carrier's refusal of some or all aspects of line conditioning will not diminish its right of access to the high frequency portion of the loop

(ii) Where conditioning the loop will significantly degrade, as defined in § 51.233, the voiceband services that the incumbent LEC is currently providing over that loop, the incumbent LEC must either:

(A) Locate another loop that has been or can be conditioned, migrate the incumbent LEC's voiceband service to that loop, and provide the requesting carrier with access to the high frequency portion of the alternative loop; or

(B) Make a showing to the relevant state commission that the original loop cannot be conditioned without significantly degrading voiceband services on that loop, as defined in § 51.233, and that there is no adjacent or alternative loop available that can be conditioned or to which the customer's voiceband service can be moved to enable line sharing.

(iii) If the relevant state commission concludes that a loop cannot be conditioned without significantly degrading the voiceband service, the incumbent LEC cannot then or subsequently condition that loop to provide advanced services to its own customers without first making available to any requesting carrier the high frequency portion of the newly-conditioned loop.

(6) *Digital loop carrier systems.* Incumbent LECs must provide to requesting carriers unbundled access to the high frequency portion of the loop at the remote terminal as well as the central office, pursuant to § 51.319(a)(2) and § 51.319(h)(1).

(7) *Maintenance, repair, and testing.* (i) Incumbent LECs must provide, on a nondiscriminatory basis, physical loop test access points to requesting carriers at the splitter, through a cross-connection to the competitor's collocation space, or through a standardized interface, such as an intermediate distribution frame or a test access server, for the purposes of loop testing, maintenance, and repair activities.

(ii) An incumbent seeking to utilize an alternative physical access methodology may request approval to do so from the relevant state commission, but must show that the proposed alternative method is reasonable, nondiscriminatory, and will not disadvantage a requesting carrier's ability to perform loop or service testing maintenance or repair.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–8843 Filed 4–10–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–584; MM Docket No. 98–198; RM–9304, RM–9492, RM–9548, RM–9547]

Radio Broadcasting Services; Texas and Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to counterproposals in this proceeding filed by First Broadcasting Management, LLC, KCYT–FM License Corporation, Gain-Air, Inc., WBAP/KSCS Operating, Ltd., Blue Bonnet Radio, Inc., Heftel Broadcasting Corporation, Metro Broadcasters-Texas, Inc., Jerry Snyder and Associates, Inc., and Hunt Broadcasting, this document granted multiple channel substitutions and changes of community of license in Cross Plains, Allen, Benbrook, Brownwood, Burkburnnett, Campbell, Clifton, Coleman, Commerce, Detroit, Graham, Granbury, Haskell, Kerens, Mason, Jacksboro, McKinney, Muenster, San Saba, Snyder, Terrell, Vernon, Waco, and Wichita Falls, TX; Alva, Anadarko, Antlers, Ardmore, Atoka, Comanche, Dickson, Duncan, Durant, Eldorado, Hugo, and Lone Grove, OK. *See* Supplementary Information. With this action, the proceeding is terminated.

DATES: Effective May 4, 2000.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Report and Order* in MM Docket No. 98–198 adopted March 8, 2000, and released March 21, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center at Portals ll, CY–A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3805, 1231 20th Street, NW, Washington, DC 20036. Specifically, this document substitutes Channel 293A for Channel 294C at Muenster, Texas, and modifies the license of Station KXGM–FM to specify operation on Channel 294C. In order to accommodate Channel 294C at Muenster, it substitutes Channel 294C for Channel 296C1 at Granbury, Texas, reallots Channel 296C1 to Benbrook, Texas, and modifies the license of Station KDXT to specify operation on Channel 296C1 at Benbrook. It also substitutes Channel 294C2 for Channel 282C2 at Detroit, Texas, and substitutes Channel 284A for Channel 272A at Antlers, Oklahoma. It also substitutes Channel 295A for Channel 296A at McKinney, Texas, reallots Channel 296A to Campbell, Texas, and modifies the license of Station KZDF to specify operation on Channel 296A at Campbell. It substitutes Channel 294A for Channel 296C3 at Lone Grove, Oklahoma, and modifies the license of Station KYNZ to specify operation on Channel 263C3. To accommodate Channel 263C3 at Lone Grove, it substitutes Channel 296C3 for Channel 292A at Durant, Oklahoma, and modifies the license of Station KLBC to specify operation on Channel 292A. In order to accommodate Channel 296A at Campbell, it substitutes Channel 296A for Channel 295A at Terrell, Texas, reallots Channel 295A to Kerens, Texas, and modifies the license of Station KZDL to specify operation on Channel 295A at Kerens. The Channel 296C1 allotment at Benbrook requires the substitution of Channel 296C3 for Channel 234C3 at Graham, Texas, and modification of the license of Station KWKQ to specify operation on Channel 234C3; the substitution of Channel 296C3 for Channel 272C3 at Coleman, Texas, and the modification of the license of Station KSTA–FM to specify operation on Channel 272C3; and the substitution of Channel 296A for Channel 277A at Waco, Texas, and the modification of the license of Station KWBU to specify operation on Channel 277A. In order to allot Channel 277A at Waco, it substitutes Channel 277C3 for

Channel 281C3 at Clifton, Texas, and modifies the license of Station KWOW to specify operation on Channel 281C3. In order to allot Channel 281C3 to Clifton, it substitutes Channel 281C1 for Channel 245C1 at Brownwood, Texas, and modifies the license of Station KXYL–FM to specify operation on Channel 245C1. In order to allot Channel 245C1 to Brownwood, it substitutes Channel 246A for Channel 291A at San Saba, Texas, and modifies the license of Station KBAL–FM to specify operation on Channel 291A. It also substitutes Channel 277C3 for Channel 277C at Commerce, Texas, reallots Channel 277C to Allen, Texas, and modifies the license of Station KEMM to specify operation on Channel 277C at Allen. In order to allot Channel 277C to Allen, it substitutes Channel 277C1 for Channel 272C1 at Wichita Falls, Texas, and modifies the license of Station KWFS to specify operation on Channel 272C1; and substitutes Channel 276C2 for Channel 271A at Atoka, Oklahoma, and modifies the license of Station KHKC to specify operation on Channel 298A. In order to allot Channel 272C1 to Wichita Falls, it substitutes Channel 273A for Channel 280A at Wichita Falls, Texas, and modifies the license of Station KQXC to specify operation on Channel 280; substitutes Channel 272A for Channel 276A at Vernon, Texas, and modifies the license of Station KVWC to specify operation on Channel 276A; substitutes Channel 272A for Channel 246A at Duncan, Oklahoma, and modifies the license of Station KKEN to specify operation on Channel 246A. In order to allot Channel 246A to Duncan, it substitutes Channel 246A for Channel 287A at Comanche, Oklahoma, and modifies the license of Station KDDQ to specify operation on Channel 287A. In order to allot Channel 287A to Comanche, it substitutes Channel 284C for Channel 284C1 at Burkburnett, Texas, and modifies the license of Station KYYI to specify operation on Channel 284C1. In order to allot Channel 280A to Wichita Falls, it substitutes Channel 279C1 for Channel 278C at Anadarko, Oklahoma, and modifies the license of Station KPRT to specify operation on Channel 278C. In order to allot Channel 278C to Anadarko, it substitutes Channel 278C1 for Channel 248C2 at Alva, Oklahoma; and substitutes Channel 278C3 for Channel 224A at Dickson, Oklahoma. It also substitutes Channel 237A for Channel 238A at Jacksboro, TX, and modifies the construction permit of Station KJKB to specify operation on Channel 238A. In order to allot Channel 238A to Jacksboro, it substitutes Channel 238C for Channel 246C1 at Haskell, Texas, and modifies the license of Station KVRP to specify operation on Channel 246C1. In order to allot Channel 246C1 to Haskell, it substitutes Channel 246A for Channel 255A at Snyder, Texas, and substitutes Channel 246A for Channel 245A at Eldorado, Oklahoma. *See* 63 FR 63016, November 10, 1998. The reference coordinates for the Channel 296C1 allotment at Benbrook, Texas, are 32–26–17 and 97–49–06. The reference coordinates for the Channel 296A allotment at Campbell, Texas, are 33–12–41 and 95–51–39. The reference coordinates for the Channel 296C3 allotment at Lone Grove, Oklahoma, are 34–15–01 and 97–07–42. The reference coordinates for the Channel 292A allotment at Durant, Oklahoma, are 34–00–07 and 96–25–19. The reference coordinates for the Channel 297C2 allotment at Lawton, Oklahoma, are 34–37–35 and 98–19–05. The reference coordinates for the Channel 295A allotment at Kerens, Texas, are 32–08–15 and 96–19–10. The reference coordinates for the Channel 234C3 allotment at Graham, Texas, are 33–02–39 and 98–46–27. The reference coordinates for the Channel 272C3 allotment at Coleman, Texas, are 31–51–16 and 99–25–36. The reference coordinates for the Channel 277A allotment at Waco, Texas, are 31–31–51 and 97–09–10. The reference coordinates for the Channel 281C3 allotment at Clifton, Texas, are 31–47–40 and 97–27–17. The reference coordinates for the Channel 245C1 allotment at Brownwood, Texas, are 31–42–16 and 99–00–05. The reference coordinates for the Channel 291A allotment at San Saba, Texas, are 31–11–26 and 98–42–55. The reference coordinates for the Channel 277C allotment at Allen, Texas, are 33–33–36 and 96–57–35. The reference coordinates for the Channel 272C1 allotment at Wichita Falls, Texas, are 34–03–57 and 98–45–05. The reference coordinates for the Channel 271A allotment at Atoka, Oklahoma, are 34–29–22 and 96–08–07. The reference coordinates for the Channel 280A allotment at Wichita Falls, Texas, are 33–53–50 and 98–32–33. The reference coordinates for the Channel 276A allotment at Vernon, Texas, are 34–09–12 and 99–16–09. The reference coordinates for the Channel 246A allotment at Duncan, Oklahoma, are 34–03–43 and 97–58–05. The reference coordinates for the Channel 287A allotment at Comanche, Oklahoma, are 34–22–50 and 98–06–02. The reference coordinates for the Channel 284C1 allotment at Burkburnett, Texas, are 34–05–35 and 98–52–44. The reference coordinates for the Channel 278C allotment at Anadarko, Oklahoma, are 35–23–18 and 98–37–41. The reference coordinates for the Channel 248C2 allotment at Alva, Oklahoma, are 36–58–32 and 98–42–21. The reference coordinates for the Channel 298C3 allotment at Wellington, Texas, are 34–49–13 and 100–14–29. The reference coordinates for the Channel 224A allotment at Dickson, Oklahoma, are 34–07–17 and 96–58–49. The reference coordinates for the Channel 238A allotment at Jacksboro, Texas, are 33–19–53 and 98–10–54. The reference coordinates for the Channel 246C1 allotment at Haskell, Texas, are 33–09–40 and 99–48–57. The reference coordinates for the Channel 249A allotment at Snyder, Texas, are 32–43–04 and 100–55–02. The reference coordinates for the Channel 245A allotment at Eldorado, Oklahoma, are 34–28–24 and 99–38–54. The reference coordinates for the Channel 239C1 allotment at Ardmore, Oklahoma, are 34–09–42 and 97–09–11. The reference coordinates for the Channel 240C1 allotment at Mineral Wells, Texas, are 32–39–15 and 98–11–58. The reference coordinates for the Channel 237C2 allotment at Howe, Texas, are 33–31–09 and 96–47–05. The reference coordinates for the Channel 282C2 allotment at Detroit, Texas, are 33–47–21 and 95–33–07. The reference coordinates for the Channel 272A allotment at Antlers, Oklahoma, are 34–18–05 and 95–33–06.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

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

PART 73—[AMENDED]

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

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202(b) [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended, as follows:

a. By removing Channel 293A and adding Channel 294C at Muenster.

b. By removing Granbury, Channel 294C and adding Benbrook, Channel 296C1.

c. By removing McKinney, Channel 295A and adding Campbell, Channel 296A.

d. By removing Terrell, Channel 296A and adding Kerens, Channel 295A.

e. By removing Channel 296C3 and adding Channel 234C3 at Graham.

f. By removing Channel 296C3 and adding Channel 272C3 at Coleman.

g. By removing Channel 296A and adding Channel 277A at Waco.

h. By removing Channel 277C3 and adding Channel 281C3 at Clifton.

i. By removing Channel 281C1 and adding Channel 245C1 at Brownwood.

j. By removing Channel 246A and adding Channel 291A at San Saba.

k. By removing Commerce, Channel 277C3 and adding Allen, Channel 277C.

l. By removing Channel 277C1 and Channel 273A and adding Channel 272C1 and Channel 280A at Wichita Falls.

m. By removing Channel 272A and adding Channel 276A at Vernon.

n. By removing Channel 284C and adding Channel 284C1 at Burkburnett.

o. By removing Channel 278C3 and adding Channel 298C3 at Wellington.

p. By removing Channel 237A and adding Channel 238A at Jacksboro.

q. By removing Channel 238C and adding Channel 246C1 at Haskell.

r. By removing Channel 246A and adding Channel 255A at Snyder.

s. By removing Channel 294C2 and adding Channel 282C2 at Detroit.

3. Section 73.202(b), The Table of FM Allotments under Oklahoma, is amended, as follows:

a. By removing Channel 294A and adding Channel 296C3 at Lone Grove.

b. By removing Channel 296C3 and adding Channel 292A at Durant.

c. By removing Channel 276C2 and adding Channel 271A at Atoka.

d. By removing Channel 272A and adding Channel 246A at Duncan.

e. By removing Channel 246A and adding Channel 287A at Comanche.

f. By removing Channel 279C1 and adding Channel 278C at Anadarko.

g. By removing Channel 278C1 and adding Channel 248C2 at Alva.

h. By removing Channel 278C3 and adding Channel 224A at Dickson.

i. By removing Channel 246A and adding Channel 245A at Eldorado.

j. By removing Channel 284A and adding Channel 272A at Antlers.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8851 Filed 4–10–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991228352–0012–02; I.D. 040500A]

Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for rock sole by catcher vessels that are non-exempt under the American Fisheries Act (AFA) in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the interim 2000 BSAI AFA catcher vessel sideboard amount of rock sole.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 6, 2000, until 2400 hrs, A.l.t., December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 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 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.

The amount of the interim 2000 BSAI AFA catcher vessel rock sole sideboard harvest limit was established as 2,921 metric tons (mt) in accordance with § 679.63 (b)(1)(ii)(A) by the Emergency Interim Rule to Implement Major Provisions of the American Fisheries Act (65 FR 4520, January 28, 2000).

In accordance with § 679.20(d)(1)(iv), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the sideboard harvest limit of rock sole for non-exempt AFA catcher vessels will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,500 mt, and is setting aside the remaining 421 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is closing directed fishing for rock sole by non-exempt AFA catcher vessels in the BSAI.

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 interim 2000 BSAI AFA catcher vessel sideboard of rock sole in the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The rock sole AFA catcher vessel sideboard harvest limit directed fishing allowance will soon be reached. Further delay would only result in exceeding the harvest limitation. 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 § 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 5, 2000.

George H. Darcy,

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

[FR Doc. 00–8932 Filed 4–6–00; 3:11 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 70
Tuesday, April 11, 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.

FEDERAL ELECTION COMMISSION

11 CFR Parts 101, 102, 104, 109, 114, 9003, and 9033

[Notice 2000–7]

Electronic Filing of Reports by Political Committees

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Election Commission is seeking comment on proposed rules to implement a mandatory electronic filing system for reports of campaign finance activity filed with the agency. Political committees and other persons would be required to file electronically when either their total contributions or total expenditures within a calendar year exceed $50,000. The Commission has had a voluntary electronic filing system in place since 1996. Voluntary electronic filing would still be an option for political committees and persons who do not exceed the $50,000 threshold. This mandatory system is designed to reflect recent changes in the Federal Election Campaign Act of 1971. Please note that the draft rules that follow do not represent a final decision by the Commission on the issues presented by this rulemaking. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before May 11, 2000.

ADDRESSES: All comments should be addressed to Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, NW, Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to Electronfile@fec.gov. Commenters sending comments by electronic mail should include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. The Commission will make every effort to have public comments posted on its web site within ten business days of the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary Smith, Assistant General Counsel, or Cheryl Fowle, Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On September 29, 1999, Public Law 106–58 amended the Federal Election Campaign Act of 1971 (''the Act'' or ''FECA'') to require, *inter alia,* that the Commission draft rules requiring persons who are required to file reports, designations or statements with the agency to ''maintain and file a designation, statement or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission * * *'' 113 Stat. 476 (1999). The new law requires this system to be in place for reports covering periods after December 31, 2000.

The new law also requires the Commission to amend its regulations to add a system of administrative fines for violations of reporting requirements and to require candidates and their authorized committees to aggregate and report data on an election cycle-to-date rather than a calendar year-to-date basis. These two topics are being addressed in two separate rulemakings.

Current Commission regulations at 11 CFR 104.18 invite committees to voluntarily file electronically regardless of their level of financial activity. The new law maintains the voluntary system for political committees or persons who do not exceed, or who do not have reason to expect to exceed, the threshold of financial activity.

The goals of the electronic filing system include more complete and rapid on-line access to reports on file with the Commission, reduced paper filing and manual processing, and more efficient and cost-effective methods of operation for filers and for the Commission. The amendment to the FECA requires that the Commission make electronically filed reports, designations or statements available on its web site not later than 24 hours after the Commission receives the filing. Currently, reports that are filed under the voluntary system of electronic filing are posted in viewable form on the Commission's web site within five minutes and detailed data are available in the Commission's databases within 24 to 48 hours (depending on the time of receipt). In contrast, under the current paper filing system, the time between receipt of a report and its appearance in viewable form on the Commission's web site is 48 hours. Additionally, while some summary data is available in the Commission's indexes within 48 hours, it can take as long as 30 days before the detailed data filed on paper is available in those databases. Thus, the greater the number of pages that are filed electronically, the greater the volume of data that is almost instantly available. Additionally, decreasing the volume of paper filed will decrease the processing time of the reports that are filed on paper, making them more rapidly available in the Commission's databases.

Before such a system for mandatory electronic filing can be successfully implemented, two main factors must be considered. First, what is the optimal threshold that maximizes the disclosure benefits of electronic filing yet does not encumber the regulated community? Second, what are the technical and formatting requirements for electronically filed reports? The Commission seeks comments on both of these concerns.

Threshold

Proposed paragraph (a) of 11 CFR 104.18 states that political committees and other persons who are required to file with the agency must file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

The Commission proposes $50,000 as the appropriate threshold for all political committees and other persons because, as discussed below, data from the 1996 and 1998 election cycles [1]

[1] Please note that the data used to calculate these percentages are approximated from the Commission's databases. For the purpose of determining the appropriate threshold, the following approximations were used: For authorized committees: Contributions are the total

Continued

indicate that at that threshold, the goals of the statutory amendment are optimized and the effect on the political committees and other persons is minimized.

A. Candidates and Authorized Committees

Under the proposed rules, candidates and their authorized committees who file with the agency would be required to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

Data from the 1996 and 1998 election cycles show that this threshold would make 96% to 98% [2] of all financial activity reported by House and Presidential campaign committees almost immediately available on both the FEC's web site and in the agency's on-line databases. The historical information shows that of the 1,837 to 2,231 authorized committees filing with the Commission between 1995 and 1998, 31% to 44% of the committees (599 to 982 committees) had aggregate contributions or expenditures exceeding $50,000. These authorized committees filed 43% to 73% of the reports (2,162 to 12,646 reports), and 73% to 88% (66,569 to 282,339 pages) of the total number of pages filed by authorized committees. If 73% to 88% of the total number of pages filed by authorized committees is filed electronically, the Commission can manually process the remaining 12% to 29% of the pages more quickly to substantially reduce the amount of time before the information is available in Commission databases.

The amendments to the FECA require that those who meet the threshold must file ''designations, statements or reports'' electronically. Therefore, under the proposed regulations, any candidate who expects to have aggregate contributions or expenditures exceeding $50,000 would be required to electronically file his or her Statement of Candidacy (FEC Form 2), and his or her authorized committee would be required to file its Statement of Organization (FEC Form 1) electronically. Additionally, under the proposed rules, all committees that have Internet web sites would be required to provide the address of their web sites as part of their address on Form 1. Committees that are required to file electronically, and that have electronic mail addresses, would be required to include their electronic mail addresses as part of the address on Form 1.

Please note, however, that the mandatory electronic filing provisions of Public Law 106–58 and new paragraph (a) of 11 CFR 104.18 apply only to those candidates and authorized committees who are required to file reports, statements and designations with the FEC. Therefore, mandatory electronic filing does not apply to candidates for United States Senate because Senate candidates must file with the Secretary of the Senate. Senate candidates are, however, invited to electronically file an **unofficial** copy of their reports, designations and statements with the FEC for the purposes of faster disclosure.

Furthermore, under current Commission regulations, as a condition of receiving public funding Presidential candidates are required to agree to file electronically if their data is computerized. 11 CFR 9003.1(b)(11) and 9033.1(b)(13). In order for primary candidates to receive matching funds, they must raise $100,000 ($5,000 in each of 20 states). The Commission proposes removing electronic filing as a condition for receiving public funding because these federally financed Presidential candidates will already have exceeded the $50,000 threshold and will already be filing electronically. Consequently, 11 CFR 9003.1(b)(11) and 9033.1(b)(13) would be deleted.

If a $50,000 threshold is adopted, the effect on candidates and authorized committees would be minimal since, based on the 1996 and 1998 election cycle data, only the largest 30% to 40% of registered authorized committees would be required to file electronically.

B. Party Committees

The Commission is proposing that party committees be required to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

At the $50,000 level, historical data from the 1996 and 1998 election cycles show that of the 373 to 451 party committees filing with the Commission, 36% to 41% of them (142 to 182 committees) consistently disclosed over 99% (between $213 million and $459 million) of party activity. Of the total number of pages filed by party committees, 93% to 96% (71,598 to 210,242 pages) would have been filed electronically, thereby greatly decreasing the amount of paper processing by the committees and the FEC and considerably increasing the amount of data that would be almost immediately available.

Based on the 1996 and 1998 election cycle data, the impact on party committees should be relatively small since only 36% to 41% of all party committees registered with the Commission during those election cycles would have been required to file electronically. Thus, the smallest 59% to 64% of party committees could continue to file paper reports.

C. Nonconnected Committees

The Commission is proposing that nonconnected committees be required to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

At the $50,000 level, in the 1996 and 1998 election cycles, of the 840 to 933 nonconnected committees filing with the Commission, 15% to 22% of them (128 to 202 committees) disclosed 88% to 93% of the activity by nonconnected committees (representing approximately $29 million to $65 million of the total $33 million to $70 million disclosed by nonconnected committees). Additionally at that level, 59% to 68% (16,794 to 44,907 pages) of the total number of pages filed by nonconnected committees would have been filed electronically, causing a significant decrease in paper processing and a corresponding increase in the amount of data more rapidly disclosed.

The number of nonconnected committees affected should be relatively small since the historical data from the 1996 and 1998 election cycles show that only the largest 15% to 22% of the nonconnected committees registered with the Commission would have been required to file electronically.

D. Separate Segregated Funds

The Commission is proposing that the separate segregated funds (SSFs) of corporations and labor organizations be required to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

At the $50,000 level, in the 1996 and 1998 election cycles, of the 2,938 to 2,976 SSFs registered with the Commission, 22% to 28% of them (632

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of individual contributions plus party contributions plus other committee contributions plus candidate contributions plus candidate loans; and expenditures were considered to be operating expenditures. For unauthorized committees: Contributions consist of total receipts minus nonfederal transfers in; and expenditures are equal to total disbursements minus the nonfederal share of expenditures.

[2] Because the data was taken over a period of two election cycles that included a Presidential-election year (1996), a midterm election year (1998) and two non-election years (1995 and 1997), the number of committees, reports and pages filed and financial figures vary—increasing in election years, descreasing in non-election years. The percentages and numbers used in this document are the high and low figures of the four year span. Please note that the high or low percentage may have come from one year and the high or low actual number may have come from a different year.

to 825 committees) disclosed 85% to 89% ($138 million to $211 million) of the total SSF financial activity. This represents 63% to 68% (between 94,670 and 110,864 pages) of the total number of pages filed by SSFs. Based on historical data, the decrease in the amount of paper filed would represent approximately 100,000 pages of data and hundreds of millions of dollars available almost instantly on the Commission's web site and in the agency's databases.

The impact on SSFs should be small considering that, in the 1996 and 1998 election cycles, only 22% to 28% of all SSFs registered with the Commission would have been required to file electronically. Thus, the smallest 72% to 78% (approximately 2,300 committees) of SSFs would continue to have the option of filing paper reports.

E. Other Persons

The amendment to the FECA requires that ''a person'' who is required to file under the Act must file electronically if he or she exceeds, or has reason to expect to exceed, the threshold. Therefore, in addition to the committees discussed above, the Commission proposes to apply the $50,000 threshold to any other persons defined in 11 CFR 110.10 who are required to file a ''designation, statement or report'' with the Commission (e.g., individuals making independent expenditures in excess of $50,000, or corporations or labor organizations making communications to their restricted classes at a cost of more than $50,000). Thus, under the proposed rules, these other persons would be required to file electronically if they have, or have reason to expect to have, aggregate contributions or expenditures exceeding $50,000 in a calendar year.

Data from the 1996 and 1998 election cycles show that the between 7% and 19% (between 2 and 24 persons) of other persons filing with the Commission had aggregate contributions or aggregate expenditures exceeding $50,000 in a calendar year. During that four year period, those persons who exceeded the threshold accounted for 33% and 50% of all activity by other persons in the non-election years, and as high 94% of all activity by other persons in the Presidential election year and 91% in the midterm election year.

The effect of the proposed rule on this category of filer should be small because historical data show that the number of these other filings is very small. For example, in the 1995 and 1997 (the non-election years), only two of 28 and 23 filers (less than 10% in each case), respectively, would have been required to file electronically under the proposed rules. In 1996 and 1998 (1996 being a Presidential election year), the total numbers of filers who would have been affected were 24 of 128 filers (19%) and 13 of 75 filers (17%), respectively.

F. All Committees

The historical data for the 1996 and 1998 election cycles show that if a $50,000 mandatory electronic filing threshold had been in place at that time, hundreds of thousands of pages would have been filed electronically, dramatically decreasing the amount of paper processed by both committees and the Commission. Additionally, the amount of financial data that would have been almost instantly disclosed by electronic filing would have been between $544 million and $1.2 billion.

Please note that the amendments to the FECA require that those who meet the threshold must file ''designations, statements or reports'' electronically. Therefore, under the proposed regulations, committees that have reason to expect to have aggregate contributions or expenditures exceeding $50,000 would be required to electronically file their Statements of Organization (Form 1). Additionally, under the proposed rules, all committees that have official web sites would be required to include the Internet address of their web sites as part of their address on Form 1. Committees that are required to file electronically and that have electronic mail addresses would be required to provide their electronic mail addresses as part of the address on Form 1.

The Commission seeks comments on thresholds both lower and higher for all committees and other persons. For example, should there be different thresholds for different types of committees? Should there be only one threshold but at a level different than that proposed? Should separate segregated funds of corporations and labor organizations have a lower threshold because their administrative and solicitation costs may be paid by their connected organization?

G. Joint Fundraising Representatives

The Commission proposes that joint fundraising representatives (*see* 11 CFR 102.17) be required to file electronically if they have, or have reason to expect to have, total contributions or total expenditures exceeding the $50,000 threshold. Thus, if, for example, a joint fundraiser raises total contributions of $65,000 that it divides equally between the three participating committees, including itself, the joint fundraising representative would be required to file electronically.

H. ''Have Reason To Expect To Have Aggregate Contributions or Expenditures'' Above the Threshold

The Commission requests comments on how to implement the statutory requirement that persons file electronically if they ''* * * have reason to expect to have * * *'' aggregate contributions or expenditures above the threshold amount. Two tests that are included in the proposed rules at 11 CFR 104.18(a)(3) are—(1) a committee should expect to have financial activity above the $50,000 threshold if it exceeded this amount during the comparable year of the previous election cycle; or (2) a committee should expect to have financial activity exceeding the threshold if the committee's aggregate contributions or expenditures exceeded the threshold during the previous calendar year.

Comments are sought on three other possible approaches that are not included in the proposed rules—(1) Should the Commission base the expectation solely on the committee's or person's own projections during the year? If so, at what point during the year will political committees and other persons be expected to make the projection? Should it be a one-time forecast at the beginning of the year or a rolling projection that changes as necessary throughout the calendar year? (2) Should new committees having no historical data on which to base a projection, base their expectations of aggregate contributions and expenditures on historical data for similarly situated committees in the previous election cycle; or should such new committees be presumed to have no reason to expect to exceed the threshold until such time as they actually do so? (3) Should a committee have reason to expect to exceed the threshold if it raises or spends more than one quarter of the proposed yearly threshold in the first calendar quarter, or if it raises or spends more than half the threshold in the first half of the calendar year? For example, should a committee be required to file electronically if it raises $30,000 in the first calendar quarter on the grounds that it has reason to expect to exceed the $50,000 threshold within the calendar year?

I. Cash on Hand and Outstanding Debt

The Commission proposes that for purposes of the contribution and expenditure thresholds, cash on hand or debt that is outstanding at the beginning of the calendar year would not be

included. Thus, the calculation in the proposed rules that follow takes into account only those contributions received or expenditures made, or expected to be received or made, within the calendar year.

J. Filing for the Calendar Year

The statutory amendment to the Act requires that persons who are required to file with the Commission must ''maintain and file a designation, statement or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission * * *'' 113 Stat. 476 (1999). The Commission seeks comments on whether the threshold should be calculated on a ''per election cycle basis'' rather than on the proposed ''per calendar year'' basis. If so, should an election cycle threshold be used for authorized committees only or for all committees and other persons? Please note that for House candidates, the election cycle will generally cover approximately two years, while it may extend to over four years for Presidential candidates. *See* 11 CFR 100.3(b).

The proposed amendments to 11 CFR 104.18 would not require persons to electronically refile any reports, statements or designations that were properly filed on paper earlier in the calendar year or earlier in the election cycle. For example, if an authorized committee files its April quarterly report on paper because it has not exceeded and does not expect to exceed the appropriate threshold and, if in June it exceeds the $50,000 threshold, the committee would have to electronically file its July quarterly report, but would not be expected to go back and electronically refile the April report.

In the current voluntary electronic filing regulations at 11 CFR 104.18(a), electronic filers are required to continue filing electronically for the remainder of the calendar year unless the Commission determines that an extraordinary and unforeseen circumstance makes electronic filing impracticable. The Commission seeks comment on whether a similar provision allowing a committee or other person to stop filing electronically within the calendar year due to extraordinary and unforeseen circumstances should be included in the proposed rules for mandatory electronic filers.

Technical Issues

A. Computerization of Data and FECFile Software

The Commission's computer systems are capable of receiving all reports that might be required under the proposed regulations. However, the Commission's FECFile software, which is available from the agency at no cost, does not currently generate all required forms. For example, the FECFile software does not currently generate FEC Forms 1 and 2 (Statement of Organization and Statement of Candidacy, respectively), FEC Form 3P for Presidential candidates, FEC Form 4 for Convention and Host Committees to report their receipts and disbursements, FEC Form 5 for persons other than political committees reporting independent expenditures, or FEC Form 7 for reporting corporate and labor organization communications to their restricted classes. The Commission plans to update the FECFile software to generate FEC Forms 1 and 2 by January 1, 2001, and anticipates that FECFile will generate FEC Forms 3P, 4, 5 and 7 in the near future.

The Commission seeks comments as to whether those committees filing comments on this rulemaking currently use a computer to maintain records, prepare reports, and/or file reports. In particular, would the filing threshold established by the proposed rules necessitate the purchase of computer hardware?

B. Formatting and Standardization Requirements

The Commission proposes to maintain the standardization requirements that are present in the current voluntary electronic filing system. When the voluntary electronic filing system was designed, the Commission created ''The Federal Election Commission's Electronic Filing Specifications Requirements'' (EFSR) document and invited comment on that document at that time. The EFSR is available at no charge on the Commission's web site. The Commission is currently updating the EFSR and intends to use specifications embodied in the updated EFSR for this mandatory electronic filing program. The Commission again requests comment on the EFSR from software vendors and other interested parties based on their experience with the voluntary electronic filing system. Commenters should submit their comments on the EFSR in the manner requested in the **ADDRESSES** section of this notice. Technical comments on the EFSR will be forwarded to the Data Systems Development Division.

Please note that the validation program that checks incoming reports is also being updated. For example, upon completion of this update, the program will no longer accept forms on which the figures disclosed within the report do not add up to the figures reported on the detailed summary page and forms indicating the incorrect type of report.

Additional Issues

A. Filing by Letter

Proposed changes to the Commission's regulations would require that some statements required by the Act that can currently be filed by letter must be electronically filed using the proper FEC form when the threshold has been exceeded or is expected to be exceeded. The statements that would be affected are: (1) The Statement of Candidacy, FEC Form 2 (11 CFR 101.1(a)); (2) Amendments to the Statement of Organization, FEC Form 1 (11 CFR 102.2(a)(2)); (3) Individuals reporting independent expenditures,[3] FEC Form 5 (11 CFR 109.2); and (4) Qualified Nonprofit Corporations reporting independent expenditures,[4] FEC Form 5 (11 CFR 109.2 and 114.10(e)). The Commission proposes adding language to clarify that only those committees and other persons who are not required to file electronically under the proposed regulations may file these statements by letter. Currently, FEC Forms 1, 2 and 5 are not available on FECFile software. *But see* ''Technical Issues,'' above. The Commission requests comments on this proposed change.

B. Non-filers

The statute makes electronic filing mandatory for those persons who exceed or who expect to exceed the threshold set by the Commission. Consequently, political committees and other persons who are required to file electronically, but who fail to do so, may be subject to the Commission's enforcement process for non-filers and may have their names published as non-filers. This includes those who are required to file electronically but who file paper reports instead. Additionally, in 1999, Congress amended 2 U.S.C. 437g(a)(4) and (6)(A) to authorize the Commission to impose an administrative fine on late and non-

[3] Note that, under 11 CFR 104.4(c) and 105.4, independent expenditures in favor or opposing candidates for the U.S. Senate must be filed with the Secretary of the Senate and, therefore, would not be subject to this proposed regulation.

[4] *Ibid.*

filers pursuant to a fine schedule. The Commission is in the process of developing a new program to implement the amendment.

C. Comments From Other Federal, State and Local Jurisdictions

Finally, the Commission is interested in the experience of other Federal, state and local jurisdictions that have implemented a financial threshold based mandatory electronic filing program. What issues were considered in setting the threshold amounts? What were the potential and real barriers to the committees affected?

D. Conclusion

The Commission welcomes comments on any other issues raised by the new statutory requirements regarding mandatory electronic filing.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

These proposed rules if promulgated, will not have a significant economic impact on a substantial number of small entities. The basis of this certification is that the Commission's proposed thresholds are set at a sufficiently high level that most, if not all, small political committees would not be required to file electronically, although they could continue to do so voluntarily. In the event any small committees do exceed the proposed threshold, the economic impact would not be significant because the committees may obtain the FECFile software from the Commission at no cost, and the Commission anticipates this software will generate all required forms.

List of Subjects

11 CFR Part 101

Political candidates, Reporting and recordkeeping requirements.

11 CFR Part 102

Political committees and parties, Reporting and recordkeeping requirements.

11 CFR Part 104

Campaign funds, Political committees and parties, Reporting and recordkeeping requirements.

11 CFR Part 109

Elections, Reporting and recordkeeping requirements.

11 CFR Part 114

Business and industry, Elections, Labor.

11 CFR Part 9003

Campaign funds, Reporting and recordkeeping requirements.

11 CFR Part 9033

Campaign funds, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, subchapters A, E and F of chapter I of title 11 of the Code of Federal Regulations would be amended as follows:

PART 101—CANDIDATE STATUS AND DESIGNATIONS (2 U.S.C. 432(e))

1.The authority citation for part 101 would be revised to read as follows:

Authority: 2 U.S.C. 432(e), 434(a)(11), 438(a)(f).

2. Section 101.1 would be amended by revising paragraph (a) to read as follows:

§ 101.1 Candidate designations (2 U.S.C. 432(e)(1)).

(a) *Principal campaign committee*. Within 15 days after becoming a candidate under 11 CFR 100.3, each candidate, other than a nominee for the office of Vice President, shall designate in writing a principal campaign committee in accordance with 11 CFR 102.12. A candidate shall designate his or her principal campaign committee by filing a Statement of Candidacy on FEC Form 2, or, if the candidate is not required to file electronically under 11 CFR 104.18, by filing a letter containing the same information (that is, the individual's name and address, party affiliation and office sought, the District and State in which Federal office is sought, and the name and address of his or her principal campaign committee) at the place of filing specified at 11 CFR part 105. Each principal campaign committee shall register, designate a depository and report in accordance with 11 CFR parts 102, 103 and 104.

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PART 102—REGISTRATION, ORGANIZATION AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433).

3. The authority citation for part 102 would be revised to read as follows:

Authority: 2 U.S.C. 432, 433, 434(a)(11), 438(a)(8), 441d.

4. Section 102.2 would be amended by revising paragraphs (a)(1)(vi) and (a)(2), and adding (a)(1)(vii) to read as follows:

§ 102.2 Statement of organization: Forms and committee identification number (2 U.S.C. 433(b), (c)).

(a)(1) * * *

(vi) A listing of all banks, safe deposit boxes, or other depositories used by the committee;

(vii) The Internet address of the committee's official web site, if such a web site exists. If the committee is required to file electronically under 11 CFR 104.18, its electronic mail address, if such an address exists.

(2) Any change or correction in the information previously filed in the Statement of Organization shall be reported no later than 10 days following the date of the change or correction by filing an amended Statement of Organization or, if the political committee is not required to file electronically under 11 CFR 104.18, by filing a letter noting the change(s). The amendment need list only the name of the political committee and the change or correction.

* * * * *

PART 104—REPORTS BY POLITICAL COMMITTEES (2 U.S.C. 434)

5. The authority citation for part 104 would be revised to read as follows:

Authority: 2 U.S.C. 431, 434, 438(a)(8) and (b) and 439a.

6. Section 104.18 would be revised to read as follows:

§ 104.18 Electronic filing of reports (2 U.S.C. 432(d) and 434(a)(11)).

(a) *Mandatory*. (1) Political committees and other persons required to file reports with the Commission, as provided in 11 CFR parts 105 and 107, must file reports in an electronic format that meets the requirements of this section if —

(i) The political committee or other person has received contributions or has reason to expect to receive contributions aggregating in excess of $50,000 in any calendar year; or (ii)The political committee or other person has made expenditures or has reason to expect to make expenditures aggregating in excess of $50,000 in any calendar year.

(2) Once any political committee or other person described in paragraph (a)(1) of this section exceeds or has reason to expect to exceed the appropriate threshold, the political committee or person must file electronically all subsequent reports covering financial activity for the remainder of the calendar year. All electronically filed reports must pass the Commission's validation program in accordance with paragraph (e) of this section.

(3) A political committee or other person has reason to expect to receive aggregate contributions or to make aggregate expenditures over the threshold amount in paragraph (a)(1) of this section if its aggregate contributions or aggregate expenditures exceeded the threshold in the comparable year in the previous election cycle, or its aggregate contributions or aggregate expenditures exceeded the threshold in the previous calendar year.

(b) *Voluntary.* A political committee or other person who files reports with the Commission, as provided in 11 CFR Part 105, and who is not required to file electronically under paragraph (a) of this section, may choose to file its reports in an electronic format that meets the requirements of this section. If a political committee or other person chooses to file its reports electronically, all electronically filed reports must pass the Commission's validation program in accordance with paragraph (e) of this section. The committee or other person must continue to file in an electronic format all reports covering financial activity for that calendar year, unless the Commission determines that extraordinary and unforeseeable circumstances have made it impracticable for the political committee or other person to continue filing electronically.

(c) *Definition.* For purposes of this section, report means any statement, designation or report filed with the Commission.

(d) *Format specifications.* Reports filed electronically shall conform to the technical specifications described in the Federal Election Commission's Electronic Filing Specifications Requirements. The data contained in the computerized magnetic media provided to the Commission shall be organized in the order specified by the Electronic Filing Specifications Requirements.

(e) *Acceptance of reports filed in electronic format; validation program.*

(1) Each political committee or other person who submits an electronic report shall check the report against the Commission's validation program before it is submitted, to ensure that the files submitted meet the Commission's format specifications and can be read by the Commission's computer system. Each report submitted in an electronic format under this section shall also be checked upon receipt against the Commission's validation program. The Commission's validation program and the Electronic Filing Specification Requirement are available on request and at no charge.

(2) A report that does not pass the validation program will not be accepted by the Commission and will not be considered filed. If a political committee or other person submits a report that does not pass the validation program, the Commission will notify the political committee or other person that the report has not been accepted.

(f) *Amended reports.* If a political committee or other person files an amendment to a report that was filed electronically, the political committee or other person shall also submit the amendment in an electronic format. The political committee or other person shall submit a complete version of the report as amended, rather than just those portions of the report that are being amended. In addition, the amended report shall contain electronic flags or markings that point to the portions of the report that are being amended.

(g) *Signature requirements.* The political committee's treasurer, or any other person having the responsibility to file a designation, report or statement under this subchapter, shall verify the report in one of the following ways: by submitting a signed certification on paper that is submitted with the computerized media; or by submitting a digitized copy of the signed certification as a separate file in the electronic submission. Each verification submitted under this section shall certify that the treasurer or other signatory has examined the report or statement and, to the best of the signatory's knowledge and belief, it is true, correct and complete. Any verification under this section shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature on a report submitted in a paper format.

(h) *Schedules and forms with special requirements.* The following list of schedules, materials, and forms have special signature and other requirements and reports containing these documents shall include, in addition to providing the required data within the electronic report, either a paper copy submitted with the political committee's or other person's electronic report or a digitized version submitted as a separate file in the electronic submission: Schedule C–1 (Loans and Lines of Credit From Lending Institutions), including copies of loan agreements required to be filed with that Schedule, Schedule E (Itemized Independent Expenditures), Form 5 (Report of Independent Expenditures Made and Contributions Received), and Form 8 (Debt Settlement Plan). The political committee or other person shall submit any paper materials together with the electronic media containing the report.

(i) *Preservation of reports.* For any report filed in electronic format under this section, the treasurer or other person required to file any report under the Act shall retain a machine-readable copy of the report as the copy preserved under 11 CFR 104.14(b)(2). In addition, the treasurer or other person required to file any report under the Act shall retain the original signed version of any documents submitted in a digitized format under paragraphs (g) and (h) of this section.

PART 109—INDEPENDENT EXPENDITURES (2 U.S.C. 431(17), 434(c))

7. The authority for part 109 would be revised to read as follows:

Authority: 2 U.S.C. 431(17), 434(a)(11) and (c), 438(a)(8), 441d.

8. Section 109.2 would be amended by revising the introductory text of paragraph (a) to read as follows:

§ 109.2 Reporting of independent expenditures by persons other than a political committee (2 U.S.C. 434(c)).

(a) Every person other than a political committee, who makes independent expenditures aggregating in excess of $250 during a calendar year shall file a report on FEC Form 5 or, if the person is not required to file electronically under 11 CFR 104.18, a signed statement with the Commission or Secretary of the Senate in accordance with 11 CFR 104.4(c).

* * * * *

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

9. The authority citation for part 114 would be revised to read as follows:

Authority: 2 U.S.C. 431(8)(B), 431(9)(B), 432, 434(a)(11), 437d(a)(8), 438(a)(8) and 441b.

10. Section 114.10 would be amended by revising paragraph (e)(1)(ii) to read as follows:

§ 114.10 Nonprofit corporations exempt from the prohibition on independent expenditures.

* * * * *

(e) * * *

(1) * * *

(ii) This certification may be made either as part of filing FEC Form 5 (independent expenditure form) or, if the corporation is not required to file electronically under 11 CFR 104.18, by submitting a letter in lieu of the form. The letter shall contain the name and address of the corporation and the

signature and printed name of the individual filing the qualifying statement. The letter shall also certify that the corporation has the characteristics set forth in paragraphs (c)(1) through (c)(5) of this section.

* * * * *

PART 9003—ELIGIBILITY FOR PAYMENTS

11. The authority citation for part 9003 would continue to read as follows:

Authority: 26 U.S.C. 9003 and 9009(b).

§ 9003.1 [Amended]

12. Section 9003.1 would be amended by removing paragraph (b)(11).

PART 9033—ELIGIBILITY FOR PAYMENTS

13. The authority citation for part 9033 would continue to read as follows:

Authority: 26 U.S.C. 9033 and 9039(b).

§ 9033.1 [Amended]

14. Section 9033.1 would be amended by removing paragraph (b)(13).

Dated: April 5, 2000.

Darryl R. Wold,

Chairman, Federal Election Commission.

[FR Doc. 00–8884 Filed 4–10–00; 8:45 am]

BILLING CODE 6715–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–66–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all EMBRAER Model EMB–120 series airplanes, that currently requires repetitive visual checks or inspections to verify that the flight idle stop system circuit breakers are closed, and repetitive functional tests to determine if the backup flight idle stop system is operative. This action would require modification of the secondary flight idle stop system, which would terminate the repetitive actions. This proposal also would remove certain airplanes from the applicability. 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 an inoperative backup flight idle stop system.

DATES: Comments must be received by May 11, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–66–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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Linda Haynes, Aerospace Engineer, Propulsion Branch, ACE–117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6091; fax (770) 703–6097.

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–66–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–66–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 12, 1992, the FAA issued AD 92–16–51, amendment 39–8355 (57 FR 40838, September 8, 1992), applicable to all EMBRAER Model EMB–120 series airplanes, to require repetitive visual checks or inspections to verify that the flight idle stop system circuit breakers are closed, and functional tests to determine if the backup flight idle stop system is operative. That action was prompted by a report of an overspeed condition that occurred on both engines of one airplane during flight; both of the circuit breakers in the backup flight idle stop system circuit were open, which may have contributed to this condition. The requirements of that AD are intended to prevent an inoperative backup flight idle stop system and potential engine failure.

Related Rulemaking

A related AD [AD 90–17–12, amendment 39–6696 (55 FR 33107, August 14, 1990)], applicable to certain EMBRAER Model EMB–120 series airplanes, was issued to require installation of an electromechanical lockout device to prevent movement of the power control levers below the flight idle position while the airplane is in flight. Operators should note that issuance of this proposed AD would not remove or alter the requirements of AD 90–17–12.

Actions Since Issuance of AD 92–16–51

In the preamble to AD 92–16–51, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered. Additionally, since issuance of AD 92–16–51, the Departmento de Aviacao Civil (DAC), which is the airworthiness

authority for Brazil, has advised the FAA that the reliability of the secondary flight idle stop system (SFISS) has been low, and that the SFISS has been shown to be vulnerable to certain maintenance-originated failure modes. The manufacturer has developed a modification that adequately addresses the unsafe condition identified by this AD, and the FAA has determined that further rulemaking action is indeed necessary; this proposed AD follows from that determination.

The actions specified by the proposed AD are intended to increase the SFISS reliability and add a failure annunciation. These actions are intended to prevent an inoperative backup flight idle stop system, and will terminate the requirements of AD 92–16–51.

Explanation of Relevant Service Information

EMBRAER has issued three service bulletins that affect different groups of airplanes and describe procedures for modification of the SFISS for EMBRAER Model EMB–120 series airplanes.

Service Bulletin 120–76–0015, Change No. 05, dated September 9, 1999, describes procedures for replacing the single-coil solenoid, the back-lighted cockpit indicators, and the resistor dimmer with new parts; installing two new relays in the SFISS; and replacing the existing solenoid assembly (comprising a solenoid and stop mechanism) and power control bellcrank with new parts.

Service Bulletin 120–76–0018, Change No. 01, dated September 9, 1999, describes procedures for replacing the solenoid assemblies, certain circuit breakers, and lighted indicators with new, improved parts; installing a terminal board, resistors, wiring, and relays; and changing the power sources.

Service Bulletin 120–76–0022, dated September 9, 1999, describes procedures for replacing the solenoid assemblies and the power control bellcrank with new parts; reidentifying the solenoid assemblies; and installing two new cover/clamp-supports.

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 90–07–04R4, dated October 4, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, 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 supersede AD 92–16–51 to continue to require repetitive visual checks or inspections to verify that the flight idle stop system circuit breakers are closed, and repetitive functional tests to determine if the backup flight idle stop system is operative. This proposed AD would require modification of the SFISS, which would terminate the requirements for the repetitive actions. The actions of the proposed AD would be required to be accomplished in accordance with the service bulletins described previously.

Revised Applicability

This proposed AD would revise the applicability of AD 92–16–51 to remove airplanes on which an equivalent modification, which adequately addresses the identified unsafe condition, is installed during production.

Cost Impact

There are approximately 230 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 92–16–51 take approximately 5 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 $69,000, or $300 per airplane, per inspection cycle.

The approximate cost, at an average labor rate of $60 per work hour, for the modifications proposed by this AD are listed below.

Service Bulletin	Work hours	Parts cost	Cost per airplane
120–76–0015:			
Part I	4	$4,376	$4,616
Part II	2	14,331	14,451
120–76–0018	50	20,000—(varies with config.)	23,000
120–76–022:			
Part I	2	14,150	14,270
Part II	2	2,429	2,549
Part III	2	14,229	14,349

Therefore, based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to range from $2,549 to $23,000 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 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 removing amendment 39–8355 (57 FR 40838, September 8, 1992), and by adding a new airworthiness directive (AD), to read as follows:

EMPRESA BRASILEIRA DE AERONAUTICA S.A. (EMBRAER): Docket 2000–NM–66–AD. Supersedes AD 92–16–51, Amendment 39–8355.

Applicability: Model EMB–120 series airplanes, certificated in any category; serial numbers 120004 through 120354 inclusive.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e)(1) 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 an inoperative backup flight idle stop system, accomplish the following:

Restatement of Certain Requirements of AD 92–16–51:

(a) For all airplanes: Within 5 days after September 23, 1992 (the effective date of AD 92–16–51, amendment 39–8355), and thereafter prior to the first flight of each day until the requirements of paragraph (d) of this AD have been accomplished, accomplish paragraph (a)(1) or (a)(2) of this AD, as applicable:

(1) For airplanes on which an inspection window has been installed on the left lateral console panel that permits visibility of the flight idle stop solenoid circuit breakers: Using an appropriate light source, perform a visual check to verify that both ''FLT IDLE STOP SOL'' circuit breakers CB0582 and CB0583 for engine 1 and engine 2 are closed.

Note 2: This check may be performed by a flight crew member.

Note 3: Instructions for installation of an inspection window can be found in EMBRAER Information Bulletin 120–076–0003, dated November 19, 1991; or EMBRAER Service Bulletin 120–076–0014, dated July 29, 1992.

(2) For airplanes on which an inspection window has not been installed on the left lateral console panel: Perform a visual inspection to verify that both ''FLT IDLE STOP SOL'' circuit breakers CB0582 and CB0583 for engine 1 and engine 2 are closed.

(b) As a result of the check or inspection performed in accordance with paragraph (a) of this AD: If circuit breakers CB0582 and CB0583 are not closed, prior to further flight, reset them and perform the functional test specified in paragraph (c) of this AD.

(c) Within 5 days after September 23, 1992, and thereafter at intervals not to exceed 75 hours time-in-service, or immediately following any maintenance action where the power levers are moved with the airplane on jacks, until the requirements of paragraph (d) of this AD have been accomplished, conduct a functional test of the backup flight idle stop system for engine 1 and engine 2 by performing the following steps:

(1) Move both power levers to the ''MAX'' position.

(2) Turn the aircraft power select switch on.

(3) Open both ''AIR/GROUND SYSTEM'' circuit breakers CB0283 and CB0286 to simulate in-flight conditions with weight-off-wheels. Wait for at least 15 seconds, then move both power levers back toward the propeller reverse position with the flight idle gate triggers raised. Verify that the power lever for each engine cannot be moved below the flight idle position, even though the flight idle gate trigger on each power lever is raised.

(4) If the power lever can be moved below the flight idle position, prior to further flight, restore the backup flight idle stop system to the configuration specified in EMBRAER Service Bulletin 120–076–0009, Change No. 4, dated November 1, 1990, and perform a functional test.

Note 4: If the power lever can be moved below flight idle, this indicates that the backup flight idle stop system is inoperative.

(5) Move both power levers to the ''MAX'' position.

(6) Close both ''AIR/GROUND SYSTEM'' circuit breakers CB0283 and CB0286. Wait for at least 15 seconds, then move both power levers back toward the propeller reverse position with the flight idle gate triggers raised. Verify that the power lever for each engine can be moved below the flight idle position.

(7) If either or both power levers cannot be moved below the flight idle position, prior to further flight, inspect the backup flight idle stop system and the flight idle gate system, and accomplish either paragraph (c)(7)(i) or (c)(7)(ii) of this AD, as applicable:

(i) If the backup flight idle stop system is failing to disengage with weight-on-wheels, prior to further flight, restore the system to the configuration specified in EMBRAER Service Bulletin 120–076–0009, Change No. 4, dated November 1, 1990.

(ii) If the flight idle gate system is failing to open even though the trigger is raised, prior to further flight, repair in accordance with the EMBRAER Model EMB–120 maintenance manual.

(8) Turn the power select switch off. The functional test is completed.

New Requirements of This AD:

(d) Within 18 months after the effective date of this AD, modify the secondary flight idle stop system (SFISS), as specified by paragraph (d)(1), (d)(2), or (d)(3), as applicable, of this AD. Accomplishment of the modification constitutes terminating action for the requirements of this AD.

(1) For airplane serial number 120068: Modify the SFISS in accordance with Parts I and II of EMBRAER Service Bulletin 120–76–0015, Change No. 05, dated September 9, 1999.

(2) For airplanes having serial numbers 120004 through 120067 inclusive and 120069 through 120344 inclusive, on which the actions specified by the original issue of EMBRAER Service Bulletin 120–76–0018, dated September 17, 1998, have not been accomplished: Modify the SFISS in accordance with EMBRAER Service Bulletin 120–76–0018, Change No. 01, dated September 9, 1999.

(3) For airplanes having serial numbers 120345 through 120354 inclusive; and for airplanes having serial numbers 120004 through 120345 inclusive, on which the actions specified by the original issue of EMBRAER Service Bulletin 120–76–0018, dated September 17, 1998, have been incorporated: Modify the SFISS in accordance with Part I, II, or III, as applicable, of EMBRAER Service Bulletin 120–76–0022, dated September 9, 1999.

Note 5: Accomplishment of the requirements of paragraph (d) of this AD does not remove or otherwise alter the requirement to perform the repetitive (400-flight-hour) CAT 8 task checks specified by the Maintenance Review Board (MRB).

Alternative Methods of Compliance

(e)(1) 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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

(2) Alternative methods of compliance, approved previously for paragraphs (a), (b), and (c) of AD 92–16–51, are considered to be approved as alternative methods of compliance with the inspection requirements of paragraphs (a), (b), and (c) of this AD. No alternative methods of compliance have been approved in accordance with AD 92–16–51 as terminating action for this AD.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

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

Note 7: The subject of this AD is addressed in Brazilian airworthiness directive 90–07–04R4, dated October 4, 1999.

Issued in Renton, Washington, on April 5, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8993 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–64–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes. This proposal would require repetitive inspections to check the play of the eye-end of the piston rod of the elevator servo-controls, and follow-on corrective actions, if necessary. 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 detect and correct excessive play of the eye-end of the piston rod of the elevator servo-controls, which could result in failure of the elevator servo-control.

DATES: Comments must be received by May 11, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–64–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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–64–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–64–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 and A340 series airplanes. The DGAC advises that it has received a report of a broken piston rod of an elevator servo-control. The failure has been attributed to the degradation of the Teflon liner from the eye-end spherical bearing of the piston rod. This condition, if not corrected, could result in failure of the elevator servo-control.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A330–27–3062 (for Model A330 series airplanes) and A340–27–4072 (for Model A340 series airplanes), both Revision 01, dated July 21, 1999. These service bulletins describe procedures for repetitive inspections to check the play of the piston rod eye-end of the elevator servo-controls. Corrective actions for small amounts of play involve replacing the rod eye-end with a new SARMA or NMB rod eye-end. Corrective actions for greater amounts of play involve performing a dye penetrant inspection of the servo-control to detect cracking, and replacing the rod eye-end of a crack-free servo-control with a new SARMA or NMB rod eye-end or replacing a cracked servo-control with a new servo-control.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 2000–025–109(B) R1 (for Model A330 series airplanes) and 2000–024–135(B) R1 (for Model A340 series airplanes), both dated March 8, 2000, in order to ensure the continued airworthiness of these airplanes in France.

The Airbus service bulletins refer to SAMM Service Bulletin SC4800–27–34–06, dated January 2, 1999, as an additional source of service information for accomplishment of the dye penetrant inspection.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has

kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between Proposed AD and Relevant Service Information

The service bulletins identify various compliance times for replacement of the rod eye-end, depending on the amount of play detected; the French airworthiness directives support those criteria. However, this proposed AD would require that all corrective actions be accomplished prior to further flight, regardless of the findings. The FAA has determined that, because of the safety implications and consequences associated with such a discrepancy, any subject rod eye-end that is found to have an amount of play exceeding specified limits must be replaced or further inspected prior to further flight.

In addition, the service bulletins recommend that the repetitive inspections specified therein be accomplished at the operators' respective C-checks. However, this proposed AD would require that the repetitive inspections be performed at 15-month intervals, in consonance with the DGAC's recommendations. Maintenance schedules including C-checks may vary from operator to operator; therefore, the FAA finds it necessary to specify a time limit for accomplishment of the inspections. The proposed repetitive interval corresponds to a normal C-check for the majority of affected operators.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this proposed AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 2 work hours to accomplish the required actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed AD would be $120 per airplane, per inspection cycle.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–64–AD.

Applicability: Model A330 and A340 series airplanes, certificated in any category, equipped with any ''SAMM'' elevator servo-control having any part number SC4800–2 through SC4800–8 inclusive.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct excessive play of the eye-end of the piston rod of the elevator servo-controls, which could result in failure of the elevator servo-control, accomplish the following:

(a) Within 30 months since date of manufacture of the airplane, or within 500 flight hours after the effective date of this AD, whichever occurs later, perform an inspection to check the play of the piston rod eye-ends of the elevator servo-controls, in accordance with Airbus Service Bulletin A330–27–3062 (for Model A330 series airplanes) or A340–27–4072 (for Model A340 series airplanes), both Revision 01, both dated July 21, 1999. Thereafter, repeat the inspection at intervals not to exceed 15 months.

(1) If any play that is 0.0059 inch (0.15 mm) or greater and less than 0.0118 inch (0.30 mm) is detected: Prior to further flight, replace the rod eye-end with a new SARMA or NMB rod eye-end, in accordance with the applicable service bulletin.

(2) If any play that is 0.0118 inch (0.30 mm) or greater is detected: Prior to further flight, perform a dye penetrant inspection to detect cracking of the servo-control, in accordance with the applicable service bulletin.

(i) If no crack is detected: Prior to further flight, replace the rod eye-end with a new SARMA or NMB rod eye-end, in accordance with the applicable service bulletin.

(ii) If any crack is detected: Prior to further flight, replace the servo-control with a new servo-control, in accordance with the applicable service bulletin.

Note 2: Accomplishment of an inspection in accordance with Airbus Service Bulletin A330–27–3062 (for Model A330 series airplanes) or A340–27–4072 (for Model A340 series airplanes), both dated February 5, 1999; is considered acceptable for compliance with the initial inspection requirements of paragraph (a) of this AD.

Note 3: The Airbus service bulletins reference SAMM Service Bulletin SC4800–27–34–06, dated January 2, 1999, as an additional source of service information for accomplishment of the dye penetrant inspection specified by paragraph (a)(2) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Note 5: The subject of this AD is addressed in French airworthiness directives 2000–025–109(B) R1 (for Model A330 series airplanes) and 2000–024–135(B) R1 (for Model A340 series airplanes), both dated March 8, 2000.

Issued in Renton, Washington, on April 5, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8994 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–228–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, and –40 Series Airplanes, and KC–10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD) applicable to certain McDonnell Douglas Model DC–10 series airplanes, and KC–10A (military) airplanes, that would have required repetitive inspections to detect failure of the attachment fasteners located in the banjo No. 4 fitting of the vertical stabilizer. That proposed AD also would have required a one-time inspection to detect cracking of the flanges and bolt holes of the banjo No. 4 fitting, and repair or replacement of the attachment fasteners with new, improved fasteners. In addition, the proposed AD would have required a one-time inspection to determine whether certain fasteners are installed in the banjo No. 4 fitting of the vertical stabilizer, and follow-on actions, if necessary. That proposal was prompted by reports of failure of certain fasteners installed in the banjo No. 4 fitting of the vertical stabilizer. This new action revises, among other actions, the proposed rule by amending certain corrective actions. The actions specified by this new proposed AD are intended to prevent cracking of the attachment fasteners of the vertical stabilizer, which could result in loss of fail-safe capability of the vertical stabilizer and reduced controllability of the airplane.

DATES: Comments must be received by May 8, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–228–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 The Boeing Company, Douglas Products 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.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

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 98–NM–228–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. 98–NM–228–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 23, 1998 (63 FR 64664). That NPRM would have required repetitive inspections to detect failure of the attachment fasteners located in the banjo No. 4 fitting of the vertical stabilizer. That NPRM also would have required a one-time inspection to detect cracking of the flanges and bolt holes of the banjo No. 4 fitting, and repair or replacement of the attachment fasteners with new, improved fasteners. In addition, that NPRM would have required a one-time inspection to determine whether certain fasteners are installed in the banjo No. 4 fitting of the vertical stabilizer, and follow-on actions, if necessary. That NPRM was prompted by reports of failure of certain fasteners installed in the banjo No. 4 fitting of the vertical stabilizer. That condition, if not corrected, could result in cracking of the

attachment fasteners of the vertical stabilizer, which could result in loss of fail-safe capability of the vertical stabilizer and reduced controllability of the airplane.

Comments Received That Result in a Change to the Proposal

Due consideration has been given to the following comments received in response to the NPRM.

Request to Limit Applicability of Paragraph (c) of the AD

One commenter requests that the visual inspection of the second oversize fasteners, part number (P/N) S4931917–8Y, as required by paragraph (c) of the proposed AD, apply only to airplanes that have not accomplished the requirements of AD 96–07–01, amendment 39–9549 (61 FR 12015, March 25, 1996) in accordance with McDonnell Douglas Service Bulletin DC10–55–023, Revision 03, dated March 25, 1998 [which also was referenced in the proposed AD as an appropriate source of service information for accomplishment of the actions specified in paragraph (b)].

The FAA concurs with the commenter's request. The FAA finds that second oversize fasteners, P/N S4931917–8Y, would not have been installed if the requirements of paragraph (b) of the AD had been accomplished in accordance with McDonnell Douglas Service Bulletin DC10–55–023, Revision 03, dated March 25, 1998, or if the requirements of AD 96–07–01 had been accomplished in accordance with Revision 03 of that service bulletin. Therefore, paragraph (c) of the final rule is revised accordingly.

Request for Clarification of Requirements

One commenter states that the proposed AD is not clear on what the terminating action requirements are if the second oversize fasteners, P/N S4931917–8Y, are found installed on previously modified airplanes. The commenter states that paragraphs (c)(3)(i) and (c)(3)(ii) of the proposed AD indicate that terminating action should be accomplished in accordance with paragraph (b) of the proposed AD. In the transmittal sheet of Revision 03 of McDonnell Douglas Service Bulletin DC10–55–023, it states that S4931917–8Y fasteners are to be repetitively inspected and finally replaced with HLT717B–8 fasteners if found on previously modified airplanes. It is understood that if the fasteners are found and there is no failure, they can be simply replaced. However, this statement does not indicate what must be done if failed fasteners are found during these repetitive inspections. The commenter contends that the current wording of the proposed rule implies that in the situation of a failed fastener found during a repetitive inspection, all twelve bolts must be removed and eddy current inspections must be accomplished before the new fasteners, P/N HLT717B–8, are installed. The commenter disagrees with this action due to the possibility of sustaining damage to the previously cold worked holes with correct fasteners installed, which would require additional oversize or repair. The commenter asserts that only the affected holes with failed fasteners should be eddy current bolt hole inspected, not all holes.

The FAA concurs that clarification is necessary. Paragraph (c)(3) of the AD provides corrective actions if second oversize fasteners P/N S4931917–8Y are installed. The FAA has determined that removal of fasteners and inspection of fastener holes is not necessary for holes that do not have second oversize fasteners P/N S4931917–8Y installed. The FAA's intent in paragraph (c)(3)(i) of the AD was to require repetitive external inspections thereafter at intervals not to exceed 1,500 landings until the requirements of paragraph (b) of this AD are accomplished, and eventually require accomplishment of the requirements of paragraph (b) of the AD again. The FAA's intent in paragraph (c)(3)(ii) of the AD was to require accomplishment of the requirements of paragraph (b) of this AD for the failed fastener and its associated fastener hole only. Therefore, the FAA has revised paragraphs (c)(3)(i) and (c)(3)(ii) of the AD to reflect this clarification.

Another commenter requests that the wording of paragraph (c)(3)(i) of the proposed AD be clarified as to when the second oversize fasteners, P/N S4931917–8Y, must be replaced. The commenter contends that it is possible to interpret the proposed AD in a way that would require replacement of all the fasteners by April 24, 2001, which is the date for compliance to paragraph (b) of the proposed AD. However, the 1,500 landing compliance time required by paragraph (c) of the proposed AD for the initial inspection could occur after April 24, 2001, for operators that have accomplished the modification in accordance with McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996.

The FAA agrees that clarification is necessary. As discussed previously, the requirements of paragraph (c)(3)(i) of the AD are intended to provide an acceptable level of safety through the use of repetitive external visual inspections until the requirements of paragraph (b) of the proposed AD are accomplished. The FAA acknowledges that maintenance scheduling conflicts may arise because of the compliance times associated with the new actions required by the proposed AD and the actions retained from the superseded AD. Therefore, paragraph (c)(3)(i) has been revised to allow a minimum of 1,500 landings, from the initial inspection, to accomplish the replacement of second oversize fasteners, P/N S4931917–8Y.

Explanation of Change to Proposal

The FAA has added a note to the final rule to clarify the definition of a detailed visual inspection.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 420 airplanes of the affected design in the worldwide fleet. The FAA estimates that 242 airplanes of U.S. registry will be affected by this AD.

Since the issuance of AD 96–07–01, the manufacturer has revised its estimate of the work hours necessary to perform the actions that are currently required by that AD. McDonnell Douglas Service Bulletin DC10–55–023, Revision 03, reflects the manufacturer's revised estimates; and the cost information, below, also has been revised to refer to the new estimates.

The visual inspection that is currently required by AD 96–07–01, and retained in this AD, takes 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 the visual inspection currently required by that AD on U.S. operators is estimated to be $14,520, or $60 per airplane, per inspection cycle.

The eddy current inspection that is currently required by AD 96–07–01, and retained in this AD, takes approximately 4 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 eddy current inspection currently required by that AD on U.S. operators is estimated to be $58,080, or $240 per airplane.

The replacement of the 12 attachment fasteners of the banjo No. 4 fitting that is currently required by AD 96–07–01,

and retained in this AD, takes approximately 14 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $250 per airplane. Based on these figures, the cost impact of the replacement currently required by that AD on U.S. operators is estimated to be $263,780, or $1,090 per airplane.

The new inspection that is proposed in this AD action would 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 the inspection proposed by this AD on U.S. operators is estimated to be $14,520, or $60 per airplane.

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

Should an operator that has already completed the replacement of the attachment fasteners of the banjo No. 4 fitting in accordance with AD 96–07–01 be required to repeat the replacement, it would take approximately 14 additional work hours, at an average labor rate of $60 per work hour. Additional parts would cost $150 per airplane. Based on these figures, the cost impact of any necessary repetition of the replacement is estimated to be $990 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9549 (61 FR 12015, March 25, 1996), and by adding a new airworthiness directive (AD) to read as follows:

McDonnell Douglas: Docket 98–NM–228–AD. Supersedes AD–96–07–01, Amendment 39–9549.

Applicability: Model DC–10–10, –15, –30, and –40 series airplanes, and KC–10A (military) airplanes; as listed in McDonnell Douglas DC–10 Service Bulletin 55–23, Revision 1, dated December 17, 1993; 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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the attachment fasteners of the vertical stabilizer, which could result in loss of fail-safe capability of the vertical stabilizer and reduced controllability of the airplane, accomplish the following:

(a) Except as required by paragraph (c)(3) of this AD, within 1,500 landings after April 24, 1996 (the effective date of AD 96–07–01, amendment 39–9549): Perform an external visual inspection, using a minimum 5X power magnifying glass, to detect any failure of the 12 attachment fasteners located in the banjo No. 4 fitting of the vertical stabilizer (as specified in McDonnell Douglas DC–10 Service Bulletin 55–23, Revision 1, dated December 17, 1993; or McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996, or Revision 03, dated March 25, 1998). Perform this inspection in accordance with procedures specified in McDonnell Douglas Nondestructive Testing Manual, Chapter 20–10–00, or McDonnell Douglas Nondestructive Testing Standard Practice Manual, Part 09.

(1) If no failure is detected, repeat the external visual inspection thereafter at intervals not to exceed 1,500 landings until the requirements of paragraph (b) of this AD are accomplished.

(2) If any failure is detected, prior to further flight, accomplish the requirements of paragraph (b) of this AD.

(b) Except as required by paragraphs (a)(2) and (c)(3)(ii) of this AD, within 5 years after April 24, 1996: Perform an eddy current surface inspection to detect cracking of the forward and aft flanges; and an eddy current bolt hole inspection of the bolt holes of the banjo No. 4 fitting; in accordance with McDonnell Douglas DC–10 Service Bulletin 55–23, Revision 1, dated December 17, 1993; or McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996, or Revision 03, dated March 25, 1998.

Note 2: Paragraph (b) of this AD does not require that eddy current bolt hole inspections be accomplished for the bolt holes of the banjo No. 4 fitting if the attachment fasteners were replaced prior to April 24, 1996, in accordance with McDonnell Douglas DC–10 Service Bulletin 55–23, dated December 17, 1992.

(1) If no cracking is detected, prior to further flight, replace the 12 attachment fasteners located on the banjo No. 4 fitting with new, improved attachment fasteners, in accordance with McDonnell Douglas DC–10 Service Bulletin 55–23, dated December 17, 1992, or Revision 1, dated December 17, 1993; or McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996, or Revision 03, dated March 25, 1998. After the effective date of this AD, only Revision 03 of the service bulletin shall be used.

(i) Accomplishment of the replacement in accordance with the original issue of the service bulletin constitutes terminating action for the requirements of paragraph (a) of this AD, provided that the eddy current surface inspection of the forward and aft flanges is accomplished in accordance with McDonnell Douglas DC–10 Service Bulletin 55–23, Revision 1, dated December 17, 1993; or McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996, or Revision 03, dated March 25, 1998.

(ii) Accomplishment of the replacement in accordance with McDonnell Douglas DC–10 Service Bulletin 55–23, Revision 1, dated December 17, 1993; or McDonnell Douglas Service Bulletin DC10–55–023, Revision 02, dated October 30, 1996, or Revision 03, dated March 25, 1998; constitutes terminating action for the requirements of paragraph (a) of this AD, provided that the eddy current surface inspection of the forward and aft flanges, and the eddy current bolt hole inspection of the bolt holes of the banjo No. 4 fitting, are accomplished in accordance with Revision 1, Revision 02, or Revision 03 of the service bulletin.

(2) If any cracking is detected, prior to further flight, repair either in accordance with Figure 6 or Figure 7, as applicable, of

Chapter 55–20–00, Volume 1, of the DC–10 Structural Repair Manual; or in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(c) For airplanes that have not accomplished the requirements of paragraph (b) in accordance with McDonnell Douglas Service Bulletin DC–55–023, Revision 3, dated March 25, 1998: Within 1,500 landings after the effective date of this AD, perform a one-time detailed visual inspection to determine whether second oversize fasteners having part number (P/N) S4931917–8Y are installed in the banjo No. 4 fitting of the vertical stabilizer.

Note 3: 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) If second oversize fasteners having P/N S4931917–8Y are *not* installed, and the actions required by paragraph (b) of this AD have been accomplished, no further action is required by this AD.

(2) If second oversize fasteners having P/N S4931917– 8Y are *not* installed, and the actions required by paragraph (b) of this AD have *not* been accomplished: Within 1,500 landings after the last inspection performed in accordance with paragraph (a) of this AD, repeat that inspection, and perform the follow-on actions specified by paragraph (a) of this AD.

(3) If second oversize fasteners having P/N S4931917– 8Y *are* installed, prior to further flight, perform an external visual inspection to detect any failure of the 12 attachment fasteners located in the banjo No. 4 fitting of the vertical stabilizer in accordance with paragraph (a) of this AD.

(i) If no failure is detected, accomplish the actions specified in paragraph (c)(3)(i)(A) and (c)(3)(i)(B) of this AD.

(A) For any hole that has a P/N S4931917–8Y fastener installed: Repeat the external visual inspection thereafter at intervals not to exceed 1,500 landings until the requirements of paragraph (b) of this AD are accomplished.

(B) For any hole that has a P/N S4931917–8Y fastener installed: Within 5 years after April 24, 1996, or within 1,500 landings from the inspection required by paragraph (c)(3) of this AD, whichever occurs later, accomplish the requirements of paragraph (b) of this AD.

(ii) If any failure is detected, prior to further flight, accomplish the requirements of paragraph (b) of this AD for the failed fastener and its associated fastener hole only.

(d) As of the effective date of this AD, no person shall install a second oversize fastener having part number (P/N) S4931917–8Y in the banjo No. 4 fitting of the vertical stabilizer on any airplane.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. 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 4: 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

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

Issued in Renton, Washington, on April 5, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8995 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN107–1b; FRL–6573–9]

Approval and Promulgation of Implementation Plan; Indiana Particulate Matter Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Indiana's State Plan revision to control particulate matter emissions from selected facilities at Central Soya Company, Incorporated in Marion County Indiana, submitted on February 3, 1999. The revision to the State Plan eliminates nine sources of particulate matter and adds 5 new sources. The emissions from the new sources do not exceed 25 tons per year and represents a net overall reduction in annual emissions.

DATES: Written comments must be received on May 11, 2000.

ADDRESSES: Written comments should be mailed 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 State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6084.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: March 28, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–8829 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–063–01–7200b; A–1–FRL–6574–6]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts. These SIP submittals include revisions to regulations for controlling volatile organic compound (VOC) emissions, including emissions from marine vessel loading and consumer products. In the Final Rules section of this **Federal Register**, EPA is approving Massachusetts' SIP submittals as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, 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 on this action should do so at this time.

DATES: Written comments must be received on or before May 11, 2000.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air

Quality Planning Unit (mail code CAQ), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: March 29, 2000.

Mindy S. Lubber,

Regional Administrator, EPA New England.

[FR Doc. 00–8831 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 032900C]

RIN 0648–AN25

Fisheries of the Exclusive Economic Zone Off Alaska; Allocation of Pacific Cod among Vessels Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands

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

ACTION: Notice of availability; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 64 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This amendment would apportion the hook-and-line or pot gear (fixed gear) allocation of total allowable catch (TAC) of Pacific cod in the Bering Sea and Aleutian Islands management area (BSAI) among hook-and-line catcher-processor vessels, hook-and-line catcher vessels, and pot gear vessels. This action responds to socio-economic needs of the fishing industry that have been identified by the Council and intends to promote the goals and objectives of the FMP.

NMFS is requesting comments from the public on the proposed amendment, copies of which may be obtained from the Council (see **ADDRESSES**).

DATES: Comments on Amendment 64 must be submitted by June 12, 2000.

ADDRESSES: Comments must be sent to Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Hand- or courier-delivered comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801. Comments may also be sent via facsimile (fax) to 907–586–7465. Comments will not be accepted if submitted via e-mail or the Internet. Copies of Amendment 64 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the amendments are available from the North Pacific Fishery Management Council at 605 West 4th Ave. Suite 306, Anchorage, AK 99501, telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, after receiving a fishery management plan or amendment, immediately publish a notice in the **Federal Register** that the fishery management plan or amendment is available for public review and comment. This action constitutes such notice for Amendment 64 to the BSAI FMP. NMFS will consider the public comments received during the comment period in determining whether to approve this amendment.

The groundfish fisheries in the Exclusive Economic Zone (3 to 200 miles offshore) of the BSAI are managed by NMFS under the BSAI groundfish FMP, which was prepared by the Council under the Magnuson-Stevens Act, Pub. L. 94–265, 16 U.S.C. 1801, and approved and implemented by NMFS in 1981.

Amendment 64, if approved, would establish separate Pacific cod directed fishing allowances for different sectors of vessels using hook-and-line or pot gear. These allowances are intended to reflect relative Pacific cod harvest shares since the mid 1990s. Under the proposed amendment, the Regional Administrator, NMFS, Alaska Region, annually would estimate the amount of Pacific cod taken as incidental catch in directed fisheries for groundfish other than Pacific cod by vessels using hook-and-line or pot gear and deduct that amount from the portion of Pacific cod TAC annually allocated to hook-and-line or pot gear (51 percent of the TAC). The remainder would be further allocated as directed fishing allowances for the different hook-and-line and pot gear users (sectors) as follows:

(a) Catcher/processor vessels using hook-and-line gear–80 percent;

(b) Catcher vessels using hook-and-line gear–0.3 percent;

(c) Vessels using pot gear–18.3 percent; and

(d) Catcher vessels less than 60 ft (18.3 meters) length overall (LOA) that use either hook-and-line or pot gear–1.4 percent.

Specific provisions for the accounting of these directed fishing allowances and the transfer of unharvested amounts of these allowances to other vessels using hook-and-line or pot gear would be set forth in regulations implementing the proposed amendment.

Amendment 64 would expire December 31, 2003. Continuing the proposed allocations of Pacific cod or selecting new allocation percentages after this date would require Council adoption and NMFS' approval of a new FMP amendment. In adopting an expiration date for the proposed amendment, the Council reasoned that 3 years would be sufficient time for the hook-and-line or pot gear sector allocations of Pacific cod to address the issue of increasing competition for BSAI Pacific cod before reconsidering the issue in light of other proposed changes impending for the BSAI Pacific cod groundfish fisheries, including proposed gear or species endorsements on permits issued under the license limitation program.

Public comments are being solicited on this proposed amendment through the end of the comment period specified in this notice. A proposed rule that would implement the amendment may be published in the **Federal Register** for public comment following NMFS' evaluation under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by close of business on the last day of the comment period of the amendment to be considered in the decision to approve or disapprove the amendment. All comments received by the end of the comment period, whether specifically directed to the amendment or to the

proposed rule, will be considered in the decision.

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

Dated: April 4, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–8872 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 65, No. 70

Tuesday, April 11, 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

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection, Comment Request—Food Stamp Program: State Issuance and Participation Estimates—Form FNS–388

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) is publishing for public comment a summary of a proposed information collection. The proposed collection is to reinstate a previously approved collection under OMB No. 0584–0081 for the Food Stamp Program for the form FNS–388, State Issuance and Participation Estimates.

DATES: Comments on this notice must be received by June 12, 2000 to be assured of consideration.

ADDRESSES: Send comments and requests for copies of this information collection to Barbara Hallman, Chief, State Administration Branch, Food Stamp Program, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302. Copies of the estimate of the information collection can be obtained by contacting Ms. Hallman.

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 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 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.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, telephone number (703) 305–2383.

SUPPLEMENTARY INFORMATION:

Title: Form FNS–388, State Issuance and Participation Estimates.

OMB Number: 0584–0081.

Expiration Date: Expired.

Type of Request: Reinstatement of a previously approved collection.

Abstract: Section 18(b) of the Food Stamp Act limits the value of allotments paid to food stamp households to an amount not in excess of the appropriation for the fiscal year. If allotments in any fiscal year would exceed the appropriation, the Secretary of Agriculture is required to direct State agencies to reduce the value of food stamp allotments to the extent necessary to stay within appropriated funding limits.

Section 18(a) of the Food Stamp Act requires the Secretary of Agriculture to submit a monthly report to Congress setting forth the Secretary's best estimate of the second preceding month's expenditures for the Food Stamp Program as well as the cumulative total for the fiscal year. In each monthly report the Secretary is required to also state whether supplemental appropriations will be needed to support the operation of the program through the end of the fiscal year. The timeliness and accuracy of the data available to the Secretary prior to submitting this report will have a direct effect upon any request for supplemental appropriations that may be submitted and the manner in which allotments will be reduced if the supplemental appropriation is not provided. While benefit reductions have never been ordered in the past under Section 18(b) nor are they anticipated based on current data, the Department must continue to monitor actual program costs against the appropriation.

Section 11(e)(12) of the Food Stamp Act requires that the State Plan of Operations shall provide for the submission of reports required by the Secretary of Agriculture. State agencies are required to report on a monthly basis on the FNS–388, State Issuance and Participation Estimates, estimated or actual issuance and participation data for the current month and previous month, and actual participation data for the second preceding month. The FNS–388 report provides the necessary data for an early warning system to enable the Department to fulfill its reporting requirements to Congress.

State agencies in general only submit one Statewide FNS–388 per month. The exception is that State agencies which choose to operate both a coupon system and an electronic benefit transfer (EBT) system or which choose to operate an approved alternative issuance demonstration project such as a cash-out system submit a separate report for each type of issuance system. State agencies are converting from coupons to EBT. In July 1999, 39 States and the District of Columbia operated an EBT system and 31 operated EBT statewide. With additional States moving from paper coupons to EBT in the next few months, few States will be expected to temporarily submit more than one FNS–388 report per month at any one time. With State agency automated information systems, the separate report for a secondary issuance system or an alternative issuance demonstration project should have a negligible impact on the burden.

In addition, State agencies are required to submit a project area breakdown on the FNS–388 of issuance and participation data twice a year. This data is useful in identifying project areas that are required to do photo identification of heads of households or to operate fraud detection units in accordance with the Act.

Beginning July 1993, State agencies were allowed to submit the FNS–388 data electronically to the national database files stored in FNS' Food Stamp Program Integrated Information System in lieu of a paper report. The voluntary changeover from paper to electronic reporting of FNS–388 data by States was done as part of FNS' State Cooperative Data Exchange Project. This project is being expanded over time as more FNS forms are transferred to

electronic formats for State data entry. As of July 1999, 45 State agencies submit the FNS–388 data electronically and 8 State agencies submit paper reports.

Respondents: State agencies that administer the Food Stamp Program.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent:

Form FNS–388: 53 State agencies 12 times a year.

Form FNS–388A: 53 State agencies twice a year.

Estimate of Burden:

Form FNS–388: The State agencies submit Form FNS–388 10 times per year at an estimate of 5.60 hours per respondent, or 2,970 hours annually for all respondents. The remaining two FNS–388 submissions with a public assistance (PA) and non-public assistance (NA) caseload breakout are covered under the FNS–388A twice a year submissions (see below).

Form FNS–388A: The State agencies submit a more detailed FNS–388 (with PA and NA breakout) twice a year and FNS–388A project area breakdown twice a year at an estimate of 14.8 hours per respondent, or 1,572 hours annually for all respondents.

Estimated Total Annual Burden on Respondents: The annual reporting and recordkeeping burden for OMB No. 0584–0081 is estimated to be 4,542 hours.

Dated: March 22, 2000.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 00–8937 Filed 4–10–00; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Advisory Committee (PAC); Meeting

AGENCY: Forest Service.

SUMMARY: The Willamette Province Advisory Committee (PAC) will meet on Thursday, April 20, 2000. The meeting is scheduled to begin at 9 a.m., and will conclude at approximately 2 p.m. The meeting will be held at the Salem Office of the Bureau of Land Management; 1717 Fabry Road, SE., Salem, Oregon; (503) 375–5646. The tentative agenda includes:

(1) REO update, (2) Information sharing, (3) Public forum; (4) Update on FS Roadless Area Initiative and Roads Strategy, (5) Panel discussion, Fish management in the Willamette Basin.

The Public Forum is tentatively scheduled to begin at 10:30 a.m. Time allotted for individual presentations will be limited to 3–4 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits for the Public Forum. Written comments may be submitted prior to the April 20 meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Neal Forrester; Willamette National Forest; 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465–6924.

Dated: April 4, 2000.

Y. Robert Iwamoto,

Deputy Forest Supervisor.

[FR Doc. 00–8886 Filed 4–10–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes in the National Handbook of Conservation Practices

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: Notice is hereby given of the intention of the Natural Resources Conservation Service (NRCS) to issue a series of new or revised conservation practice standards in its National Handbook of Conservation Practices. These standards include Heavy Use Area Protection; Irrigation System, Tailwater Recovery; Pest Management; Pipeline; and Watering Facility. These standards are used to convey national guidance when developing Field Office Technical Guide Standards used in the States. NRCS State conservationists who choose to adopt these practices for use within their States will incorporate them into Section IV of their Field Office Technical Guide. These practices may be used in conservation systems that treat highly erodible land or on land determined to be wetland.

DATES: Comments will be received for a 60-day period commencing with the date of publication. This series of new or revised conservation practice standards will be adopted after the close of the 60-day period.

FOR FURTHER INFORMATION CONTACT: Single copies of these standards are available from NRCS–CED in Washington, DC. Submit individual inquiries and return any comments in writing to William Hughey, National Agricultural Engineer, Natural Resources Conservation Service, Post Office Box 2890, Room 6139–S, Washington, DC 20013–2890. Telephone Number 202–720–5023. The standards are also available and can be downloaded from the Internet at: http://www.ftw.nrcs.usda.gov/practice__stds.html.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment proposed revisions to conservation practice standards used to carry out the highly erodible land and wetland provisions of the law. For the next 60 days, NRCS will receive comments relative to the proposed changes. Following that period, a determination will be made by NRCS regarding disposition of those comments, and a final determination of change will be made.

Signed at Washington, D.C., on March 31, 2000.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 00–8974 Filed 4–10–00; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DoC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Patent and Trademark Office (PTO).

Title: Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Form Numbers: N/A.

Agency Approval Number: 0651–0024.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Burden: 5,283 hours annually.

Number of Respondents: 5,601 responses annually.

Avg. Hours Per Response: Based on PTO time and motion studies, the agency estimates that it will take the

public 80 minutes to create a nucleotide/amino acid sequence listing in an application. In the electronic version of the sequence listing, EFS BIO, it is estimated that it will take 10 minutes to create and submit a sequence listing in an application.

Needs and Uses: Nucleotide and amino acid sequence disclosure information is used by the PTO during the examination process to determine the patentability of an application by effectively examining the sequences in order to process the data more efficiently. The PTO also uses the data after examination to support publication of issued patents. In addition, the sequences are used by the PTO during participation with the European and Japanese Patent Offices in a Trilateral Sequence Exchange project, thereby facilitating the international exchange of published sequence data. After patent publication, the public and the bar associations can search the nucleotide/amino acid sequence listings. Applicants use the sequence data when preparing both national and international patent applications.

Affected Public: Individuals or households, business or other for-profit institutions, not-for-profit institutions, farms, the Federal government, and state, local, or tribal governments.

Frequency: As applied for when patent applicants submit a patent application (both national and international applications) containing nucleotide and/or amino acid sequence disclosure data within their patent applications.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, Office of the Chief Information Officer, (202) 482–3272, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 or via e-mail at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: April 4, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–8882 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Processing Equipment Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Processing Equipment Technical Advisory Committee will meet on May 11, 2000, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials processing equipment and related technology.

Agenda

Open Session

1. Opening remarks by the Chairman
2. Presentation of papers or comments by the public
3. Update of Wassenaar Arrangement negotiations
4. Status of Computerized Numerical Controller (CNC) software
5. Status of definition for ''specially designed''
6. Recommendations from the Committee

Closed Session

7. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the open session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements of the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials, the Committee suggests that presenters forward the materials prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS:3876, U.S. Department of Commerce, 14th St. & Constitution Ave., NW, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 11, 1999, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For more information, contact Lee Ann Carpenter on (202) 482–2583.

Dated: April 6, 2000.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 00–8945 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Critical Infrastructure Assurance Office; Announcement of a Workshop on Public Key Infrastructure for Advanced Network Technologies

AGENCY: Bureau of Export Administration, Critical Infrastructure Assurance Office.

ACTION: Notice of Public Meeting/Workshop.

SUMMARY: The Critical Infrastructure Assurance Office (CIAO) invites interested parties to attend a workshop on April 27–28, 2000, on Public Key Infrastructures for Advanced Network Technologies. The workshop is designed to promote the deployment and use of a high confidence public key infrastructure and related security technologies for advanced networks and distributed government applications in E-commerce and related critical systems.

DATES: The workshop will be held on April 27–28, 2000, starting at 8:30 am until 5:00 pm.

ADDRESSES: The workshop will be held at the National Institute of Standards and Technology (NIST), Building 101, Lecture Room A. Gaithersburg, MD, 20899. Attendance is open to all interested persons, but seating is limited. Therefore, registration for attendance will be accepted on a first-come basis. To register please contact Wanda Rose at (202) 589–3241 or by E-mail: *Wanda.Rose@ciao.gov.*

FOR FURTHER TECHNICAL INFORMATION CONTACT: Robert Rosenthal, Critical Infrastructure Assurance Office, 1800 G St., NW, 8th floor, Washington, D.C. 20006; Phone number: (202) 589–3231; E-mail: *Robert.Rosenthal@ciao.gov.*

SUPPLEMENTARY INFORMATION:

● The workshop is designed to promote the deployment and use of a high confidence public key infrastructure and related security technologies for advanced networks and distributed government applications in E-commerce and related critical systems in banking and finance, energy, transportation, and telecommunications sectors.

- The workshop is intended to contribute to the development of collaborative interagency research and development agenda executed under the High Confidence Systems and Software, Large Scale Networking, and Critical Infrastructure Protection Research and Development Programs.
- The workshop is designed to identify opportunities for U.S. government agencies to develop collaborative experiments and test beds that address issues related to scalability, interoperability, testing and robustness in the face of attacks on public key infrastructure systems; and to facilitate discussion between people who understand public key infrastructure technology and those who might propose policies and legal frameworks.
- In addition, the workshop will explore technology transfer opportunities that enable new markets for next generation public key infrastructures for the Internet and will facilitate movement of public key infrastructure towards becoming a high confidence assured Internet service.

Copies of the agenda for the workshop will be available on CIAO's web site: www.CIAO.gov.

William A. Reinsch,

Under Secretary for Export Administration.

[FR Doc. 00–8944 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–846]

Brake Rotors From the People's Republic of China: Postponement of Final Results of Second Antidumping Duty Administrative Review and Third New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of the time limit for the final results in the second antidumping duty administrative review and third new shipper review of the antidumping duty order on brake rotors from the People's Republic of China.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the second antidumping duty administrative review and third new shipper review of the antidumping duty order on brake rotors from the People's Republic of China. This review covers the period April 1, 1998, through March 31, 1999.

EFFECTIVE DATE: April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Terre Keaton, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–1280, respectively.

Postponement of Final Results of Review

The Department of Commerce (''the Department'') published the preliminary results of the second antidumping administrative review and third new shipper review on brake rotors from the People's Republic of China (''PRC'') on December 29, 1999 (64 FR 73007). The current deadline for the final results in these reviews is April 27, 2000. In accordance with section 751(a)(3)(A) of the Tariff Act of 1930 (''the Act''), as amended, we determine that it is not practicable to complete these reviews within the original time frame because of the Department's decision to verify certain respondents in these reviews (*see* March 29, 2000, letter from Deputy Assistant Secretary Richard W. Moreland to Mr. Leslie Glick, counsel for the petitioner in these reviews). We are currently unable to conduct verification and allow sufficient opportunity for the submission of interested party comments, prior to the current final results deadline. Thus, in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations, the Department is extending the time limit for completion of the final results of these reviews until October 24, 2000, which is 300 days after the date on which the notice of the preliminary results was published in the **Federal Register**.

Dated: April 4, 2000.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–8986 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–810]

Certain Cut-to-Length Carbon Steel Plate From Mexico: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Eric Greynolds or Michael Grossman, at (202) 482–6071 or (202) 482–3146, respectively, AD/CVD Enforcement, Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (''the Department'') to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested. However, if it is not practicable to complete the preliminary results of review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days.

Background

On October 1, 1999, the Department published a notice of initiation of administrative review of the countervailing duty order on certain cut-to-length carbon steel plate from Mexico, covering the period January 1, 1998 through December 31, 1998 (64 FR 53318). The preliminary results are currently due no later than May 2, 2000.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore the Department is extending the time limit for completion of the preliminary results until no later than August 30, 2000. See Decision Memorandum from John Brinkmann, Acting Director, AD/CVD Enforcement, Office VI, to Holly Kuga, Acting Deputy Assistant Secretary for Import Administration, Group II, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: April 5, 2000.

Holly Kuga,

Acting Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 00–8985 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–817]

Continuation of Antidumping Duty Order: Electroluminescent Flat Panel Displays and Display Glass From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Continuation of Antidumping Duty Order: Electroluminescent Flat Panel Displays and Display Glass from Japan.

SUMMARY: On August 2, 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 order on electroluminescent flat panel displays and display glass (''EL FPD'') from Japan is likely to lead to continuation or recurrence of dumping (64 FR 41915). On March 30, 2000, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty order on EL FPD from Japan 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 16962). Therefore, pursuant to 19 CFR 351.218(f)(4), the Department is publishing notice of the continuation of the antidumping duty order on EL FPD from Japan.

EFFECTIVE DATE: April 11, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or Carole A. Showers, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3217, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1999, the Department initiated, and the Commission instituted, a sunset review (64 FR 41915 and 64 FR 41951, respectively) of the antidumping duty order on electroluminescent flat panel displays and display glass from Japan pursuant to section 751(c) of the Act. As a result of its review, the Department found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margin likely to prevail were the order to be revoked (*see Electroluminescent Flat Panel Displays and Display Glass From Japan; Final Results of Antidumping Duty Sunset Review*, 65 FR 11979 (March 7, 2000)).

On March 30, 2000, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on electroluminescent flat panel displays and display glass from Japan 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 Electroluminescent Flat Panel Displays From Japan*, 65 FR 16962 (March 30, 2000) and USITC Publication 3285, Investigation No. 731–TA–469 (Review) (March 2000)).

Scope

The product covered by this antidumping duty order covers EL FPDs from Japan. EL FPDs are large area, matrix addressed displays, no greater than four inches in depth, with a pixel count of 120,000 or greater, whether complete or incomplete, assembled or unassembled. EL FPDs incorporate a matrix of electrodes that, when activated, apply an electrical current to a solid compound of electroluminescent material (*e.g.*, zinc sulfide) causing it to emit light. Included are monochromatic, limited color, and full color displays used to display text, graphics, and video. EL FPDs, whether or not integrated with additional components, exclusively dedicated to and designed for use in EL FPDs, is defined as processed glass substrates that incorporate patterned row, column, or both types of electrodes and, also, typically incorporate a material that reacts to a change in voltage (*e.g.*, phosphor) and contact pads for interconnecting drive electronics.

All types of FPDs are currently classifiable under subheadings 8543, 8803, 9013, 9014, 9017.90.00, 9018, 9022, 9026, 9027, 9030, 9031, 8471.92.30, 8471.92.40, 8473.10.00, 8473.21.00, 8473.30.40, 8442.40.00, 8466, 8517.90.00, 8528.10.80, 8529.90.00, 8531.20.00, 8531.90.00, and 8541 of the Harmonized Tariff Schedule (''HTS''). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Determination

As a result of the determinations by the Department and the Commission that revocation of the antidumping duty order on EL FPDs would be likely to lead to continuation or recurrence of dumping 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 order on EL FPDs from Japan. The Department will instruct the U.S. Customs Service to continue to collect antidumping duty deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order 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)(A) of the Act, the Department intends to initiate the next five-year review of this orders not later than March 2005.

Dated: April 5, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–8984 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–508–605]

Industrial Phosphoric Acid From Israel: Notice of Extension of Time Limit for Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 11, 2000.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the countervailing duty order on industrial phosphoric acid from Israel. The review covers the period January 1, 1998 through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Jonathan Lyons, AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–3964 or (202) 482–0374, respectively.

Postponement of Preliminary Results of Review

On October 1, 1999, the Department published a notice of initiation of an administrative review of the countervailing duty order on industrial phosphoric acid from Israel, covering

the period January 1, 1998 through December 31, 1998 (64 FR 53318). The preliminary results are currently due no later than May 2, 2000.

Section 751(a)(3)(A) of the Tariff Act, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested. However, if it is not practicable to complete the preliminary results within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for a preliminary determination to a maximum of 365 days.

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the preliminary results to no later than August 30, 2000. *See* Memorandum from Richard O. Weible to Joseph A. Spetrini, dated April 5, 2000, which is on file in the Central Records Unit, Room B–099 of the main Commerce Building. This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: April 5, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary Enforcement Group III.

[FR Doc. 00–8983 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040400A]

Atlantic Highly Migratory Species (HMS) Fishery Management Plan; Second Errata Sheet

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

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of a second errata sheet for the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) published in April, 1999.

ADDRESSES: Copies of the HMS FMP, both errata sheets, the final rule, and supporting documents can be obtained from Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz, (301) 713–2347.

SUPPLEMENTARY INFORMATION: In a September 1997 Report to Congress, NMFS identified north Atlantic swordfish, west Atlantic Bluefin tuna, and large coastal sharks as overfished. The HMS FMP, including a final environmental impact statement, was published in April, 1999, to comply with provisions of the Magnuson-Stevens Fishery Conservation and Management Act for fisheries identified as overfished, and the final rule implementing actions included in the HMS FMP and Amendment 1 to the Atlantic Billfish Fishery Management Plan was published on May 28, 1999 (64 FR 29090). Since the publication of the HMS FMP, a number of typographical mistakes and other errors have been noted throughout its three volumes. The first errata sheet was announced on December 14, 1999 (64 FR 69742). The second errata sheet corrects errors that were noted since then.

Dated: April 5, 2000

Gary C. Matlock,

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

[FR Doc. 00–8870 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 033000A]

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 video conference work session.

DATES: The work session will be held on Wednesday, April 26, 2000, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The video conference will be accessible to the public via viewing stations at the NMFS offices in La Jolla, CA; Long Beach, CA; Portland, OR; and Seattle WA. See **SUPPLEMENTARY INFORMATION** for the addresses.

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 addresses of the locations are:

NMFS, Southwest Fisheries Science Center, Large Conference Room, 8604 La Jolla Shores Drive, La Jolla, CA 92038;

NMFS Southwest Region, Conference Room, 501 W. Ocean Blvd., Long Beach, CA 90802;

NMFS Pacific Conference Room, 525 NE. Oregon, Portland, OR 97232;

NMFS Northwest Region, Regional Directors Conference Room, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115.

The primary purposes of the work session are to: (1) discuss organization and outline of the Fisheries Management Plan (FMP) for Highly Migratory Species (HMS); and (2) for HMSPDT members to report progress on draft sections of the FMP.

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 interests 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 regulatory analyses, 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.

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: April 5, 2000.

Richard W. Surdi,

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

[FR Doc. 00–8942 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040300F]

Western 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 Western Pacific Fishery Management Council's (Council) Pelagics Plan Team (PPT) members will hold a meeting.

DATES: The meeting will be held May 2, 2000 through May 4, 2000, from 8:30 a.m. to 5:00 p.m. each day.

ADDRESSES: The meeting will be held at the Council office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808–522–8220.

SUPPLEMENTARY INFORMATION: The PPT meeting will discuss and may make recommendations to the Council on the following agenda items:

1. Pelagic fisheries annual report modules;
2. 1st quarter 2000 Hawaii and American Samoa longline fishery report;
3. Results of tagging of yellowfin and bigeye in Hawaii;
4. Shark fishery management;
5. Report of Recreational Fisheries Data Task Force;
6. Turtle management and recent litigation;
7. Bycatch categories;
8. National Plan of Action-Fishing Capacity;
9. Marine debris;
10. Area closure for large pelagic fishing vessels around the islands of American Samoa;
11. Managing seabird-longline fishery interactions;
12. 6th Multi-lateral High Level Conference;
13. Other international fishery issues;
14. Review of Pelagics Advisory Panel recommendations; and
15. Other business as required.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Dated: April 4, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–8871 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040400D]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Regional Fishery Management Council will hold a joint meeting of its Bottomfish Plan Team (BPT), Crustaceans Plan Team and Advisory Panel (CPT/AP), and a joint meeting of its Coral Reef Ecosystem Plan Team, Ecosystem and Habitat Advisory Panel, Bottomfish Plan Team and Advisory Panel, CPT/AP, Precious Corals Plan Team and Advisory Panel, and Native and Indigenous Rights Advisory Panel (joint advisory body meeting). The primary purpose of the joint meeting is to work toward consensus on preferred measures to be included in the coral reef ecosystem fishery management plan and provide direction on how to fully address revisions and requirements.

DATES: The meetings will be held April 25–28, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Honolulu, Hawaii. See **SUPPLEMENTARY INFORMATION** for specific locations.

Council address: Western Pacific Fishery Management Council, 1164 Bishop Street, Honolulu, Hawaii, 96813

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; (808) 522–0220.

SUPPLEMENTARY INFORMATION:

Meeting Dates, Times, Locations and Agendas

The joint advisory bodies will discuss and may make recommendations to the Council on the agenda items listed here. The order in which agenda items will be addressed is tentative.

Tuesday, April 25, 2000, from 9:00–5:00 p.m.—BPT meeting jointly with CPT/AP

Location: Western Pacific Fishery Management Council office conference rooms, 1164 Bishop Street, Honolulu, Hawaii, 96813 (808) 522–0220.

1. Environmental Impact Statements (EISs) for Bottomfish and Crustaceans Fishery Management Plans (FMPs)
2. Addition of Commonwealth of the Northern Mariana Islands and Pacific Remote Island Areas to Crustaceans FMP.

A. Management Unit Species (MUS) to be included

B. Initial management measures

C. Other issues

3. Bycatch reporting (Sustainable Fisheries Act (SFA) requirement).

Tuesday, April 25, 2000, at 10:30 a.m.—CPT/AP and BPT meet separately

Location: Western Pacific Fishery Management Council office conference rooms, 1164 Bishop Street, Honolulu, Hawaii, 96813 (808) 522–0220.

BPT

1. Amendments and framework actions

A. Mau zone new entry criteria
B. Coral Reef Plan permitting measures
(i) Non-managed species in Northwestern Hawaiian Islands (NWHI) caught in bottomfish fishery
(ii) Non-managed species in main Hawaiian Islands caught in bottomfish fishery
2. Annual Report review and development of research plan for bottomfish fisheries
A. Review Status of 1998 Annual Report Recommendations
B. Identify problems and possible solutions for uncompleted recommendations
C. Review 1999 Annual Report modules and recommendations
(i) American Samoa
(ii) Guam
(iii) Hawaii
(iv) Northern Mariana Island
D. 1999 Annual Report region-wide recommendations
E. Research plan for Western Pacific Region bottomfish fisheries
(i) Review other bottomfish research needs (annual report recommendations, program planning, NMFS, etc.)
(ii) Consider new information needs and develop recommendations
(iii) Prioritize research needs and recommendations
3. Other business

CPT/AP

1. Stock Assessment and Fishery Economics Report
A. 1999 Annual Report
B. Strategy for future stock assessments
2. 2000 lobster harvest guideline
3. Research plans
A. Industry-NMFS cooperative research agreement
B. NMFS plan for lobster tagging
C. Other comprehensive research needed
4. Consideration of amendment to replace NWHI lobster assessment model
A. Review of Council action
B. Aspects for developing a fully integrated dynamic model
C. Proposed amendment options/schedule
D. Five-year review (due June 2001)
5. Possible additions to Crustaceans MUS (e.g., shrimp, red crab)
6. Revision to address SFA overfishing requirements
7. Other business
8. Summary of recommendations

Wednesday, April 26, 2000, from 9:00 a.m.–5:00 p.m.—Joint advisory body meeting

Location: Pagoda Hotel International Ballroom, 1525 Rycroft Street, Honolulu, Hawaii; (808) 941–6611.

1. Summary of Council's modified preferred alternative for draft Coral Reef Ecosystem FMP/preliminary draft environmental impact statement
A. Fishing permit and reporting requirements
B. Allowable fishing gear and methods
C. Marine Protected Areas (MPAs)
D. Framework actions
E. Formal process for PT coordination
2. Review of impacts or concerns regarding existing FMP fisheries and coral reefs (habitat, protected species, ecosystem, other)
A. Bottomfish
B. Crustaceans
C. Precious Corals
D. Indigenous rights
3. Review of previous advisory body recommendations on draft FMP
A. MPAs (location, size, restrictions)
B. Allowable gear/use
C. Permit and reporting requirements
D. Framework actions
E. MUS
F. SFA/Essential Fish Habitat(EFH)
G. Other
4. Discussion toward consensus on preferred measures
A. Permit & reporting/report form/MUS
B. Gear/methods
C. MPAs: location/boundaries/restrictions
D. Framework actions/additions
E. SFA/EFH/Habitat Areas of Particular Concern
F. Research plans
G. Process for PT coordination

Thursday, April 27, 2000, from 8:30 a.m.–12:00 noon—joint advisory body meeting

Location: Pagoda Hotel East Ballroom, 1525 Rycroft Street, Honolulu, Hawaii; (808) 941–6611.

Continue discussion toward consensus on preferred measures

Thursday, April 27, 2000, from 1:30–5:00 p.m.—Coral Reef Plan Team and Ecosystems & Habitat Advisory Panel, BPT and Advisory Panel, CPT/AP, Precious Corals Plan Team and Advisory Panel, and Native and Indigenous Rights Advisory Panel, meeting separately

Location: Western Pacific Fishery Management Council office conference rooms, 1164 Bishop Street, Honolulu, Hawaii, 96813 (808) 522–0220.

Further discussion of issues from above

Friday, April 28, 2000, from 8:30–5:00 p.m.—Separate meetings: each advisory body meets separately (or joint Plan Team and Advisory Panel)

Location: Western Pacific Fishery Management Council office conference rooms, 1164 Bishop Street, Honolulu, Hawaii, 96813 (808) 522–0220.

1. Final discussion and recommendations to Council on above issues
2. Other business

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting dates.

Dated: April 5, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–8941 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032800C]

Fisheries of the Exclusive Economic Zone Off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for an exempted fishing permit.

SUMMARY: This notice announces receipt of a joint application for an exempted fishing permit (EFP) from Groundfish Forum Inc. and At-Sea Processors Association. If awarded, this permit would be used for limited testing of a device for the Pacific cod fisheries in the Bering Sea and Gulf of Alaska that would lower halibut bycatch rates without significantly lowering catch rates of Pacific cod. It is intended to promote the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish

Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

ADDRESSES: Copies of the EFP application are available by writing to Sue Salveson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sue Salveson, 907–586–7228.

SUPPLEMENTARY INFORMATION: The FMPs and the implementing regulations at 50 CFR parts 679.6 and 600.745(b) authorize issuance of EFPs to allow fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations.

NMFS received a joint application for an EFP from Mr. John Gauvin, Groundfish Forum Inc. and Mr. Trevor McCabe, At-Sea Processors Association. The purpose of the EFP would be to conduct limited testing of a device for the Pacific cod fisheries in the Bering Sea and Gulf of Alaska that would lower Pacific halibut bycatch rates without significantly lowering catch rates of cod. The project would be conducted in coordination with gear development scientists at the Alaska Fisheries Science Center, NMFS, who would help the applicants select the most promising Pacific halibut excluder design for testing using criteria set out in the EFP application. Results from the EFP could be used by the groundfish trawl industry, the North Pacific Fishery Management Council (Council), and NMFS to develop fishing methods or effective regulatory measures to reduce halibut bycatch in the Pacific cod trawl fisheries.

In accordance with regulations, NMFS has determined that the proposal warrants further consideration and has initiated consultation with the Council by forwarding the application to the Council. The Council will consider the EFP application during its April 12 - 17, 2000, meeting, which will be held at the Hilton Hotel, Anchorage, AK. The applicants have been invited to appear in support of the application if the applicant desires.

A copy of the application is available for review from NMFS (see **ADDRESSES**).

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

Dated: April 5, 2000.

George H. Darcy,

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

[FR Doc. 00–8943 Filed 4–10–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Availability (NOA) of Record of Decision (ROD) on the Realistic Bomber Training Initiative (RBTI) Final Environmental Impact Statement (FEIS)

On March 24, 2000, the United States Air Force signed the Record of Decision (ROD) for the RBTI training proposal, and has selected Alternative B (Lancer Military Operations Area (MOA) and Instrument Route 178) for implementation. RBTI is designed to more effectively and efficiently train B–1 and B–52 aircrews assigned to Dyess and Barksdale Air Force Bases (AFBs). RBTI proposes linking existing military training routes (with minor modifications) to the proposed Lancer MOA, and an electronic scoring site system. RBTI will provide realistic combat training by providing sequenced training scenarios closely resembling combat situations that require every crewmember working together to successfully complete. Lastly, RBTI will also make more efficient use of limited flight hours by reducing low-value transit time to current training ranges.

Based on the analysis presented in the FEIS released in February, agency input, and public comments, the Air Force has selected the alternative that will best achieve their goal of balancing readiness training with environmental and community concerns. Where feasible, the Air Force developed mitigation measures and/or management actions to minimize the environmental impact and address concerns and comments of agencies and the public. Additionally, the Federal Aviation Administration (FAA) was a cooperating agency in the preparation of the FEIS. The Air Force will continue to work with the FAA, other federal and state agencies, and local communities to solicit their inputs during and after the establishment of the RBTI.

Any questions regarding this matter should be directed to the Dyess AFB Public Affairs Office, 466 5th Street, Dyess AFB, TX 79607 or call 915–696–2861.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00–8863 Filed 4–10–00; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant Exclusive Patent Licenses

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations (CFRs), which implements Public Law 96–517, the Department of the Air Force announces its intention to grant PDR, Inc., a company doing business in Foxboro, MA, exclusive licenses in any right, title and interest the Air Force has in U.S. Patent Application Nos. 09/299,928 and 09/300,053, respectively. The first listed invention is entitled ''Method and Apparatus for Depositing Thin Films of Group III Nitrides and Other Films and Devices Made Therefrom'' with the second invention entitled ''Process for the Manufacture of Group III Nitride Targets for Use in Sputtering and Similar Equipment.'' Each invention is related to making GaN films and products and both applications were filed in the U.S. Patent and Trademark Office on April 27, 1999.

Each license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304, Arlington, VA 22209–2310. Mr. Heald can be reached at 703–588–5091 or by fax at 703–588–8037.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00–8864 Filed 4–10–00; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF ENERGY

Notice of Availability of a Financial Assistance Solicitation

AGENCY: U.S. Department of Energy (DOE), National Energy Technology Laboratory (NETL).

ACTION: Notice of Availability of a Financial Assistance Solicitation.

SUMMARY: The Department of Energy announces that it intends to conduct a competitive Program Solicitation (DE–PS26–00BC15304) and award financial assistance (cooperative agreements) for

the program entitled ''Identification and Demonstration of Preferred Upstream Management Practices (PUMP) for the Oil Industry.'' The Department of Energy (DOE) National Energy Technology Laboratory (NETL), on behalf of the National Petroleum Technology Office (NTPO), seeks cost-shared research and development applications for identification of preferred management practices (PMP) addressing a production barrier in a region and the documentation of these practices for use by the oil industry. The near-term goal is to increase current domestic oil production quickly.

Awards will be made to a limited number of applicants based on the economic and technical merit of the application, the integrated approach and technical understanding, the technical and management capabilities of the applicant organization(s), the planned technology transfer activities, and availability of DOE funding.

FOR FURTHER INFORMATION CONTACT: Keith R. Miles, U.S. Department of Energy, National Energy Technology Laboratory, Acquisition and Assistance Division, P.O. Box 10940, MS 921–143, Pittsburgh PA 15236–0940, Telephone: (412) 386–5984, FAX: (412) 386–6137, E-mail: miles@netl.doe.gov.

SUPPLEMENTARY INFORMATION:

Solicitation Number: DE–PS26–00BC15304.

Awards: DOE anticipates issuing financial assistance (cooperative agreements) for each project selected. DOE reserves the right to support or not support, with or without discussions, any or all applications received in whole or in part, and to determine how many awards will be made. Subject to availability of funding, DOE expects to provide funds totaling $4.8 million. The program seeks to sponsor projects for a single budget/project period of 24 months or less. Due to the low risk and near-term nature of the PUMP program and the potential for a process or technology demonstration, all applicants are required to cost share at a minimum of 50% of the project total. Details of the cost sharing requirement, and the specific funding levels are contained in the solicitation.

Solicitation Release Date: This Program Solicitation (available in both WordPerfect 6.1 and Portable Document Format (PDF)) is expected to be ready for release on or about April 15, 2000 and will be available from NETL's World Wide Web Server Internet System at *http://www.netl.doe.gov/business*. Telephone requests, written requests, E-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Background: The National Petroleum Technology Office of the Department of Energy (DOE) Office of Fossil Energy (FE) has authorized DOE's National Energy Technology Lab (NETL) to act on its behalf and solicit cost-shared applications for identification of preferred management practices (PMP) addressing a production barrier in a region and the documentation of these practices for use by the industry. The near-term goal is to increase current domestic oil production quickly.

The mission of the Department of Energy's Fossil Energy Oil Program is driven by the needs of the oil producers. The overall program is designed to develop unique technologies and processes to locate untapped resources; to extend the life of domestic energy resources; and to reduce well abandonment—all essential to maximizing the production of domestic resources while protecting our environment. The National Petroleum Technology Office's Preferred Upstream Management Practices (PUMP) program as a part of this overall goal is designed to facilitate production of existing oil reserves more quickly without sacrificing efficiency or environmental protection.

Based on prior successful results from demonstrations of under-utilized or advanced technology coupled with reservoir characterization, the DOE Oil Program seeks to demonstrate that the identification and use of PMP can overcome regional constraints to increased production. The program will accept proposals that combine the identification of preferred management practices (PMP) to overcome regional production constraints and aggressive technology transfer that will promote the use of those practices. Barriers can be identified as technical, physical, regulatory, environmental, or economic. The selected projects are expected to employ the following four (4) strategies in order to have a rapid impact on production: (1) focus on regions that present the biggest potential for additional oil production quickly, (2) integrate solutions to technological, economic, regulatory, and data constraints, (3) demonstrate the validity of these practices either through field demonstration during the project or documentation of well-run successful past demonstration, and (4) use known technology transfer mechanisms.

Using a regional approach where the projects will have a wide applicability, an integrated approach scheduling tasks along parallel paths to facilitate a quicker response, and operating with existing networks, the production results in the field should be accelerated. The documentation and evaluation of the PMP will be a valuable resource to all producers in the applicable area and possibly other regions as well.

This program expects near-term results and actions that will create data or technological resources suitable for long-term use. Teaming is encouraged and the proposal partners could include, but not be limited to, producers, producer organizations, universities, service companies, State agencies or organizations, non-Federal research laboratories, and Native American Tribes or Corporations. They will demonstrate practices and/or technologies that can increase production, increase cost savings, or rapid returns on the capital investments of the operators. New technologies/processes or under-used but effective applications of existing technologies/processes critical to a region will be demonstrated.

The DOE will make publicly available over the Internet the data on preferred practices resulting from this program. The resulting publicly available databases of the preferred practices will be interactive, Internet accessible, should include both technologies and practices, and address constraints in the exploration, production, or environmental areas.

Issued in Pittsburgh, PA on April 4, 2000.

Dale A. Siciliano,

Deputy Director, Acquisition and Assistance Division.

[FR Doc. 00–8892 Filed 4–10–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–142–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

April 5, 2000.

Take notice that on March 29, 2000, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–1046, filed a request with the Commission in Docket No. CP00–142–000, pursuant to section 157.205 and 157.21(b) of the

Commission's Regulations under the Natural Gas Act (NGA) for authorization to abandon approximately 410 feet of 2-inch pipeline, appurtenances, and a point of delivery to Columbia Gas of Virginia, Inc. (CGV), all located in Fauquier County, Virginia authorized in blanket certificate issued in Docket No. CP83–76–000, all as more fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

There are no other points of delivery associated with this section of pipeline. The proposed abandonment will not result in any loss or reduction in service to any customers.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8900 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–287–048]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, El Paso Natural Gas Company (El Paso) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets, to become effective April 1, 2000:

Twenty-Eighth Revised Sheet No. 30
Twenty-Third Revised Sheet No. 31
Fifth Revised Sheet No. 31A

El Paso states that the above tariff sheets are being filed to implement a specific negotiated rate transaction in accordance with the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

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. 00–8903 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–286–002]

Granite State Gas Transmission, Inc; Notice of Compliance Filing

April 5, 2000.

Take notice that on March 31, 2000, Granite State Gas Transmission, Inc. (Granite State) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised tariff sheets listed below for effectiveness on April 1, 2000.

Substitute First Revised Sheet No. 10
Substitute Fourth Revised Sheet No. 24
Substitute Second Revised Sheet No. 141
Substitute Second Revised Sheet No. 142
Substitute Third Revised Sheet No. 144
Substitute First Revised Sheet No. 145
Substitute First Revised Sheet No. 146
Substitute First Revised Sheet No. 147
Substitute First Revised Sheet No. 148
Substitute First Revised Sheet No. 149
Substitute First Revised Sheet No. 150
Substitute First Revised Sheet No. 441

Granite State explains that the purpose of this filing is to comply with the March 17, 2000, order issued in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8906 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–233–000]

Midwestern Gas Transmission Company; Notice of Tariff Filing

April 5, 2000.

Take notice that on March 31, 2000, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the revised Tariff sheets identified in Appendix A to the filing. Midwestern proposes that the tariff sheets be made effective on May 1, 2000.

Midwestern states that as part of its transition to interactive Internet communications in compliance with the Commission's Order No. 587–I it has undertaken a major rewrite of its critical computer system functions. In conjunction with the rewrite, Midwestern further states that it is taking the opportunity to initiate additional modifications to its computer systems in order to streamline certain of Midwestern's processes and to provide additional service flexibilities (collectively, hereinafter referred to as Service Upgrades). In order to provide the Service Upgrades by completion and implementation of the rewrite, Midwestern is seeking approval for certain modifications to its existing tariff and pro forma service agreements.

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 Commissions'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. 00–8910 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–226–000]

Mississippi Canyon Gas Pipeline, LLC, Notice of Proposed Changes in FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, Mississippi Canyon Gas Pipeline, LLC (MCGP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with a proposed effective date of May 1, 2000:

Second Revised Sheet No. 27
Original Sheet No. 27A

MCGP states that the purpose of this filing is for MCGP to obtain from its FT–2 shippers on an annual basis an updated production profile. This will enable MCGP to better utilize its existing capacity and to determine when new capacity should be added.

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. 00–8909 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–014]

Natural Gas Pipeline Company of America; Notice of Proposed Change in FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, Natural Gas Pipeline Company of America (Natural) tendered for filing to be a part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet Nos. 26E, 26F, 26G and 26H, to be effective April 1, 2000.

Natural states that the purpose of this filing is to implement negotiated rate transactions with Central Illinois Light Company, Ameren Intermediate Holding Co., Inc and The Peoples Gas Light and Coke Company under Rate Schedule FTS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff. Natural further states that these transactions are being filed in accordance with the Commission's ruling that a transportation rate inclusive of surcharges would be considered a negotiated rate transaction.

Natural requests waiver of the Commission's Regulations to the extent necessary to permit Original Sheet Nos. 26E, 26F, 26G and 26H to become effective April 1, 2000.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

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. 00–8905 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–518–012]

PG&E Gas Transmission, Northwest Corporation; Notice of Proposed Changes in FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, with an effective date of April 1, 2000:

Eighth Revised Sheet No. 7
Fifth Revised Sheet No. 7A
Original Sheet No. 7B

PG&E GT–NW states that these sheets are being filed to reflect the implementation of a eight negotiated rate agreements.

PG&E GT–NW states that copies of this filing has been served on PG&E GT–NW's jurisdictional customers, and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Docket No. RP99–518–012 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. 00–8907 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. CP00–137–000

Reliant Energy Gas Transmission Company; Notice of Application

April 5, 2000.

Take notice that on March 27, 2000, Reliant Energy Gas Transmission Company (REGT), 1111 Louisiana Street, Houston, Texas 77210, filed in Docket No. CP00–137–000 an application pursuant to section 7(c) of the Natural Gas Act and part 157 of the Federal Energy Regulatory Commission's (Commission) Regulations for a certificate of public convenience and necessity authorizing REGT to construct certain facilities in Hot Spring County, Arkansas to reconfigure its system to enable deliveries to be diverted from its Line AC to other portions of its system in Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Specifically, REGT proposes to construct: (1) Approximately 2.2 miles of 20-inch pipeline, to be designated as Line ACT–4 and paralleling its Line AC; (2) one 20–inch main line valve with bypass on its Line S–3–S; and (3) one 20–inch mainline valve between Line S–3–S and its Line T at the existing Perla Junction. REGT states that the proposed facilities will allow up to 158,500 Dth/d of natural gas to be diverted from Line AC into Line T and other portions of REGT's system in Arkansas. Total cost is estimated to be $1.5 million, for which REGT requests rolled-in rate treatment.

REGT has executed a firm transportation contract with Pine Bluff Energy LLC (Pine Bluff), for no less than 10 years, with a contract demand of 40,000 Dth/d. Pine Bluff is currently constructing an electric power cogeneration plant adjacent to facilities owned by International Paper in Jefferson County, Arkansas. Pine Bluff is said to have leased capacity in International Paper's existing plant line. Upon completion of Pine Bluff's power plant, REGT, under its blanket authority, will install a delivery tap on REGT's Line T, in Grant County, Arkansas, to provide transportation service to Pine Bluff.

Pine Bluff has requested that firm service commence by October 1, 2000, and REGT request that Commission authorization be granted no later than July 31, 2000.

Any question regarding this amendment should be directed to Kevin P. Erwin, Senior Counsel, Reliant Energy Gas Transmission Company, P.O. Box 61867, Houston, Texas 77208–1867, at (713) 207–5232.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A persons does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for REGT to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8899 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–052]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised volume No. 1, the following tariff sheets to be effective April 1, 2000:

Third Revised Sheet No. 8F
Fourth Revised Sheet No. 8H
First Revised Sheet No. 8J
Fourth Revised Sheet No. 8L
Third Revised Sheet No. 8G
First Revised Sheet No. 8I
First Revised Sheet No. 8K

REGT states that the purpose of this filing is to reflect the expiration of existing negotiated rate contracts.

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://ww.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8902 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–236–000]

Reliant Energy Gas Transmission Company; Notice of Revenue Credit Report

April 5, 2000.

Take notice that on March 31, 2000, Reliant Energy Gas Transmission Company (REGT) submitted its Annual Revenue Crediting Filing pursuant to its FERC Gas Tariff, Fifth Revised Volume No. 1, Section 5.7(c)(ii)(2)(B) (Imbalance Cash Out), Section 23.2(b)(iv) (IT and SBS Revenue Crediting) and Section 23.7 (IT Revenue Credit), together with supporting workpapers.

REGT states that its filing addresses the period from February 1, 1999 through January 31, 2000. The IT and FT Cash Balancing Revenue Credits and the IT Revenue Credit for the period reflected in this filing are zero. REGT states that since REGT's current tariff sheets already reflect zero Cash Balancing and IT Revenue Credits, no tariff revisions are necessary.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before April 11, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8911 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–8–002]

South Georgia Natural Gas Company; Notice of Fuel Adjustment Filing

April 5, 2000.

Take notice that on March 31, 2000, South Georgia Natural Gas Company (South Georgia) made a filing to reconcile its fuel retention volumes for a metering anomaly that resulted in negative Lost and Unaccounted For volumes for the period May 1998 to September 1998. South Georgia proposes to make refunds to its customers to resolve this metering anomaly.

South Georgia states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in this proceeding, other interested parties and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before April 12, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8912 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–97–001]

Southern Natural Gas Company; Notice of GSR Filing

April 5, 2000.

Take notice that on March 31, 2000, Southern Natural Gas Company (Southern) made a filing in accordance with Article VII of the Stipulation and Agreement in Docket Nos. RP89–224–012, et al. (Settlement) approved by Commission order on September 29, 1995 to update its GSR surcharge. Under Article VII, Southern is required to adjust the GSR volumetric surcharge that was placed into effect January 1, 2000, based on actual GSR costs incurred and the actual GSR revenues collected in 1999 from parties supporting the Settlement. As a result of updating the information through the end of 1999 Southern proposes to retain the $.0004/Dth GSR volumetric surcharge which was placed in effect on January 1, 2000.

Southern states that copies of the filing were served upon all parties listed on the official service list compiled by the Secretary in these proceedings.

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 protestst must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8908 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–003]

Transwestern Pipeline Company; Notice of Proposed Changes In FERC Gas Tariff

April 5, 2000.

Take notice that on March 31, 2000, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to become effective on April 1, 2000:

First Revised Sheet No. 5B.05
Original Sheet No. 5B.06

Transwestern states that the above sheets are being filed to implement a specific negotiated rate transaction in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its 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 384.211 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 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. 00–8904 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF00–2011–000, et al.]

U.S. Department of Energy, et al.; Electric Rate and Corporate Regulation Filings

March 31, 2000.

Take notice that the following filings have been made with the Commission:

1. U.S. Department of Energy, Bonneville Power Administration

[Docket Nos. EF–2011–000]

Take notice that on March 21, 2000, the Bonneville Power Administration (BPA) tendered for filing a proposed rate adjustment to its rate schedule FPS–96 pursuant to section 7(a)(2) of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839e(a)(2). Pursuant to Section 300.20 of the Commission's regulations (18 CFR 300.20), BPA seeks interim approval of its proposed rates effective May 19, 2000 Pursuant to Section 300.21 of the Commission's regulations (18 CFR 300.21), BPA seeks interim approval and final confirmation of the proposed rates for the periods set forth in this notice.

BPA requests approval effective May 19, 2000, through September 30, 2006, for the FPS–96R Firm Power Products and Services Rate adjustment. BPA states that this approval is necessary for it to compete and assure cost recovery.

Comment date: April 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Nitrogen Limited

[Docket No. EG00–119–000]

Take notice that on March 28, 2000, Nitrogen Limited (Applicant), with its principal office at Windmill Hill Business Park, White Hill Way, Swindon, Wiltshire, England SW1A 1JT, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it will own a 680 megawatt natural gas-fired electric generating facility located in Lincolnshire, England (the Facility). Electric energy produced by the Facility will be sold at wholesale to the Power Pool of England and Wales. In no event will any electric energy be sold to consumers in the United States.

Comment date: April 21, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Northeast Utilities Service Company

[Docket Nos. ER95–1686–007, ER96–496–009, ER97–1359–000, OA97–300–000, and ER98–4604–000]

Take notice that on March 27, 2000, Northeast Utilities Service Company (NUSCO), tendered for filing a refund report in compliance with the Commission's order in *Northeast Utilities Service Company*, 89 FERC ¶ 61,184 (1999).

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Energy, Inc.

[Docket No. ER00–865–001]

Take notice that on March 27, 2000, Consolidated Edison Energy, Inc. (Con Edison Energy) tendered revisions to its market-based rate tariffs in compliance with the Commission's February 24, 2000 order in this proceeding.

Con Edison Energy states that a copy of this filing has been sent to all purchasers under the affected rate schedules and to all persons designated for service on the official service list.

5. Entergy Services, Inc.

[Docket No. ER00–1933–000]

Take notice that on March 27, 2000 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a new Attachment M to its Open Access Transmission Tariff, designated as FERC Electric Tariff Original Volume No. 3, addressing transmission business practices related to source and sink information required for reserving and scheduling point-to-point transmission service.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Revelation Energy Resources Corporation

[Docket No. ER97–765–006]

Take notice that on March 22, 2000, Revelation Energy Resources Corporation filed a quarterly report for the quarter ended December 31, 1999 for information only.

7. City of Mishawaka, Indiana and Indiana Michigan Power Company

[Docket No. ER00–1968–000]

Take notice that on March 23, 2000, the City of Mishawaka, Indiana (City)

and Indiana Michigan Power Company filed, pursuant to Section 3.F of FERC Electric Tariff WS, a Notice to Terminate the System Sales Clause.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. New York Independent System Operator, Inc.

[Docket No. ER00–1969–000]

Take notice that on March 27, 2000, the New York Independent System Operator, Inc. (NYISO) filed a Request for Suspension of Market-Based Pricing for 10-Minute Reserves and to Shorten Notice Period and proposed tariff changes related thereto.

A copy of this filing was served upon all persons on the Commission's official service list in Docket Nos. ER97–1523–000, OA97–470–000 and ER97–4234–000, not consolidated, and all parties who have executed Service Agreements under the ISO OATT and the ISO Services Tariff.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. The Detroit Edison Company

[Docket No. ER00–1974–000]

Take notice that on March 27, 2000, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements (the Service Agreement) for Short-term Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, between Detroit Edison and Nordic Electric, L.L.C., (Customer) dated as of March 15, 2000. The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing.

Detroit Edison requests that the Service Agreements be made effective as rate schedules as of March 28, 2000.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Cleco Utility Group Inc.

[Docket No. ER00–1976–000]

Take notice that on March 27, 2000 Cleco Utility Group Inc., Transmission services (CLECO) filed their service agreement for non firm point-to-point transmission service under its Open Access Transmission Tariff with Conectiv Energy Supply, Inc.

CLECO requests an effective date of March 27, 2000.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER00–1977–000]

Take notice that on March 27, 2000, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities Company (KU) (hereinafter Companies) tendered for filing an executed unilateral Service Agreement between the Companies and PG&E Energy Trading—Power, L.P. under the Companies Rate Schedule MBSS.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER00–1978–000]

Take notice that on March 27, 2000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP) tendered for filing a Non-Firm and a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and FPL Energy Power Marketing, Inc.

NSP requests that the Commission accept the Agreement effective March 7, 2000, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER00–1979–000]

Take notice that on March 27, 2000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP) tendered for filing a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and El Paso Energy Marketing Company.

NSP requests that the Commission accept the agreement effective March 1, 2000, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Consumers Energy Company

[Docket No. ER00–1980–000]

Take notice that on March 27, 2000, Consumers Energy Company (Consumers) tendered for filing executed service agreements for Firm and Non-Firm Point-to-Point Transmission Service with Engage Energy US, L.P.

The agreements were pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison) and have an effective date of March 21, 2000.

Copies of the filed agreements were served upon the Michigan Public Service Commission, Detroit Edison, and Engage Energy US, L.P.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Panda Gila River, L.P.

[Docket No. ER00–1981–000]

Take notice that on March 27, 2000, Panda Gila River, L.P. (Panda Gila River), tendered for filing pursuant to Section 205 of the Commission's Rules of Practice and Procedure, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting Panda Gila River to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

Panda Gila River intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Panda Gila River sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Panda Gila River nor any of its affiliates is in the business of transmitting or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Panda Oneta Power, L.P.

[Docket No. ER00–1982–000]

Take notice that on March 27, 2000, Panda Oneta Power, L.P. (Panda Oneta), tendered for filing pursuant to the Section 205 of the Commission's Rules of Practice and Procedures, 18 CFR 205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1, and for the purpose of permitting Panda Oneta to assign transmission capacity and to resell Firm Transmission Rights, to be effective no later than sixty (60) days from the date of its filing.

Panda Oneta intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Panda Oneta sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Panda Oneta nor any of its affiliates is in the business of transmitting or distributing electric power.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: April 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Illinois Power Company

[Docket No. ER00–1991–000]

Take notice that on March 27, 2000, Illinois Power Company filed their quarterly report for the quarter ending December 31, 1999.

Comment date: April 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. The Montana Power Company

[Docket No. ER00–1992–000]

Take notice that on March 28, 2000, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 an executed Network Integration Transmission Service Agreement and Network Operating Agreement with Central Montana Electric Power Cooperative Inc. under Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff).

A copy of the filing was served upon Central Montana Electric Power Cooperative Inc.

Comment date: April 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Cleco Utility Group Inc.

[Docket No. ER00–1993–000]

Take notice that on March 28, 2000 Cleco Utility Group Inc., Transmission services (CLECO), tendered for filing their service agreements for non-firm and short term firm point-to-point transmission services under its Open Access Transmission Tariff with British Columbia Power Exchange Corporation (Powerex).

CLECO requests an effective date of March 27, 2000.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Avista Corporation

[Docket No. ER00–1994–000]

Take notice that on March 28, 2000, Avista Corporation tendered for filing notice that Rate Schedule FERC No. 27, under the Commission's Docket No. ER92–824–000, previously filed with the Federal Energy Regulatory Commission by Avista Corporation, formerly known as The Washington Water Power Company, under its FERC Electric Rate Tariff Original Volume No. 4, with Public Service Company of New Mexico is to be terminated, effective March 23, 2000 by the request of Public Service Company of New Mexico per its letter dated March 16, 2000.

Notice of the cancellation has been served upon the Public Service Company of New Mexico.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. New Century Services, Inc.

[Docket No. ER00–1995–000]

Take notice that on March 28, 2000, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Long-Term Firm Point-to-Point Transmission Service between the Companies and Southwestern Public Service Company—Wholesale Merchant Function.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. New Century Services, Inc.

[Docket No. ER00–1996–000]

Take notice that on March 28, 2000, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Long-Term Firm Point-to-Point Transmission Service between the Companies and Public Service Company of Colorado—Bulk Power Sales Group.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Bradley G. Ritz

[Docket No. ID–3477–000]

Take notice that on March 28, 2000, the above-named individual filed with the Federal Energy Regulatory Commission an application for authority to hold an interlocking position in the Van Buren Revolving Loan Fund and Northern Maine Independent System Administrator, Inc.

Comment date: April 19, 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).

David P. Boergers,

Secretary.

[FR Doc. 00–8895 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–66–000, et al.];

Consolidated Water Power Company, et al.; Electric Rate and Corporate Regulation Filings

April 4, 2000.

Take notice that the following filings have been made with the Commission:

1. Consolidated Water Power Company

[Docket No. EC00–66–000]

Take notice that on March 23, 2000, Consolidated Water Power Company (CWPCo), a wholly-owned subsidiary of Consolidated Papers, Inc. (Consolidated Papers), on its own behalf and on behalf of Stora Enso Oyj (Stora Enso, and together with CWPCo, the Applicants), tendered for filing an application pursuant to section 203 of the Federal Power Act and Part 33 of the Regulations of the Commission for an order authorizing the merger of Consolidated Papers with Stora Enso

Acquisition, Inc., a subsidiary of Stora Enso. (the ''Transaction''). The Transaction is being made pursuant to the terms of the Agreement and Plan of Merger dated as of February 22, 2000, between Stora Enso and Consolidated Papers.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Lakewood Cogeneration Limited Partnership

[Docket No. EC00–68–000]

Take notice that on March 29, 2000, Lakewood Cogeneration Limited Partnership (LCLP), a Delaware limited partnership, submitted an application, pursuant to 18 CFR 33, seeking authority under Section 203 of the Federal Power Act for a change in control of the ownership of LCLP. LCLP owns a 238 MW natural gas-fired exempt wholesale generating facility located in Lakewood Township, New Jersey.

HYDRA–CO Enterprises, Inc., an indirect subsidiary of CMS Energy Corporation, has agreed to sell its 80% direct or indirect ownership interests in LCLP to Consolidated Edison Development, Inc., a subsidiary of Consolidated Edison, Inc.

Comment date: April 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Riverside Generating Company, L.L.C.

[Docket No. EG00–99–000]

Take notice that on March 28, 2000, Riverside Generating Company, L.L.C., 1000 Louisiana, Suite 5800, Houston, Texas filed with the Federal Energy Regulatory Commission an amendment to its application in the above-referenced docket for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Comment date: April 25, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Indeck Operations, Inc.

[Docket No. EG00–120–000]

Take notice that on March 29, 2000, Indeck Operations, Inc. filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. Indeck Operations, Inc. is a privately held Illinois corporation, which will operate a gas-fired generation facility located in Rockford, Illinois (the Facility).

The Facility will consist of two simple-cycle gas-fired combustion turbine driven synchronous generators and associated accessories, with a maximum power production capacity of approximately 300 MW. The plant will be an ''eligible facility'' within the meaning of section 32(a)(2) of the Public Utility Holding Company Act of 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: April 25, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Indeck-Rockford Equipment, L.L.C.

[Docket No. EG00–121–000]

Take notice that on March 29, 2000, Indeck-Rockford Equipment, L.L.C. filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. Indeck-Rockford, L.L.C. is an Illinois limited liability company and the initial owner of the generating equipment to be used at a gas-fired facility located in Rockford, Illinois (the Facility).

The Facility will consist of two simple-cycle gas-fired combustion turbine driven synchronous generators and associated accessories, with a maximum power production capacity of approximately 300 MW. The plant will be an ''eligible facility'' within the meaning of section 32(a)(2) of the Public Utility Holding Company Act of 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: April 25, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Indeck-Rockford, L.L.C.

[Docket No. EG00–122–000]

Take notice that on March 29, 2000, Indeck-Rockford, L.L.C. filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. Indeck-Rockford, L.L.C. is an Illinois limited liability company created for the purpose of causing the construction and owning and/or operating a gas-fired facility located in Rockford, Illinois (the Facility).

The Facility will consist of two simple-cycle gas-fired combustion turbine driven synchronous generators and associated accessories, with a maximum power production capacity of approximately 300 MW. The plant will be an ''eligible facility'' within the meaning of section 32(a)(2) of the Public Utility Holding Company Act of 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.

Comment date: April 25, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Williams Energy Marketing & Trading Company

[Docket No. ER00–2030–000]

Take notice that on March 29, 2000, Williams Energy Marketing & Trading Company (Williams EM&T) tendered for filing pursuant to section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d (1994), and part 35 of the Commission's Regulations, 18 CFR part 35, its Third Revised FERC Electric Rate Schedule No. 1.

The primary purpose of the filing is to update Williams EM&T's existing FERC Electric Rate Schedule No. 1 to expand Williams EM&T's existing wholesale ancillary services authority. Specifically, in addition to Williams EM&T's current wholesale ancillary services authority in California, the Third Revised FERC Electric Rate Schedule No. 1 would provide wholesale ancillary services authority in the New England Power Pool, the New York Power Pool, the Pennsylvania-New Jersey-Maryland Inter-connection, and other markets. The revised Rate Schedule also makes other minor changes.

Williams EM&T requests waiver of the prior notice requirements of Section 35.3 of the Commission's regulations, 18 CFR 35.3, to permit its Third Revised FERC Electric Rate Schedule No. 1 to become effective as of May 1, 2000.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. PPL Electric Utilities Corporation

[Docket No. ER00–2031–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation filed a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 111, effective on July 1, 1992 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon New York power Authority.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. PPL Electric Utilities Corporation

[Docket No. ER00–2032–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation filed a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 76, effective on December 3, 1982 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon Consolidated Edison Company of New York, Inc.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. PPL Electric Utilities Corporation

[Docket No. ER00–2033–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation filed a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 102 effective on February 15, 1991 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon GPU Service Corporation.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. PPL Electric Utilities Corporation

[Docket No. ER00–2034–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation file a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 131, effective on June 1, 1994 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon Potomac Electric Power Company.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. PPL Electric Utilities Corporation

[Docket No. ER00–2035–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation filed a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 142, effective on October 12, 1994 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon Consolidated Edison Company of New York, Inc.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. PPL Electric Utilities Corporation

[Docket No. ER00–2036–000]

Take notice that on March 29, 2000, PPL Electric Utilities Corporation filed a Notice stating that effective May 29, 2000, Rate Schedule FERC No. 143, effective on October 12, 1994 and filed with the Federal Energy Regulatory Commission by PPL Electric Utilities Corporation, formerly known as PP&L, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon Dynegy Inc.

Comment date: April 19, 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).

David P. Boergers,

Secretary.

[FR Doc. 00–8898 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–67–000, et al.]

Louisville Gas and Electric Company, et al.; Electric Rate and Corporate Regulation Filings

March 30, 2000.

Take notice that the following filings have been made with the Commission:

1. Louisville Gas and Electric Company, and Merger Sub

[Docket No. EC00–67–000]

Take notice that on March 24, 2000, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) on behalf of themselves and their affiliates holding jurisdictional assets (collectively, the LG&E Companies) and Merger Sub, submitted for filing an application under Section 203 of the Federal Power Act (16 U.S.C. 824b) and Part 33 of the Commission's Regulations (18 CFR 33.1) seeking the Commission's approval and related authorizations to effectuate the indirect change in control over jurisdictional assets of the LG&E companies that will occur as a result of the merger of an indirect, wholly-owned subsidiary of PowerGen plc (Merger Sub) with and into LG&E Energy Corp. (LEC), the parent holding company of the LG&E Companies. Through the merger, LEC, which will be the surviving entity, and the LG&E Companies will become indirect, wholly-owned subsidiaries of PowerGen plc (''PowerGen''), a public limited company organized under the laws of England and Wales.

The Application requests waiver of the requirements to file exhibits B, C, D, E, and F as specified in Section 33.3 of the Commission's regulations. The Application states that it includes all other information and exhibits required by Part 33 of the Commission's regulations and the Commission's Merger Policy Statement, and that the Merger Application easily satisfies the criteria set forth in the Commission's Merger Policy Statement. The Application requests that the Commission grant approval without condition, modification or an evidentiary, trial-type hearing. The Application states that the parties are seeking to close the transaction expeditiously and thus the Applicants have requested Commission approval by the end of July, 2000.

The Applicants have served copies of the filing on the state commissions of Kentucky, Virginia, and Tennessee and the parties of Docket No. EC98–2–000.

Comment date: May 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. The FirstEnergy Operating Companies

[Docket Nos. ER97–412–004, ER97–413–003 and ER98–1932–001]

Take notice that on March 24, 2000, the FirstEnergy Operating Companies tendered for filing a compliance refund report pursuant to the Commission's February 9, 2000 Letter Order, 90 FERC ¶ 61,111.

The FirstEnergy Operating Companies state that a copy of the filing has been served on the customers receiving refunds and the public utilities commissions of Ohio and Pennsylvania.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Northern Indiana Public Service Company and NIPSCO Energy Services, Inc.

[Docket Nos. ER97–458–003 and ER96–1431–012]

Take notice that on March 23, 2000, Northern Indiana Public Service Company and NESI Power Marketing, Inc. submitted an updated market power analysis. The market power analysis is required by the orders granting authority to make power sales at market-based rates.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Select Energy, Inc.

[Docket No. ER00–952–001]

Take notice that on March 24, 2000, Select Energy, Inc. (Select) tendered revisions to its market-based rate tariffs in compliance with the Commission's February 23, 2000 order in this proceeding.

Select states that a copy of this filing has been sent to all purchasers under the affected rate schedules and to all persons designated for service on the official service list for this proceeding.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. The Connecticut Light and Power Company

[Docket No. ER00–963–001]

Take notice that on March 24, 2000, The Connecticut Light and Power Company (CL&P) tendered revisions to its market-based rate tariff in compliance with the Commission's February 23, 2000 order in this proceeding.

CL&P states that a copy of this filing has been sent to all purchasers under the affected rate schedules and to all persons designated for service on the official service list in this proceeding.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. North American Power Brokers, Inc.

[Docket No. ER00–1973–000]

Take notice that on March 24, 2000, North American Power Brokers, Inc. filed a Notice of Succession notifying the Commission that North American Power Brokers, Inc. has changed its name to Enermetrix.com.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Sarah M. Barpoulis, Anthony Chovanec, William A. Collier, Mark C. Cowan, Michael E. Flinn, J. Stephen Gilbert, Anthony G. Haramis, Lyndell E. Maddox, Leslie K. McNew, James M. Richter, Stanley A. Ross, Kyle B. Sherrington, Daniel A. Valenti and Deborah F. Witmer

[Docket Nos. ID–3467–000, ID–3468–000, ID–3469–000, ID–3141–003, ID–3470–000, ID–3147–002, ID–3471–000, ID–3137–003, ID–3472–000, ID–3144–002, ID–3473–000, ID–3474–000, ID–3475–000, and ID–3476–000]

Take notice that on March 21, 2000, PG&E Energy Trading—Power Holdings Corporation, with its principal place of business at 1100 Louisiana, Suite 1000, Houston, Texas 77002 filed with the Federal Energy Regulatory Commission an application for authority to hold interlocking positions on behalf of its directors and officers (Applicants), under Section 305(b) of the Federal Power Act, 16 U.S.C. 825(b).

Comment date: April 20, 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).

David P. Boergers,

Secretary.

[FR Doc. 00–8896 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES00–23–000, et al.]

Rochester Gas and Electric Corporation., et al. Electric Rate and Corporate Regulation Filings

March 29, 2000.

Take notice that the following filings have been made with the Commission:

1. Rochester Gas and Electric Corporation

[Docket No. ES00–23–000]

Take notice that on March 23, 2000, Rochester Gas and Electric Corporation tendered for filing an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue short-term secured and unsecured promissory notes between June 1, 2000, and May 31, 2002, in an amount not to exceed $200,000,000.

Comment date: April 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Bonneville Power Administration

[Docket No. NJ00–2–000]

Take notice that on March 22, 2000, Bonneville Power Administration (Bonneville), tendered for filing a Petition for Declaratory Order Finding the Merchant Function May Have Access to Customer-Specific Hourly Metered Load Data under the Commission's Standards of Conduct.[1]

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Citizens Utilities Company

[Docket No. ES98–23–001]

Take notice that on March 22, 2000, Citizens Utilities Company (Citizens) submitted a request under Section 204 of the Federal Power Act to extend the authorization granted under Docket No.

[1] Open Access Same-Time Information System (Formerly Real-Time Information network) and Standards of Conduct, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs., Regulations Preambles January 1991–1996 ¶ 31,035 (April 24, 1996), Order No. 889–A, *order on rehearing,* 62 FR 12484 (March 14, 1997), III FERC Stats. & Regs. ¶ 31,049 (March 4, 1997); Order No. 889–B, *rehearing denied,* 62 FR 64715 (December 9, 1997), III FERC Stats. & Regs. ¶ 31,253 (November 25, 1997).

ES98–23–000 for 60-days. On April 23, 1998, the Commission authorized Citizens to issue no more than $294.5 million of securities in support of or to guarantee securities issued by various governmental or quasi-governmental bodies. The Commission also waived the competitive bidding and negotiated placement requirements in 18 CFR 34.2.

Comment date: April 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Alcoa Power Generation, Inc., Alcoa, Inc., Tapoco, Inc., Yadkin, Inc., Alcoa Generating Corporation, Long Sault, Inc., and Colockum Transmission Company, Inc.

[Docket No. OA99–3–000]

Take notice that on February 25, 2000, Alcoa Power Generating, Inc., tendered for filing revised standards of conduct Order Nos. 889 *et seq.*[2] on behalf of Alcoa, Inc., Tapoco, Inc., Yadkin, Inc., Alcoa Generating Corporation, Long Sault, Inc., and Colockum Transmission Company, Inc. (Alcoa).

Alcoa states that it served copies of the filing on the service list in this proceeding.

5. Green Mountain Power Corporation

[Docket No. ER00–1958–000]

Take notice that on March 24, 2000, Green Mountain Power Corporation (GMP), tendered for filing a service agreement for New Hampshire Electric Cooperative, Inc., to take service under its Network Integration Transmission Service tariff.

Copies of this filing have been served on each of the affected parties, the Vermont Public Service Board and the Vermont Department of Public Service.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. New Century Services, Inc.

[Docket No. ER00–1959–000]

Take notice that on March 24, 2000, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Long Term Firm Point-to-Point Transmission Service between the Companies and Southwestern Public Service Company—Wholesale Merchant Function.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. FirstEnergy System

[Docket No. ER00–1960–000]

Take notice that on March 24, 2000, FirstEnergy System tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for Statoil Energy Services, Inc., (the Transmission Customer). Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is April 01, 2000, for the above mentioned Service Agreement in this filing.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. UtiliCorp United Inc.

[Docket No. ER00–1961–000]

Take notice that on March 24, 2000, UtiliCorp United Inc. (UtiliCorp), tendered for filing service agreements with Conectiv Energy Supply, Inc., 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: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER00–1962–000]

Take notice that on March 23, 2000, UtiliCorp United Inc. (UtiliCorp), tendered for filing Service agreements with Conectiv Energy Supply, Inc., 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: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Southwest Power Pool, Inc.

[Docket No. ER00–1963–000]

Take notice that on March 24, 2000, Southwest Power Pool, Inc., tendered for filing notice that effective March 31, 2000, Rate Schedule Nos. 25 and 26, effective date June 1, 1998, and filed with the Federal Energy Regulatory Commission by Southwest Power Pool Inc., are to be canceled.

Notice of the proposed cancellation has been served upon Illinova Power Marketing, Inc., (formerly, Illinois Power Company).

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Detroit Edison Company Docket and Consumers Energy Company

[Docket No. ER00–1964–000]

Take notice that on March 24, 2000, Consumers Energy Company (Consumers), on behalf of itself and Detroit Edison Company (Detroit Edison), tendered for filing an addendum to various coordination rate schedules that would permit the incremental cost of sulfur dioxide (SO2) emissions allowances to be included in the calculation of rates under those rate schedules. The rate schedules affected are: Consumers Energy Company Rate Schedules FERC No. 22, 23 and 45 and Detroit Edison Company Rate Schedules FERC No. 11, 12 and 26. The change is designed to conform the rate schedules to the Commission's rule regarding the ratemaking treatment of SO2 emissions allowances for Phase II units issued under the Clean Air Act Amendments of 1990.

Copies of the filing were served upon the other parties to the above-listed rate schedules as well as upon the Michigan Public Service Commission.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Southwest Power Pool, Inc.

[Docket No. ER00–1965–000]

Take notice that on March 24, 2000, Southwest Power Pool, Inc. (SPP), tendered for filing revised service agreements for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service and Loss Compensation Service with PPL Electric Utilities Corporation, d/b/a/ PPL Utilities. Earlier versions of these agreements identifying PP&L, Inc., as the Transmission Customer were filed by the Commission and accepted as Service Agreement Nos. 138, 139 and 186 to SPP's FERC Electric Tariff Volume No. 1, respectively.

SPP seeks an effective date of March 14, 2000, for these agreements.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Edison Sault Electric Company

[Docket No. ER00–1966–000]

Take notice that on March 24, 2000, Edison Sault Electric Company (Edison

[2] Open Access Same-Time Information System (Formerly Real-Time Information Network) and Standards of Conduct, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs., Regulations Preambles January 1991–1996 ¶ 31,035 (April 24, 1996), Order No. 889–A, *order on rehearing,* 62 FR 12484 (March 14, 1997), III FERC Stats. & Regs. ¶ 31,049 (March 4, 1997); Order No. 889–B, *rehearing denied,* 62 FR 64715 (December 9, 1997), III FERC Stats. & Regs. ¶ 31,253 (November 25, 1997).

Sault), tendered for filing Amendment No. 1 to Supplemental Agreement No. 8 to the Contract for Electric Service between Edison Sault and Cloverland Electric Cooperative, Inc., (Cloverland) dated April 9, 1999.

Copies of the filing were served upon Cloverland.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Cordova Energy Company LLC

[Docket No. ER00–1967–000]

Take notice that on March 24, 2000, Cordova Energy Company LLC (Cordova), tendered for filing an agreement under which it will sell power to MidAmerican Energy Company.

Cordova requests an effective date of July 20, 2000.

Cordova states that is has served a copy of the filing on the Illinois Commerce Commission, the Iowa Utilities Board, and the South Dakota Public Utilities Commission.

Comment date: April 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Avista Corporation

[Docket No. ER00–1970–000]

Take notice that on March 20, 2000, Avista Corporation tendered for filing a Certificate of Concurrence for the 1999–2000 Operating Procedures under the Pacific Northwest Coordination Agreement (PNCA) filed by Puget Sound Energy, Inc., in Docket No. ER00–1583.

Comment date: April 10, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Northern Border Pipeline Company

[Docket No. MG00–5–001]

Take notice that on March 24, 2000, Northern Border Pipeline Company (Northern Border), tendered for filing revised standards of conduct in response to the Commission's February 29, 2000 Order (90 FERC ¶ 61,219 (2000)).

Northern Border states that it has served copies of this filing to all parties on the official service list in this proceeding.

Comment date: April 13, 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).

David P. Boergers,

Secretary.

[FR Doc. 00–8897 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application to Amend License and Soliciting Comments, Motions To Intervene, and Protests

April 5, 2000.

a. *Application Type:* Application to Amend License for the Tapoco Project.

b. *Project No:* 2169–013.

c. *Date Filed:* February 24, 2000.

d. *Applicant:* Alcoa Power Generating Inc., Tapoco Division.

e. *Name of Project:* Tapoco Hydroelectric Project.

f. *Location:* On the Cheoah and Little Tennessee Rivers, in Graham and Swain Counties, North Carolina, and Blount and Monroe Counties, Tennessee. The project utilize approximately 370 acres Nanthahala National Forest lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* B. Julian Polk, Alcoa Power Generating Inc., Tapoco Division, 300 North Hall Road, Alcoa, TN 37701–2516 (423) 977–3321.

i. *FERC Contact:* Any questions on this notice should be addressed to R. Feller at (202) 219–2796 or by e-mail at rainer.feller@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* 30 days from the issuance date of this notice.

Please include the project number (2169–013) on any comments or motions filed.

k. *Description of Filing:* Alcoa Power Generating Inc., Tapoco Division proposes to perform upgrades of the hydroelectric generation units at two of the project's developments. The proposed activities consist of replacing the existing turbine runners and rewinding of the generators. The proposed upgrades would increase the net project capacity from 326.5 MW to 359.0 MW, and the net hydraulic capacity of the project would increase from 33,456 cfs to 35,132 cfs.

l. *Location of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or motion to intervene in accordance with the requirements of Rules of Practice and Procedure,18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service or Responsive Documents—Any filing must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representative.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8901 Filed 4–10–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6576–7]

Access to Confidential Business Information by Enrollees Under the Senior Environmental Employment Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized grantee organizations under the Senior Environmental Employment (SEE) Program, and their enrollees; access to information which has been submitted to EPA under the environmental statutes administered by the Agency. Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning CBI access will be accepted on or before April 17, 2000.

FOR FURTHER INFORMATION CONTACT: Susan Street, National Program Director, Senior Environmental Employment Program (3641), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Telephone (202) 260–2573.

SUPPLEMENTARY INFORMATION: The Senior Environmental Employment (SEE) program is authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98–313), which provides that the Administrator may ''make grants or enter into cooperative agreements'' for the purpose of ''providing technical assistance to: Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control.'' Cooperative agreements under the SEE program provide support for many functions in the Agency, including clerical support, staffing hot lines, providing support to Agency enforcement activities, providing library services, compiling data, and support in scientific, engineering, financial, and other areas.

In performing these tasks, grantees and cooperators under the SEE program and their enrollees may have access to potentially all documents submitted under the Resource Conservation and Recovery Act, Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide and Rodenticide Act, and Comprehensive Environmental Response, Compensation, and Liability Act, to the extent that these statutes allow disclosure of confidential information to authorized representatives of the United States (or to ''contractors'' under the Federal Insecticide, Fungicide, and Rodenticide Act). Some of these documents may contain information claimed as confidential.

EPA provides confidential information to enrollees working under the following cooperative agreements:

Cooperative agreement number	Organization
CQ–827602	National Older Worker Career Center, Inc.
CQ–827603	NOWCC.
CQ–827604	NOWCC.
CQ–827605	NOWCC.
CQ–827606	NOWCC.
CQ–827607	NOWCC.
CQ–827655	NOWCC.
CQ–827656	NOWCC.
CQ–827657	NOWCC.
CQ–827658	NOWCC.
CQ–827659	NOWCC.
CQ–827660	NOWCC.
CQ–827661	NOWCC.
CQ–825084	National Caucus and Center on Black Aged, Inc.
CQ–826278	NCBA.
CQ–826377	NCBA.
CQ–827211	NCBA.
CQ–827212	NCBA.
CQ–827213	NCBA.
CQ–827214	NCBA.
CQ–827216	NCBA.
CQ–827217	NCBA.
CQ–827847	NCBA.
CQ–827848	NCBA.
CQ–827849	NCBA.
CQ–827850	NCBA.
CQ–827865	NCBA.
CQ–828031	NCBA.
CQ–828032	NCBA.
CQ–828033	NCBA.
QS–826702	NCBA.
CQ–826228	National Association for Hispanic Elderly.
CQ–826229	NAHE.
CQ–827938	NAHE.
QS–827189	NAHE.
QS–827210	NAHE.
CQ–822810–02	National Asian Pacific Center on Aging.
CQ–825448	NAPCA.
CQ–825520	NAPCA.
CQ–826340	NAPCA.
CQ–828075	NAPCA.
CQ–828126	NAPCA.
CQ–825438	National Council On the Aging, Inc.
CQ–825527	NCOA.
CQ–826218	NCOA.
CQ–827255	NCOA.
CQ–827273	NCOA.
CQ–827274	NCOA.
CQ–825528	National Senior Citizens Education and Research Center.
CQ–825529	NSCERC.
CQ–825530	NSCERC.
CQ–826279	NSCERC.
CQ–826776	NSCERC.
CQ–827332	NSCERC.
CQ–827333	NSCERC.
CQ–827334	NSCERC.
CQ–827335	NSCERC.
CQ–827415	NSCERC.

Among the procedures established by EPA confidentiality regulations for granting access is notification to the submitters of confidential data that SEE grantee organizations and their enrollees will have access. 40 CFR 2.201(h) (2) (iii). This document is intended to fulfill that requirement.

The grantee organizations are required by the cooperative agreements to protect confidential information. SEE enrollees are required to sign confidentiality agreements and to adhere to the same security procedures as Federal employees.

Dated: March 20, 2000.

Donald W. Sadler,

Director, Human Resources Staff #1.

[FR Doc. 00–8956 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting; Sunshine Act Notice

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on April 13, 2000, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Vivian L. Portis, Secretary to the Farm Credit Administration Board (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board

meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

OPEN SESSION

A. *Approval of Minutes*
—March 9, 2000 (Open)
B. *Reports*
—FCS Building Association's Quarterly Report
—Office of Examination's Annual Report on the Conditions of the System
C. *New Business*
1. *Regulations*
—OFI Lending [12 CFR Parts 614, 615, and 618] (ANPRM)
—Regulatory Burden-Phase II [12 CFR Chapter VI] (Notice)
—Participations [12 CFR Part 614] (Final)
2. *Other*
—Corporate Approvals Report
—Central Valley PCA Consolidation with Pacific Coast FCS, an ACA

Dated: April 6, 2000.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 00–9044 Filed 4–7–00; 10:46 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

April 4, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 12, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0093.

Title: Application for Renewal of Radio Station License.

Form Number: FCC 405.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 2,500 filings in any given year.

Estimated Time per Response: 2.25 hours.

Frequency of Response: Every ten years.

Total Annual Burden: 5,625 hours.

Total Annual Costs: $337,500 in filing fees (2,500 filings x $135 = $337,500). Filing fee amounts vary depending upon the specific service for which application is made. Most Form 405 services are subject to a $135 filing fee.

Needs and Uses: FCC Form 405 is used by common carriers and Multipoint Distribution Service non-common carriers to apply for renewal of radio station licenses. Section 307(c) of the Communications Act limits the term of common carrier radio licenses to ten years and requires that written applications be submitted for renewal. FCC Form 405 is required by 47 CFR parts 5, 21, 23, and 25 of the Commission's rules. Form 405 is being revised to reflect the fact that respondents no longer file this form for applications for services in Parts 22 and 101 of the Commission's rules. Respondents now file FCC Form 601 for applications for those services.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–8889 Filed 4–10–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, April 17, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals concerning renovation of a Federal Reserve Bank building. (This item was originally announced for a closed meeting on April 3, 2000.)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 7, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–9117 Filed 4–7–00; 2:57 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office for Civil Rights; Statement of Organization Functions and Delegations of Authority

Part A of the Office of the Secretary, Statement of Organization, Functions, and Delegation of Authority for the Department of Health and Human Services is being amended at, Chapter AT, Office for Civil Rights (OCR), as last amended at 57 FR 14723, 4/22/92. The changes are to streamline the OCR headquarters by establishing an Office of the Deputy Director, who will have day-to-day responsibility for OCR

functions, and realigning the headquarters program operations, policy, and resource management functions into the following components; Program, Policy and Training Division; Voluntary Compliance and Outreach Division; and a Resources Management Division. The changes are as follows:

I

Delete Section AT.00 Mission, At.10 Organization, and AT.20 Functions paragraph A through the first paragraph of C.4, and replace with the following:

Section AT.00 Mission

The Department of Health and Human Services, through the Office for Civil Rights, promotes and ensures that people have equal access to and opportunity to participate in and receive services in all HHS programs without facing unlawful discrimination. Through prevention and elimination of unlawful discrimination, the Office for Civil Rights helps HHS carry out its overall mission of improving the health and well-being of all people affected by its many programs. Ensuring the nondiscriminatory provision of services funded or provided directly by the Department is a continuing challenge to all of the Department's employees.

Section AT.10 Organization

The Office for Civil Rights is led by a Director who reports to the Secretary. The Director also serves as the Secretary's Special Assistant for Civil Rights and is responsible for overall coordination of the Department's civil rights compliance and enforcement activities. The Office is comprised of the following components:

Office of the Director (ATA)
Office of the Deputy Director (ATB)
- Program, Policy and Training Division (ATB1)
- Voluntary Compliance and Outreach Division (ATB2)
- Resource Management Division (ATB3)
- Regional Offices for Civil Rights (ATD1 through ATDX)

Section AT.20 Functions

A. Office of the Director (ATA). As the Department's chief officer for the enforcement of the nondiscrimination provisions of law and as adviser to the Secretary on civil rights, the Director is responsible for the overall leadership and operations of the Office for Civil Rights; establishes policy and serves as adviser to the Secretary on civil rights issues, including intra-departmental activities aimed at incorporating civil rights compliance into programs the Department administers and/or operates directly; sets overall direction and priorities of the Office through budget requests, strategic planning, and results-oriented operating and performance plans; maintains liaison with other Federal departments and agencies charged with civil rights enforcement responsibilities; coordinates with the White House on civil rights and related policies; maintains liaison with the Congress in coordination and consultation with the Assistant Secretary for Legislation, notifying appropriate Congressional committees of significant civil rights developments and informing members of compliance developments affecting recipients of Federal funds in their Congressional districts; determines policies and standards for civil rights investigations, enforcement and voluntary compliance and outreach programs in coordination with the Secretary and other Federal agencies; represents the Secretary before Congress and the Executive Office of the President on matters relating to civil rights; and solicits the participation of program beneficiaries and recipients of HHS funds in implementing the Department's civil rights enforcement, voluntary compliance and outreach programs.

A Principal Deputy Director serves as the alter ego of the Director and acts for the Director in his/her absence. The Office of the Director ensures that all documents requiring review or approval by the Director are assigned, cleared and/or monitored for timely action/responses to the Office's stakeholders and customers, including the Secretary, Departmental components, Congress, other government agencies, beneficiary and advocacy organizations, and the public. The Office of the Director includes an Executive Secretariat function and a central support services coordination function.

B. Office of the Deputy Director (ATB). This office is headed by a Deputy Director who reports to the Office of the Director, OCR. The Deputy Director coordinates the day-to-day operations of headquarters, overseeing program operations, policy development, and administrative, budget and human resources activities, including OCR's internal coordination responsibilities.

The Office of the Deputy Director includes three headquarters units that report to the Deputy Director: (1) the Program, Policy and Training Division; (2) the Voluntary Compliance and Outreach Division; and (3) the Resource Management Division. OCR Regional Managers also report to the Deputy Director.

1. Program, Policy and Training Division (ATB1). This Division develops policy and assists in implementation of OCR's compliance and enforcement program; plans and coordinates OCR's high priority civil rights program initiatives; assesses results of compliance activities, including, but not limited to, reviewing challenges; conducts policy and HHS program-related research; advises OCR staff nationwide on case development and quality; assists in developing negotiation, enforcement, and litigation strategies; identifies training needs and designs training programs for OCR staff; develops civil rights surveys; manages media and public relations; coordinates OCR's inter-governmental relations activities; and provides civil rights and program advice to OCR staff nationwide, other HHS components and external stakeholders.

2. Voluntary Compliance and Outreach Division (ATB2). This Division provides technical assistance to and conducts pre-grant reviews of providers/applicants seeking Medicare certification and other program participation funded by the Department to determine their ability to comply with civil rights requirements; provides guidance and assistance to OCR field offices, in coordination with the Program, Policy and Training Division, for ensuring uniform and efficient implementation of pre-grant processing policies and procedures; maintains civil rights assurance of compliance forms for permanent reference; maintains liaison with and provides civil rights technical assistance and advisory services to HHS Operating Divisions (OPDIVS), national advocacy, beneficiary, and provider groups, and to other Federal departments and agencies with respect to civil rights outreach programs, initiatives, and mandates.

3. Resource Management Division (ATB3). This Division implements OCR's administrative, financial, information resource management (IRM), data collection, and personnel functions. The Division formulates and executes OCR's budget; designs and maintains systems and data bases; administers OCR networks, including Internet and Intranet coordination; develops management, administrative and IRM policy; and manages personnel processing and performance management and employee recognition systems.

4. Regional Office for Civil Rights (ATD1 through ATDX). The Regional Managers, Office for Civil Rights report directly to the Deputy Director.

II. Delegations of Authority

All delegations and redelegations of authority to officials of the Office for Civil Rights that were in effect prior to the effective date of this reorganization shall continue in effect pending further redelegation.

Dated: March 22, 2000.

John J. Callahan,

Assistant Secretary for Management and Budget.

[FR Doc. 00–8858 Filed 4–10–00; 8:45 am]

BILLING CODE 4153–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Privacy Act of 1974; Computer Matching Programs—Department Of Veterans Affairs

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of a Computer Matching Program to Comply with Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988.

SUMMARY: In compliance with Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, we are publishing a notice of a computer matching program that ACF will conduct on behalf of itself, the Health Care Financing Administration (HCFA), and the Food and Nutrition Service (FNS), utilizing Veterans Affairs pension and compensation information and State Public Assistance Agency records.

ADDRESSES: Interested parties may comment on this notice by writing to the Director, Office of State Systems Policy, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Director, Office of State Systems Policy, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447, Telephone Number (202) 401–6959.

DATES: We filed a report of the subject ACF matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives and the Office of Information and Regulatory Affairs, the Office of Management and Budget on March 31, 2000.

SUPPLEMENTARY INFORMATION:

A. General

Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. The law regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State and local government records.

The amendments require Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with source agencies;

(2) Provide notification to applicants and beneficiaries that their records are subject to matching;

(3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;

(4) Furnish detailed reports to Congress and OMB; and

(5) Establish a Data Integrity Board that must approve matching agreements.

B. ACF Computer Match Subject to Pub. L. 100–503

Below is a brief description followed by a detailed notice of a computer match that ACF will be conducting as of May 1, 2000 or later.

ACF computer match with Department of Veterans Affairs (VA). Purpose: To detect and determine the amount of benefit overpayment to public assistance recipients by verifying client VA pension and compensation circumstances using VA automated data files.

Notice of Computer Matching Program

State Public Assistance Agencies will match public assistance client records with VA compensation and pension records.

A. Participating Agencies

ACF, VA and State Public Assistance Agencies (SPAAs).

B. Purpose of the Matching Program

The purpose of this matching program is to provide the SPAAs listed in attachment A with data from the VA benefit and compensation file for the states to determine eligibility and insure fair and equitable treatment in the delivery of benefits attributable to funds provided by the Federal Government. The SPAAs, listed in attachment A, will provide ACF with a file of Medicaid, Temporary Assistance to Needy Families (TANF), general assistance and Food Stamp clients. VA will provide ACF with a file of individuals receiving VA compensation and pension benefits. The Defense Manpower Data Center (DMDC), in the role of a contractor providing computer support services to ACF, will match the SPAAs, listed in attachment A, files with the VA file and provide ACF with VA pension and compensation benefit information for all matched records. ACF will in turn provide the SPAAs with the appropriate VA information. The SPAAs listed in attachment A, will use the VA information to verify client circumstances for eligibility and for fair and equitable treatment, and to initiate adverse action when appropriate.

C. Authority for Conducting the Matching Program

The legal authority for this match is section 402 of the Social Security Act (42 U.S.C. 602) and section (b)(3) of the Privacy Act (5 U.S.C. 552a).

D. Categories of Records and Individuals Covered by the Match

VA will disclose information from the VA Compensation, Pension, and Education and Rehabilitation Records—VA (58 VA 21/22), contained in the Privacy Act Issuances, 1997 Compilation.

ACF will match this information with State Public Assistance Agencies Client Eligibility files.

E. Inclusive Dates of the Match

This computer match will begin no sooner than 30 days from the date HHS publishes a Computer Matching Notice in the **Federal Register** or 30 days from the date copies of the approved agreement and the notice of the matching program are sent to the Congressional committee of jurisdiction under subsections (0)(2)(B) and (r) of the Privacy Act, as amended, or 30 days from the date the approved agreement is sent to the Office of Management and Budget, whichever is later, provided no comments are received which result in a contrary determination.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Director, Office of State Systems Policy, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW, Washington, DC 20447.

Dated: April 5, 2000.

Olivia A. Golden,

Assistant Secretary for Children and Families.

Attachment A: ACF Public Assistance Reporting Information System (PARIS) Project

Participating State Public Assistance Agencies

1. Connecticut Department of Social Services
2. District of Columbia Department of Social Services
3. Florida Division of Public Assistance
4. Illinois Department of Public Aid
5. Kansas Department of Social and Rehabilitation Services
6. Louisiana Department of Social Services
7. Maryland Department of Human Resources
8. Massachusetts Department of Transitional Assistance
9. Nebraska Department of Social Services
10. New York Department of Social Services
11. North Carolina Department of Human Resources
12. Ohio Department of Human Services
13. Oklahoma Department of Human Services
14. Pennsylvania Department of Public Welfare
15. South Dakota Department of Social Services
16. Tennessee Department of Human Services
17. Texas Department of Human Services
18. Utah Department of Workforce Services and Department of Health
19. Virginia Department of Social Services

[FR Doc. 00–8961 Filed 4–10–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–317]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Evaluation of Qualified Medicare Beneficiary (QMB) and Specified Low-Income Medicare Beneficiary (SLMB) Outreach Activities;

Form No.: HCFA–R–317 (OMB# 0938-NEW);

Use: State Medicaid and other State agencies that assist the Medicare population will be queried regarding specific outreach activities to Medicare beneficiaries that qualify for QMB-only and SLMB-only benefits. With this information, the effectiveness of specific outreach activities can then be evaluated. The results of the evaluation can be used to identify those outreach activities that are most cost effective. For effective outreach activities, the results can also be used to determine optimal levels of outreach efforts (*e.g.,* expenditures).;

Frequency: Annually;

Affected Public: State, Local or Tribal Government;

Number of Respondents: 51;

Total Annual Responses: 51;

Total Annual Hours: 102.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 4, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–8866 Filed 4–10–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–228]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. Due to an unanticipated event and the fact that this collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320, we are requesting an emergency review.

In an effort to comply with OMB's terms of clearance, HCFA hired a contractor to conduct a study of issues raised by the ACR form in use at the time, and to develop recommendations to further reduce the workload needed to complete a new form. The project

took longer to complete than expected which delayed the submission of the form for OMB approval. However, the statute (section 1854(a) of the Social Security Act) specifically requires this report to be submitted to HCFA by July 1 of each year. The form is used to price the M+C plan to be offered to Medicare beneficiaries and HCFA must approve the pricing structure of the M+C plan before it can be offered to Medicare beneficiaries.

We feel significant improvements were made to the form which are intended to simplify the methodology and submission, to reduce the amount of reporting burden and backup needed, and to provide more flexibility to users.

HCFA is requesting OMB review and approval of this collection by June 1, 2000, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by May 22, 2000. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: Revision of a currently approved collection;

Title of Information Collection: Adjusted Community Rate (ACR) and Supporting Regulations in 42 CFR 422.306, 422.501, and 422.510;

Form No.: HCFA–R–228 (OMB# 0938–0742);

Use: This collection effort will be used to price the M+C plan offered to Medicare beneficiaries by an M+C organization. Organizations submitting the Adjusted Community Rate form would include all M+C organizations plus any organization intending to contract with HCFA as a M+C organization. These current M+C organization contractors will be required to submit this form no later than July 1, 2000 for the calendar year 2001.;

Frequency: Annually;

Affected Public: Businesses or other for profit, Not-for-profit institutions;

Number of Respondents: 1,200;

Total Annual Responses: 1,200;

Total Annual Hours Requested: 114,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by May 22, 2000:

Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: April 4, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–8865 Filed 4–10–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of argali (*Ovis ammon*) Status Report for the Republic of Tajikistan

AGENCY: Fish and Wildlife Service.

ACTION: Notice of the availability of the contract report ''Current Population Status of the Parmir Arhar (argali) in Tajikistan.''

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a report titled ''Current Population Status of the Pamir Arhar (Argali) in Tajikistan''. This work is part of the continuing evaluation by the Service of the populations of argali in accordance with the species' listing under the U.S. Endangered Species Act. The Service is making copies of the report available to the public for informational purposes.

DATES: The Service will accept requests to obtain a photocopy of the report for 60 days after April 11, 2000.

ADDRESSES: Send your requests to the Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203. You may also send your request by fax to Room 700, Arlington, Virginia 22203. You may also send your request by fax to (703) 358–2281, to the attention of Mike Carpenter.

FOR FURTHER INFORMATION CONTACT: Mike Carpenter, Office of Management Authority, telephone (703) 358–2104 or fax (703) 358–2281, (see **ADDRESSES** section)

SUPPLEMENTARY INFORMATION: In 1999 the Service contracted with Dr. A. K. Fedosenko of the Department of Conservation and Rational Use of Game Resources of the Russian Federation to conduct a survey of the argali (*Ovis ammon polii*) population in the eastern portion of the Republic of Tajikistan. This survey is part of the continuing review of the status of populations of argali (*Ovis ammon*) listed as threatened under the Endangered Species Act and effected by the Special Rule at 50 CFR 17.40(j). The present report is a continuation of the 1994 status review of the threatened argali populations completed for the Service by Dr. Anna Lushchekina and Dr. Fedosenko and presents the results of the 1999 survey in the same context as the previous data for the area.

Dated: April 5, 2000.

Kristen Nelson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–8888 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

National Satellite Land Remote Sensing Data Archive Advisory Committee, Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, the National Satellite Land Remote Sensing Data Archive (NSLRSDA) Advisory Committee will meet at or near the U.S. Geological Survey (USGS) National Center in Reston, VA. The Committee, comprised of 15 members from academia, industry, government, information science, natural science, social science, and policy/law, will provide the USGS with advice and consultation on defining and accomplishing the NSLRSDA'a archiving and access goals to carry out the requirements of the Land Remote

Sensing Policy Act; on priorities of the NSLRSDA's tasks; and, on issues of archiving, data management, science, policy, and public-private partnerships.

Topics to be reviewed and discussed by the Committee include determining the content of and upgrading the basic data set as identified by the Congress; metadata content and accessibility; product characteristics, availability, and delivery; and archiving, data access, and distribution policies.

DATES AND LOCATION: April 26–28, 2000, commencing at 8:45 a.m. April 26 and adjourning at 2 pm on April 28. Meeting will be held at the USGS National Center in Reston, Virginia, Room BA102A on April 26–27. On April 28, the meeting will be held at the Hyatt Dulles.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Holm, Acting Chief, Data Services Branch, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota, 57198 at (605) 594–6142 or email at holm@usgs.gov.

SUPPLEMENTARY INFORMATION: Meetings of the National Satellite Land Remote Sensing Data Archive Advisory Committee are open to the public. Previous Committee meeting minutes are available for public review at http://edc.usgs.gov/programs/nslrsda/advcomm.html.

Dated: April 5, 2000.

Richard E. Witmer,

Chief Geographer.

[FR Doc. 00–8854 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–010–1430–ER/–010–G0–0253]

Emergency Road Closure, Sandoval County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Road Closure of Access.

SUMMARY: Notice is hereby given that effective April 11, 2000, a road located within the SE¼SE¼NW¼ of section 8, T. 23 N., R. 1 W., NMPM, is closed to all forms of access except as specifically authorized by the Bureau of Land Management. The closed area is commonly known as the Gallina Road north of Cuba. The purpose of this road closure is to prevent unnecessary degradation of resources, undue environmental damage and to ensure resource protection on public lands.

The emergency access closure is in accordance with the provisions of 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Joe Jaramillo, Realty Specialist at Bureau of Land Management, Albuquerque Field Office, 435 Montano NE, Albuquerque, New Mexico 87107, (505) 761–8779.

Dated: April 14, 2000.

Steve W. Anderson,

Assistant Field Manager, Division of Lands and Minerals.

[FR Doc. 00–8887 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–AG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–1410–00–HX]

Opening Order

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The State of Alaska applications for selection made under Section 6(b) of the Alaska Statehood Act of July 7, 1958, 43 U.S.C. prec. 21 (1994), and under section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1994), become effective without further action by the State upon publication of this public land order in the **Federal Register**. Land not conveyed to the State is opened and will be subject to the terms and condition of Public Land Order No. 5180, as amended, and any other withdrawals of record.

Seward Meridian

Lot 1, U.S. Survey No. 3570, Alaska, containing 3.15 acres.

Seward Meridian

T. 6 N., R. 11 W.,
Section 31, Lots 40, 41, and 42, containing 3.75 acres.

FOR FURTHER INFORMATION CONTACT: Karen Collie, Realty Specialist, Bureau of Land Management, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507, 907–267–1210.

Nick Douglas,

Field Manager.

[FR Doc. 00–8867 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Park Service, Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission; Notice of Meeting Cancellation

Notice is hereby given in accordance with the Federal Advisory Committee Act that the meeting of the Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission previously scheduled for Tuesday, April 18, 2000 in San Francisco will be canceled.

The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties. Members of the Commission are as follows:

Mr. Richard Bartke, Chairman,
Ms. Amy Meyer, Vice Chair,
Ms. Susan Giacomini Allan,
Mr. Douglas Siden,
Mr. Michael Alexander,
Mr. Dennis J. Rodoni,
Ms. Lennie Roberts,
Ms. Yvonne Lee,
Ms. Carlota del Portillo,
Mr. Trent Orr,
Mr. Redmond Kernan,
Ms. Betsey Cutler,
Mr. Gordon Bennett,
Ms. Anna-Marie Booth,
Mr. John J. Spring,
Dr. Edgar Wayburn,
Mr. Mel Lane,
Mr. Doug Nadeau.

Dated: March 31, 2000.

Brian O'Neill,

General Superintendent, Golden Gate National Recreation Area.

[FR Doc. 00–8881 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–70–P

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

[FR00N–0001]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Special Trustee for American Indians.

ACTION: Notice of Requests for Extension of Information Collection Approvals.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44

U.S.C. 3501 *et seq.*), the Office of the Special Trustee for American Indians (OST) announces the following Information Collection Requests (ICRs) have been submitted to the Office of Management and Budget (OMB) for review and approval: Application for Technical Assistance, OMB No. 1035–0001; Application for Technical Assistance to Withdraw Tribal Funds from Trust Status (General), OMB No. 1035–0002; and Application to Withdraw Tribal Funds from Trust Status, OMB No. 1035–0003. The ICRs describe the nature of the information collections and their expected burdens and costs; where appropriate, they include the actual data collection instruments.

DATES: Comments must be submitted on or before May 11, 2000.

Request for Comments: You may send or deliver comments to the addressee in the **ADDRESSES** section below. Please put the document number on your comments found in brackets in the heading of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days to assure maximum consideration. We solicit your specific comments as to:

(1) Whether the proposed information collections are necessary for the proper performance of our agency's functions, including whether the information has practical usefulness.

(2) The accuracy of our burden estimates of the collections of information.

(3) How to enhance the quality, utility, and clarity of the information to be collected.

(4) How to minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Sarah Yepa at OST by phone at (505) 248–5711, by email at sarah__yepa@ost.doi.gov.

SUPPLEMENTARY INFORMATION:

Titles: Application for Technical Assistance, OMB No. 1035–0001; Application for Technical Assistance to Withdraw Tribal Funds from Trust Status (General), OMB No. 1035–0002; and Application to Withdraw Tribal Funds from Trust Status, OMB No. 1035–0003. The requests to OMB are to extend these currently approved collections for three years.

Abstract: The American Indian Trust Fund Management Reform Act of 1994 (the Reform Act) allows tribes to withdraw their money held in trust by the U.S. Government. To withdraw their money, tribes must first submit an application and get approval from the Secretary of the Interior. The Reform Act also allows tribes to apply for technical assistance and financial assistance to complete the application. Section 1200.13 tells tribes how to submit an application to withdraw their money and Section 1200.14 tells them how they can apply for technical assistance and financial assistance. These information collections allow us to collect documents associated with tribes withdrawing their funds held in trust and applying for technical assistance to withdraw funds under 25 CFR 1200. Responses to these collections of information are required to obtain or retain a benefit. A **Federal Register** notice required under 5 CFR 1320.8(d), soliciting comments on proposed renewal of these collections of information, was published on 12/21/99 (FR99N–0001); no comments were received.

Burden Statement: The current information collection authorizations expire March 31, 2000. A Federal 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 application forms and burden estimates are:

1. OMB No. 1035–0001, OST Form No. SF–424A, Application for Technical Assistance to Withdraw Tribal Funds from Trust Status (Specific Budget):

Respondents: American Indian Tribes
Annual Respondents and Responses—12
Estimated Burden Per Response—39 hours
Estimated Annual Burden—468 hours

2. OMB No. 1035–0002, OST Form No. SF–424, Application for Technical Assistance to Withdraw Tribal Funds from Trust Status (General):

Respondents: American Indian Tribes
Annual Respondents and Responses—12
Estimated Burden Per Response—13 hours
Estimated Annual Burden—156 hours

3. OMB No. 1035–0003, Application to Withdraw Tribal Funds from Trust Status

Respondents: American Indian Tribes
Annual Respondents and Responses—12
Estimated Burden Per Response—342 hours
Estimated Annual Burden—4104 hours

Addresses: Please address your comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Interior Department, 725 17th Street, NW, Washington, DC 20503.

Please also send a copy of your comments to: Ms. Sarah Yepa, Office of Trust Funds Management, Office of the Special Trustee for American Indians, 505 Marquette, N.W., Suite 1000, Albuquerque, NM 87102.

Dated: March 30, 2000.

Donna Erwin,

Director, Office of Trust Funds Management.

[FR Doc. 00–8868 Filed 4–10–00; 8:45 am]

BILLING CODE 4310–2W–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Compact Council created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the federal government and five states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative Federal-state system to exchange such records.

The United States Attorney General appointed fifteen persons from federal and state agencies to serve on the Compact Council. The Council will prescribe system rules and procedures for the effective and proper operation of the system.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Compact Council or wishing to address this session of the Compact Council should notify Mr. Emmet A. Rathbun at (304) 625–2720, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Requestors will ordinarily be allowed not more than 15 minutes to present a topic.

DATES AND TIMES: The Compact Council will meet in open session from 9 a.m. until 5 p.m. on May 23–24, 2000.

ADDRESS: The meeting will take place at the Swissotel Atlanta, 3391 Peachtree Road, NE, Atlanta, Georgia, telephone (404) 365–0065.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mr. Emmet A. Rathbun, Unit Chief, Programs Development Section, CJIS Division, FBI, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0147, telephone (304) 625–2720, facsimile (304) 625–5388.

Dated: March 31, 2000.

Don M. Johnson,

Section Chief, Programs Development Section, Federal Bureau of Investigation.

[FR Doc. 00–8883 Filed 4–10–00; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Extension of a Currently Approved Collection.

National Corrections Reporting Program

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 13, 2000, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until May 11, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and/or 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 function 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

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* National Corrections Reporting Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms: NCRP–1A, NCRP–1B, NCRP–1C, and NCRP–1D. Corrections Unit, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* State Departments of Corrections. The National Corrections Reporting Program is the only national level data collection that provides information on sentence length, expected time to be served in prison, actual time served by released prisoners, method of release, time served on parole, type of parole discharge, offense composition of offenders entering and exiting prison and parole, and other characteristics of inmates and parolees. The data is used by Department of Justice officials, the U.S. Congress, prison administrators, researchers, and policy makers to assess current trends and patterns in the Nation's correctional populations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 41 respondents will take on average 2 hours to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,196 hours annual burden.

If additional information is required contact: Ms Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: April 6, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–8998 Filed 4–10–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,313; NAFTA–03670]

PacifiCorp Shareholders Services and Investor Relations Departments, Portland, OR; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at PacifiCorp Shareholders Services and Investor Relations Departments, Portland, Oregon. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–37,313 and NAFTA–03670; PacifiCorp Shareholders Services and Investor Relations Dept., Portland, Oregon (March 28, 2000)

Signed in Washington, D.C. this 29th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8927 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,240]

Chevron Products Company, Roosevelt, UT; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Chevron Products Company, Roosevelt, Utah. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–37,240; Chevron Products Company, Roosevelt, Utah (March 29, 2000)

Signed in Washington, D.C. this 29th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8914 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,346]

Enaid Sportswear, Inc., New York, New York; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 14, 2000, in response to a worker petition which was filed on behalf of workers at Enaid Sportswear, Inc., New York, New York.

The subject firm closed on September 30, 1999. The Department has been unable to locate principals of the firm on otherwise obtain information to reach a determination on worker eligibility. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 27th day of March 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8930 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,438]

Georgia Pacific Corporation, Building Products Division, OSB Mill, Woodland, ME; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 13, 2000 in response to a worker petition which was filed by the union on behalf of workers at Georgia Pacific Corporation, Building Products Division, OSB Mill, Woodland, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 24th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8928 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,211; NAFTA–03584]

Masonite Corporation, Pilot Rock, OR; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Masonite Corporation, Pilot Rock, Oregon. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–37,211 and NAFTA–03584; Masonite Corporation, Pilot Rock, Oregon (March 28, 2000)

Signed in Washington, D.C. this 29th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8926 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,442]

Philips Lighting Company, Fairmont, WV; Notice of Negative Determination on Reconsideration

On November 23, 1999, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 21, 1999 (64 FR 244, Pages 71502–71503).

The Department initially denied TAA to workers of the Fairmont facility because the ''contributed importantly'' group eligibility requirement of section 222(3) of the Trade Act of 1974, as amended, was not met. The Department's findings determined that separations of workers during the relevant period were the result of fluctuations in demand and a domestic transfer of production. The determination also stated that Philips Lighting Company does not import flourescent lighting products.

The petitioners requesting reconsideration asserted that the company is importing lighting products such as those produced at Fairmont in recent periods and that equipment transferred to a foreign location was being used to manufacture products formerly produced at Fairmont.

The Department's initial Negative Determination noted that workers of the Fairmont facility were covered by a previous TAA certification through April 15, 1999. Thus, the instant investigation focused on separations that have occurred since April 15, 1999.

On reconsideration, the Department conducted further investigation and obtained additional information from the subject firm. The Department has concluded that, although the company does in fact import flourescent lighting products, it does not import any products such as those produced at Fairmont within the past two years. The further investigation substantiated the previous finding that separations of workers from the Fairmont facility in the second half of 1999 were attributable to the transfer of production of certain flourescent lighting products to another domestic location of the subject firm. The further investigation also substantiated previous findings that equipment transferred from the Fairmont plant to a foreign location included such items as fork lifts and that no equipment transferred to the

foreign location is being used to produce articles manufactured at Fairmont during the relevant period.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Philips Lighting Company, Fairmont, West Virginia.

Signed at Washington, D.C., this 31st day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8915 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 20th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 03/20/00]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,470	Radionic's, Inc (Wrks)	Salinas, CA	03/10/00	Communicators, Keypads.
37,471	Huffy Bicycles (Comp)	Southhaven, MS	02/24/00	Bicycles.
37,472	MCNIC Oil and Gas Co (Wrks)	Detroit, MI	02/21/00	Natural Gas.
37,473	Far East International (Wrks)	Hunt. Beach, CA	03/05/00	Custom Doors.
37,474	Now Fabrics, Inc (Comp)	New York, NY	03/01/00	Knitted Fabrics.
37,475	Findlay Industries (Wrks)	Johnstown, OH	03/07/00	Auto Interior Trim Products.
37,476	Triten Leathergoods (Comp)	Johnson City, TN	03/06/00	Business Leather Accessories.
37,477	Pinewood Casuals, Inc (Comp)	Philipsburg, PA	02/21/00	Men's Suit Pants.
37,478	Hartwell Sports (Comp)	Hartwell, GA	02/25/00	Knit Shirts.
37,479	Rocky Shoes and Boots (UNITE)	Nelsonville, OH	03/10/00	Occupational Boots.
37,480	Chevron Info. Technology (Comp)	San Francisco, CA	03/10/00	Provides Support to Parent Co.
37,481	Inland Refining (Comp)	Woods Cross, UT	03/08/00	Oil and Gas.
37,482	Quantum Corp (Comp)	Colorado Sprg, CO	02/29/00	Computer Storage Drives.
37,483	American Identity (Comp)	Ocean Springs, MS	03/08/00	Headwear.
37,484	Calgon Corp (Wrks)	Ellwood City, PA	03/06/00	Specialty Chemicals.
37,485	Rising Eagle Enterprises (Comp)	East Tawas, MI	03/09/00	Cameras.
37,486	Down River Forest (AWPP)	Woodland, WA	03/06/00	Wood Trim, Molding, Block Panels.
37,487	Alta Gold Co (Wrks)	Fernley, NV	03/07/00	Gold.
37,488	Tyco Electronics (Comp)	Marion, KY	03/07/00	Electrical Relays and Circuit Breakers.
37,489	Hasbro Manufacturing Serv (Comp)	El Paso, TX	03/07/00	Toys.
37,490	Brechteen (Wrks)	Chesterfield, MI	03/10/00	Sausage Casings.
37,491	Cherrybell Mfg Corp (Comp)	Tucson, AZ	02/28/00	Ladies' Underwear.
37,492	ISO Electronics, Inc (Comp)	Indianapolis, IN	03/08/00	Resistors and Diodes.
37,493	Levi Strauss & Co (Wrks)	El Paso, TX	03/09/00	Pants.
37,494	Border Apparel, Inc (UNITE)	El Paso, TX	02/17/00	Jeans.
37,495	Wolverine Tube, Inc (Comp)	Roxboro, NC	02/20/00	Copper Tube.

[FR Doc. 00–8929 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,105]

Weiser Lock, a Masco Subsidiary Including Leased Workers of Interim Personnel, ADECCO Employment Services, Inc., TRC Staffing Services, Inc., Tucson, AZ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 28, 1999, applicable to workers of Weiser Lock, a Masco Subsidiary, Tucson, Arizona. The notice will be published soon in the **Federal Register**.

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that some employees of Weiser Lock were leased from Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc. to produce residential door hardware at the Tucson, Arizona plant. Worker separations occurred at these companies as a result of worker separations at Weiser Lock, a Masco Subsidiary, Tucson, Arizona.

Based on these findings, the Department is amending the certification to include workers of Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc. leased to Weiser Lock, a Masco Subsidiary, Tucson, Arizona.

Accordingly, the Department is amending the certification to reflect this matter.

The amended notice applicable to TA–W–37,105 is hereby issued as follows:

''All workers of Weiser Lock, a Masco Subsidiary, Tucson, Arizona and leased workers of Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc., Tucson, Arizona engaged in the production of residential door hardware for Weiser Lock, A Masco Subsidiary, Tucson, Arizona who became totally or partially separated from employment on or after November 19, 1998 through December 28, 2001 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8916 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than April 21, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, D.C. this 27th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 03/27/00]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,496	Zin Plas (Co.)	Grand Rapids, MI	03/10/00	Plumbing Components.
37,497	Russell Athletic (Co.)	Ashland, AL	03/10/00	Knit Apparel.
37,498	Corbin Ltd (UNITE)	Huntington, WV	03/08/00	Trousers.
37,499	Lenox China (GMP)	Pomona, NJ	03/03/00	Fine China Dinnerware.
37,500	Ultra Building Systems (Wkrs)	S. Hackensack, NJ	02/15/00	Vinyl Windows.
37,501	Stant, Inc. (Wkrs)	Connersville, IN	03/13/00	Chrome Plating Fuel Rail and Components.
37,502	Leica Microsystems (Wkrs)	Depew, NY	03/17/00	Scientific and Ophthalmic Instrumentation.
37,503	Swiss-M-Tex (Wkrs)	Travelers Rest, SC	03/18/00	Schiffli Embroidery.
37,504	MTF, Inc (Wkrs)	West Lawn, PA	03/15/00	Finish Yarn.
37,505	Fedco Automotive Co. (Wkrs)	Buffalo, NY	03/09/00	Heater Cores.
37,506	Ingersoll Rand (Wkrs)	Los Angeles, CA	03/04/00	Door Locks and Door Lock Parts.
37,507	American Identity (Co.)	Canton, SD	03/08/00	Outerwear Jackets.
37,508	Meritor Automotive (UAW)	Oshkosh, WI	03/02/00	Axles, Transmissions.
37,509	May Apparel (The) (Co.)	Mebane, NC	03/09/00	Infant and Childrens Apparel.
37,510	Cliftex Corp (UNITE)	New Bedford, MA	03/13/00	Men's Sportswear.
37,511	Avent—Kimberly Clark (Co.)	Tucson, AZ	03/13/00	Disposable Surgical Gowns, Caps, etc.
37,512	London International (Co.)	Dothan, AL	01/10/00	Condoms.
37,513	Apparel Sales & Printing (Co.)	Andrews, SC	03/06/00	Tee-Shirts.
37,514	C and L Textiles Corp. (Co.)	New York, NY	03/03/00	Knitted Fabric.

APPENDIX—Continued

[Petitions instituted on 03/27/00]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,515	Sierra Pacific Apparel (Co.)	Visalia, CA	03/14/00	Jeans—Men, Women and Children.
37,516	Finishing 2000 (Co.)	El Paso, TX	03/14/00	Finish Jeans.
37,517	U.S. Sales Corp. (Wkrs)	San Fernando, CA	03/07/00	Direct Mail Distribution.
37,518	Double ''L'' Learning (Wkrs)	Tupelo, MS	03/15/00	Provides Childcare.
37,519	Air Products & Chemicals (Co.)	Pace, FL	03/17/00	Methanol and Methylamines.

[FR Doc. 00–8921 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3578]

Court Metal Finishing, Inc., Flint, MI; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of February 2, 2000, petitioners request administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance (NAFTA–3578) for workers or the subject firm. The denial notice was signed on January 6, 2000, and published in the **Federal Register** on January 14, 2000 (65 FR 2433).

The petitioners present information regarding customer imports from Mexico of articles like or directly competitive with those produced at the workers' firm.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 31st day of March 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8922 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—03516, et al.]

Delphax Corporation; A Xerox Company, Canton, Massachusetts, etc.

In the matter of: Delphax Corporation, a Xerox Company, Canton, Massachusetts; Including Leased Workers of: Accountemps, Braintree, Massachusetts; Judge Technical Service, Needham, Massachusetts; MMD Temps, Natick, Massachusetts; TAC Engineering, Newton, Massachusetts; New England Engineers & Design, Norwood, Massachusetts; Prosource, Waltham, Massachusetts; Strategy Tech Services, Westboro, Massachusetts; TAC Staffing, Dedham, Massachusetts; Techaid, Waltham, Massachusetts; Technical Personnel Services, Andover, Massachusetts; Winter, Wyman, Boston, Massachusetts, NAFTA—03516A, Delphax Corporation, A Xerox Company, Salem, New Hampshire, NAFTA—03516B; Delphax Corporation, A Xerox Company; Farmington, Connecticut.

Amended Certification Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on June 3, 1999, applicable to workers of Delphax Corporation, A Xerox Company, Canton, Massachusetts, including its leased workers from the following firms: Accountemps; Judge Technical Service; MMD Temps; TAC engineering; New England Engineers & Design; ProSource, Strategy Tech Services; TAC Staffing; TechAid; Technical Personnel Services; and Winter, Wyman. The notice was published in the **Federal Register** on December 28, 1999 (64 FR 72693).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information received from the company shows that worker separations occurred at the Salem, New Hampshire and Farmington, Connecticut locations of Delphax Corporation. A Xerox Company, when they close in March and April, 2000 respectively. The workers provided engineering, support services, sales and marketing services to support the production of printers (DocuPrint 900/1300 models) at the Canton, Massachusetts facility.

The intent of the Department's certification is to include all workers of Delphax Corporation, A Xerox Company, who were adversely affected by a shift of production to Canada.

Accordingly, the Department is amending the certification to include workers of Delphax Corporation, A Xerox Company, Salem, New Hampshire and Farmington, Connecticut locations.

The amended notice applicable to NAFTA–03516 is hereby issued as follows:

''All workers of Delphax Corporation, A Xerox Company, Canton, Massachusetts and all temporary workers of Accountemps; Judge Technical Services; MMD Temps; TAC Engineering; New England Engineers & Design; ProSource; Strategy Tech Services; TAC Staffing; TechAid; Technical Personnel Services; and Winter, Wyman (NAFTA–0316) engaged in employment related to the production of printers (DocuPrint 900/1300 models) at the Canton, Massachusetts facility, and all workers of Delphax Corporation, A Xerox Company, Salem, New Hampshire (NAFTA–03516A) and Farmington, Connecticut (NAFTA–3516B) who became totally or partially separated from employment on or after October 12, 1998 through November 18, 2001 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8917 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3769]

The Diana Knitting Corporation, Johnstown, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 8, 2000, in response to a worker petition which was filed on behalf of workers at The Diana Knitting Corporation, Johnstown, New York.

An active certification covering the petitioning group of workers at the subject firm remains in effect (NAFTA–3727E). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 3rd day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8923 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3789]

McCain Foods, Burley, ID; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 7, 2000, in response to a petition filed on the same date on behalf of workers at McCain Foods, Burley, Idaho.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8924 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement—Transitional Adjustment Assistance Implementation Act (Pub.L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250 (b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub.L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Director of DTAA not later than April 21, 2000.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not late than April 21, 2000.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, NW, Washington, DC 20210.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

[03/28/2000]

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Renewable Energies (Co.)	Slatyfork, WV	02/14/2000	NAFTA–3,731	Fuel.
Custom Emblems (Wkrs)	Tampa, FL	02/21/2000	NAFTA–3,732	Embroidery & name tags.
Langenberg Hat (Wkrs)	New Haven, MO	02/18/2000	NAFTA–3,733	Hat & caps.
FNA Acquisition (Co.)	Mooresville, NC	02/18/2000	NAFTA–3,734	Prints & dyed fabrics.
Corporate Expressions Group (Co.)	Salisbury, NC	02/18/2000	NAFTA–3,735	Administrative services.
Square D (IBEW)	Oshkosh, WI	02/18/2000	NAFTA–3,736	Transformers.
Elliott Corporation (Wkrs)	Gillett, WI	02/10/2000	NAFTA–3,737	Welding gloves.
Quaker Oats (UFCW)	St. Joseph, MO	02/17/2000	NAFTA–3,738	Ready to eat cereal.
Southside Sportswear (Co.)	Florence, SC	02/18/2000	NAFTA–3,739	Sewing of children's shirts & pants.
Preston Trucking (GT)	Pittsburg, PA	02/14/2000	NAFTA–3,740	Hauling freight.
McMoRan Exploration (Co.)	Pecos, TX	02/15/2000	NAFTA–3,741	Molten elemental sulpur.
Target (Wkrs)	Naperville, IL	02/18/2000	NAFTA–3,742	Retail store.
Border Apparel Laundry (UNITE)	El Paso, TX	02/16/2000	NAFTA–3,743	Jeans.
Kenro (Co.)	Fredonia, WI	02/21/2000	NAFTA–3,744	Fiberglass trays.
Alphabet (UNITE)	El Paso, TX	02/15/2000	NAFTA–3,745	Automotive parts.
Brunswick Bicycles (Co.)	Onley, IL	02/28/2000	NAFTA–3,746	Bicycles.
Briggs Industries (Wrks)	Robinson, IL	02/28/2000	NAFTA–3,747	Plumbing products.
Circular Banding (Co.)	Athens, GA	02/08/2000	NAFTA–3,748	Elastic bands.
Emerson Electric (Wkrs)	Rogers, AR	02/23/2000	NAFTA–3,749	Laminations framebands shafts.

APPENDIX—Continued

[03/28/2000]

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
VDO North America (Co.)	Cheshire, CT	02/18/2000	NAFTA–3,750	Automotive components.
York International (UAW)	Waynesboro, PA	02/22/2000	NAFTA–3,751	Oil separators.
Epson Portland (Wkrs)	Hillsboro, OR	02/22/2000	NAFTA–3,752	Printers.
GCC Cutting (Wkrs)	El Paso, TX	01/22/2000	NAFTA–3,753	Fabric cutting.
Oshkosh B'Gosh (UFCW)	Oshkosh, WI	02/23/2000	NAFTA–3,754	Childrens wear & childrens books.
Raco—Hubbell (Wkrs)	Southbend, IN	02/21/2000	NAFTA–3,755	Steel electrical box's fittings.
Vermont Castings Majestic Products (Wkrs).	Huntington, IN	02/24/2000	NAFTA–3,756	Sales & administrative services.
Conoco (Co.)	Oklahoma City, OK	02/23/2000	NAFTA–3,757	Oil and gas.
Rite Industries (Co.)	High Point, NC	02/28/2000	NAFTA–3,758	Dyes.
John Clark (Co.)	Denver, CO	02/23/2000	NAFTA–3,759	Underground mining equipment.
Burnsville Apparel (Co.)	Wadesboro, NC	02/24/2000	NAFTA–3,760	Thermal underwear & turtle-necks.
General Electric (Wkrs)	Somersworth, NH	02/28/2000	NAFTA–3,761	Residential meters.
Alliance Labeling & Decorating (Wkrs)	Allentown, PA	02/28/2000	NAFTA–3,762	Labeled glass & plastic bottles.
Ithaca Industries (Co.)	Glennville, GA	02/28/2000	NAFTA–3,763	Men's & women's under & outer garments.
Ametek (Co.)	Bartow, FL	02/28/2000	NAFTA–3,764	Automotive gauge.
Bassett Upholster (Wkrs)	Duman, AR	02/29/2000	NAFTA–3,765	Furniture upholster.
Valley Cities Apparel (Wkrs)	Sayre, PA	02/28/2000	NAFTA–3,766	Sportswear & sleepwear.
ISA Cutting Room Services (UNITE)	El Paso, TX	02/29/2000	NAFTA–3,767	Cut men's & women's pants & slacks.
Donaldson Company (Wkrs)	Oelwein, IA	01/21/2000	NAFTA–3,768	Bent bolt clamps & freon filters.
Diana Knitting (The) (Co.)	Johnstown, NY	02/08/2000	NAFTA–3,769	Activewear/knitwear.
TI Group Automotive Systems (Co.)	Maquoketa, IA	02/18/2000	NAFTA–3,770	Fabricated tubing assemblies.
Bula (Co.)	Durango, CO	02/29/2000	NAFTA–3,771	Fleece hats & mittens etc.
Russell—Jerzees Activewear (Co.)	Geneva, AL	03/01/2000	NAFTA–3,772	Knit apparel.
Hamrick's (Co.)	Jonesville, SC	03/01/2000	NAFTA–3,773	Ladies apparel.
Brandon Manufacturing (Co.)	Shreveport, LA	03/01/2000	NAFTA–3,774	Metal parts, stators.
Award Windows (Wkrs)	Ferndale, WA	03/01/2000	NAFTA–3,775	Commercial windows.
Pincus Brothers (UNITE)	Philadelphia, PA	03/02/2000	NAFTA–3,776	Cut & sew men's suits.
Quaker Oats (Wkrs)	Shiremanstown, PA	03/03/2000	NAFTA–3,777	Ready to eat cereals.
Caretek (Co.)	Denver, CO	03/02/2000	NAFTA–3,778	Fleece apparel.
Atessa (UNITE)	Philadelphia, PA	03/02/2000	NAFTA–3,779	Men's suit coats & pants.
Smithville Sportswear (Co.)	Smithville, TN	03/06/2000	NAFTA–3,780	Men's & women's knit apparel.
Rochester Button (Wkrs)	South Buston, VA	03/03/2000	NAFTA–3,781	Polyester buttons.
LaCrosse Footwear (Wkrs)	LaCrosse, WI	03/03/2000	NAFTA–3,782	Molded outsoles.
Link Door Controls (Co.)	Ronkonkoma, NY	02/29/2000	NAFTA–3,783	Motors.
Eastman Kodak (Co.)	Rochester, NY	02/29/2000	NAFTA–3,784	Graphics finishing.
Cross Creek Apparel (Co.)	Mount Airy, NC	03/06/2000	NAFTA–3,785	Knit shirts & pants.
Royal Bank of Canada (Wkrs)	New York, NY	02/09/2000	NAFTA–3,786	Financial services.
Cherrybell (Co.)	Tucson, AZ	03/06/2000	NAFTA–3,787	Ladies underwear.
ISO Electronics (Co.)	Indianapolis, IN	03/10/2000	NAFTA–3,788	Circuit boards.
McCain Foods (UFCW)	Burley, ID	03/07/2000	NAFTA–3,789	French fries.
3–I (Co.)	Murrells Inlet, SC	03/08/2000	NAFTA–3,790	Cutting & sewing.
House of Perfection—Williston Mfg. (Co.).	Williston, SC	03/09/2000	NAFTA–3,791	Childrenswear.
Great American Knitting Mills (Co.)	Bally, PA	03/08/2000	NAFTA–3,792	Gold toe men's socks.
PJC Sportswear (Wkrs)	Brooklyn, NY	03/07/2000	NAFTA–3,793	Beachwear, bathing suits.
Meritor Automotive (UAW)	Oshkosh, WI	03/07/2000	NAFTA–3,794	Brakes, transmissions.
Rohm and Haas (IUOE)	Philadelphia, PA	03/07/2000	NAFTA–3,795	Ion exchange resins & herbi-cides.
C and L Textiles (Co.)	New York, NY	03/07/2000	NAFTA–3,796	Knit fabric & women's garments.
Raytheon Systems (Wkrs)	El Segundo, CA	01/31/2000	NAFTA–3,797	Jet aircraft & radar systems.
Kimberly Clark (Co.)	Cleburne, TX	03/07/2000	NAFTA–3,798	Disposable protective apparel.
Tyco Electronics (Wkrs)	Marion, KY	03/06/2000	NAFTA–3,799	Electrical relays & circuit break-ers.
Hartwell Industries (Co.)	Hartwell, GA	03/10/2000	NAFTA–3,800	Knit shirts.
May Apparel Group (Co.)	Mebane, NC	03/10/2000	NAFTA–3,801	Clothing and apparel.
Levi Strauss (Wkrs)	El Paso, TX	03/10/2000	NAFTA–3,802	Jeans.
Rising Eagle (Co.)	East Tawas, MI	03/10/2000	NAFTA–3,803	Reloading of single use cameras.
Border Apparel (UNITE)	El Paso, TX	02/28/2000	NAFTA–3,804	Jeans—Men and Women.
Avent—Kimberly Clark (Co.)	Tucson, AZ	03/15/2000	NAFTA–3,805	Disposable surgical products.
MTF (Wkrs)	West Lawn, PA	03/17/2000	NAFTA–3,806	Men's and boy's activewear.
Toshiba Display Devices (IBEW)	Horseheads, NY	03/20/2000	NAFTA–3,807	Color picture tubes for TV's.
Woodgrain Millwork (Co.)	Lakeview, OR	03/20/2000	NAFTA–3,808	Pine mouldings.
Fedco Automotive (Wkrs)	Buffalo, NY	03/21/2000	NAFTA–3,809	Heater cores.

[FR Doc. 00–8920 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3691]

S. Bent & Bros., Inc., Gardner, MA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on January 31, 2000, in response to a petition filed on the same day by the IUE Local 154–136B FW, on behalf of workers at S. Bent & Bros., Inc., Gardner, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 4th day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8925 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–03615]

Tandycrafts, Inc., Tandyarts, Inc./Impulse Designs Pinnacle Art and Frame Division Van Nuys, California; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on March 11, 1999, applicable to workers of Tandycrafts, Inc., Pinnacle Art and Frame Division, Van Nuys, California. The notice was published in the **Federal Register** on January 14, 2000 (65 FR 2433).

At the request of the company and State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of framed art, mirrors and photo frames. New information shows that in November, 1993, Tandycrafts, Inc. purchased Impulse Designs and formed a new company called Tandyarts, Inc./Impulse Designs. The company also reports that workers separated from employment at Tandycrafts, Inc., Pinnacle Art and Frame Division had their wages reported under a separate unemployment insurance (UI) tax account for Tandycrafts, Incorporated, Tandyarts, Inc./Impulse Designs, Pinnacle Art and Frame Division, Van Nuys, California.

Based on these findings, the Department is amending the certification to reflect this matter.

The intent of the Department's certification is to include all workers of Tandycraft, Inc., Pinnacle Art and Frame Division who were adversely affected by imports from Mexico.

The amended notice applicable to NAFTA–03615 is hereby issued as follows:

''All workers of Trandycraft, Inc., Tandyarts, Inc./Impulse Designs, Pinnacle Art and Frame Division, Van Nuys, California who became totally or partially separated from employment on or after August 23, 1998 through December 22, 2001 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8919 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA—03582]

Weiser Lock, a Masco Subsidiary Including Leased Workers of Interim Personnel Adecco Employment Services, Inc. TRC Staffing Services, Inc. Tucson, Arizona; Amended Certification Regarding Eligibility To Apply for NAFTA—Transitional Adjustment Assistance

In accordance with section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on December 28, 1999, applicable to workers of Weiser Lock, A Masco Subsidiary, Tucson, Arizona. The notice was published in the **Federal Register** on January 14, 2000 (65 FR 2433).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that some workers of Weiser Lock were leased from Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc. to produce residential door hardware at the Tucson, Arizona plant. Worker separations occurred at these companies as a result of worker separations at Weiser Lock, A Masco Subsidiary, Tucson, Arizona.

Based on these findings, the Department is amending the certification to include workers from Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc., Tucson, Arizona leased to Weiser Lock, A Masco Subsidiary, Tucson, Arizona.

Accordingly, the Department is amending the certification to reflect this matter.

The intent of the Department's certification is to include all workers of Weiser Lock, A Masco Subsidiary, Tucson, Arizona adversely affected by a shift of production to Mexico.

The amended notice applicable to NAFTA—03582 is hereby issued as follows:

''All workers of Weiser Lock, A Masco Subsidiary, Tucson, Arizona and leased workers of Interim Personnel, Adecco Employment Services, Inc., and TRC Staffing Services, Inc., Tucson, Arizona engaged in the production of residential door hardware for Weiser Lock, A Masco Subsidiary, Tucson, Arizona who became totally or partially separated from employment on or after November 19, 1998 through December 28, 2001 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 3rd day of April, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8918 Filed 4–10–00; 8:45 am]

BILLING CODE 4510–30–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors; Correction

A notice of a meeting of the Board of Directors was published on April 7, 2000 (65 FR 18377). Items 4 and 5 in the agenda for the Open Session were incorrect. This notice contains the correct text, and for the convenience of the reader, the meeting agenda is being republished.

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on April 15, 2000. The meeting will begin at 10:00 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Marriott Wardman Park Hotel, 2660 Woodley Road, N.W., Washington, DC 20008.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

Matters To Be Considered

Open Session

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of January 28–29, 2000.
3. Approval of minutes of the executive session of the Board's meeting of January 28–29, 2000.
4. Approval of minutes of the Board's teleconference meeting of November 29, 1999.
5. Approval of minutes of the Annual Performance Reviews Committee's meeting of November 19, 1999.
6. Approval of minutes of the Annual Performance Reviews Committee's teleconference meeting of January 24, 2000.
7. Approval of minutes of the November 19, 1999 meeting of the Committee on Provision for the Delivery of Legal Services.
8. Approval of minutes of the Operations & Regulations Committee's meeting of November 19, 1999.
9. Chairman's Report.
10. Members' Report.
11. Inspector General's Report.
12. President's Report.
13. Report on the status of Strategic Planning by the Corporation.
14. Review of the Corporation's Consolidated Operating Budget, Expenses and Other Funds Available through February 29, 2000.
15. Consider and act on the Board's meeting schedule, including designation of locations, for calendar year 2001.
16. Consider and act on the extension of John McKay's contract of employment as President of the Corporation.

Closed Session

17. Briefing [1] by the Inspector General on the activities of the Office of Inspector General.
18. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving the Corporation.

Open Session

19. Consider and act on other business.
20. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel and Secretary of the Corporation, at (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8800.

Dated: April 4, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 00–9052 Filed 4–7–00; 11:17 am]

BILLING CODE 7050–01–P

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR § 1622.2 & 1622.3.

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, April 13, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Final Rule: Amendment to Part 701, NCUA's Rules and Regulations, Secondary Capital Accounts.
2. Final Rule: Amendment to Part 707, NCUA's Rules and Regulations, Truth in Savings.
3. Appeal from a Federal Credit Union of the Regional Director's Denial of a Field of Membership Expansion Request.

RECESS: 11 a.m.

TIME AND DATE: 11:30 a.m., Thursday, April 13, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Part 723 of NCUA's Rules and Regulations. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Field of Membership Appeal. Closed pursuant to exemption (8).
3. One (1) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 00–9072 Filed 4–7–00; 12:49 pm]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by May 8, 2000. Permit applications may be inspected by interested parties at the Permit Office, address below.

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: Nadene G. Kennedy at the above address or (703) 306–1030.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541, has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in

Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

1. *Applicant:* Anne A. Sturz, Department of Marine Sciences, University of San Diego, 5998 Alcala Park, San Diego, CA 92110–2492.

Permit Application No: 2001–006.

Activity for Which Permit is Requested: Take, Enter Antarctic Specially Protected Areas and Import into the U.S.A. the applicant proposes to enter Area D (Pendulum Cove) of Antarctic Specially Protected Area #140, Shore of Port Foster, Deception Island, for the purpose of collecting shallow seawater samples, see floor sediments (5 grabs of 50 grams each), 50 grams of sand for chemical analyses for comparison to sea floor sediments, and 1 liter of new snow from the shore at Pendulum Cove. Based on previous samples collected in other areas of Deception Island, the chemical analyses of water column samples indicated that dissolved iron is present as a result of hydrothermal fluid, at least in part from dispersed flow near Pendulum Cove. The chemical analyses of new snow may reveal something about aerosol sources of iron. The applicant will import collected samples into the U.S. for further chemical analyses at the University of San Diego.

Location: ASPA 140—Area D (Pendulum Cove), Port Foster, Deception Island, South Shetland Island.

Dates: May 15, 2000 to June 15, 2000.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 00–8852 Filed 4–10–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Modification Received under the Antarctic Conservation Act of 1978, P.L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by May 8, 2000. Permit applications may be inspected by interested parties at the Permit Office, address below.

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: Nadene G. Kennedy at the above address or (703) 306–1030.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

Description of Permit Modification Requested: The Foundation issued a permit (2000–001) to Dr. Steven D. Emslie on September 21, 1999. The issued permit allows the applicant access to certain Antarctic Specially Protected Areas in order to conduct surveys and excavations of modern and abandoned penguin colonies by surveying ice-free areas to locate evidence of a breeding colony (pebble and/or bone concentrations, and rich vegetation). Not all sites will be visited in single season and access depends upon research vessel cruise tracks and accessibility to the site(s). The sites visited would be sampled by placing a test pit, no more than 1x1 meter in size, in the colony and excavating in 5–10 cm level until bedrock or non-ornithogenic sediments are encountered. To minimize impacts, test pits will be placed in areas with little or no vegetation when possible. Upon completion of the excavation, test pits would be refilled and any vegetation disturbed on the surface replaced. Collected sediments will be taken to the laboratory for processing. Sediments will be washed through fine-mesh screens; all organic remains will be sorted from the sediments and preserved for identification and analysis.

The applicant proposes access additional Antarctic Specially Protected Areas only on an opportunity basis depending upon vessel cruise tracks and schedules. The additional ASPA's are listed under Location, below:

Location

ASPA 104—Sabrina Island, Balleny Island
ASPA 105—Beaufort Island
ASPA 107—Dion Islands
ASPA 108—Green Island, Berthelot Islands
ASPA 112—Coppermine Peninsula, Robert Island
ASPA 115—Legotellerie Island, Marguerite Bay
ASPA 116—New College Valley, Caughley Beach, Cape Bird
ASPA 117—Avian Island, Northwest Marguerite Bay
ASPA 126—Byers Peninsula, Livingston Island
ASPA 133—Harmony Point, Nelson Island
ASPA 134—Cierva Point, Danco Coast
ASPA 149—Cape Shirref, Livingston Island
ASPA 150—Ardley Island, King George Island
ASPA 154—Cape Evans, Ross Island

Dates: January 1, 2000 to December 31, 2005.

Nadene G. Kennedy,

Permit Officr, Office of Polar Programs.

[FR Doc. 00–8853 Filed 4–10–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Policy Statement on Cooperation with States at Commercial

Nuclear Power Plants and Other Production or Utilization Facilities.

2. *Current OMB approval number:* 3150–0163.

3. *How often the collection is required:* On occasion—when a State wishes to observe NRC inspections or perform inspections for NRC.

4. *Who is required or asked to report:* Those States interested in observing or performing inspections.

5. *The number of annual respondents:* Maximum of 50, although not all States have participated in the program.

6. *The number of hours needed annually to complete the requirement or request:* An average estimate of 10 hours per State or 500 hours if all States participated in the program.

7. *Abstract:* States wishing to enter into an agreement with NRC to observe or participate in NRC inspections at nuclear power facilities are requested to provide certain information to the NRC to ensure close cooperation and consistency with the NRC inspection program as specified by the Commission's Policy of Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities. Submit, by June 12, 2000, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW, (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (*http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*) The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 5th day of April, 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–8948 Filed 4–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–461]

Amergen Energy Company, LLC, Clinton Power Station; Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF–62 for Clinton Power Station, held by AmerGen Energy Company, LLC (AmerGen), as the owner and licensed operator. The transfer would result from the acquisition of PECO Energy Company's existing interest in AmerGen by a new generation company. This company, presently referred to in the subject application described below as GENCO, is to be a subsidiary of a new holding company Exelon Corporation formed from the proposed merger between PECO Energy Company (PECO) and Unicom Corporation (Unicom). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. The facility is located in DeWitt County, Illinois.

According to an application for approval filed by AmerGen, AmerGen is a limited liability company formed to acquire and operate nuclear power plants in the United States. British Energy, Inc. and PECO each own 50% of AmerGen. Following completion of the merger between Unicom and PECO, GENCO will acquire PECO's existing 50% ownership interest in AmerGen. AmerGen, as owned by GENCO and British Energy, Inc. will continue to be responsible for the operation, maintenance, and eventual decommissioning of Clinton Power Station. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendment to the operating license would add language to the license transfer conditions that were incorporated into the Clinton Operating License upon the initial transfer of the license to AmerGen, to reflect the transfer of PECO's ownership interest in AmerGen to a new entity.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By May 1, 2000 any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or

petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon:

Mr. Kevin P. Gallen, Esq., Morgan, Lewis & Bockius LLP, 1800 M Street, N. W., Washington, D.C. 20036–5869; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 11, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 28, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http:www.nrc.gov*).

Dated at Rockville, Maryland this 6th day of April 2000.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–8950 Filed 4–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8989; License No. SMC–1559]

Envirocare of Utah and The Snake River Alliance; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petitions dated February 24, 2000, and March 13, 2000, the Snake River Alliance and Envirocare of Utah, respectively, have requested that the Nuclear Regulatory Commission (NRC) take action with regard to protecting public health and safety. The petitioners request that the NRC assume responsibility for Formerly Utilized Sites Remedial Action Program (FUSRAP) radioactively contaminated material and ensure its proper disposal in an NRC-licensed facility.

As the basis for these requests, the petitioners state that the NRC, under Sections 81 and 84 of the Atomic Energy Act (AEA), was given authority by Congress to regulate all 11e.(2) material regardless of when it was generated.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. Copies of the petitions are available for inspection at the Commission's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555–0001.

Dated at Rockville, Maryland this 4th day of April, 2000.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Deputy Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–8949 Filed 4–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Intent To Prepare a Draft Supplement to the Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities and To Hold a Public Meeting for the Purpose of Scoping and To Solicit Public Input Into the Process

Notice is hereby given that the U. S. Nuclear Regulatory Commission (NRC, the Commission) intends to prepare a draft supplement to the Final Generic Environmental Impact Statement (GEIS) on Decommissioning of Nuclear Facilities (NUREG–0586, August 1988) and to hold public scoping meetings for the purpose of soliciting comments. Although NUREG–0586 covered all NRC-licensed facilities, this supplement will address only the decommissioning of nuclear power reactors.

The NRC will hold a public scoping meeting on April 27, 2000, at the Radisson Hotel Lisle-Naperville (telephone: 630–505–1000), 3000 Warrenville Road, Lisle, Illinois 60532–3665, to present an overview of the proposed supplement to the GEIS and to accept public comment on its proposal. The public scoping meeting will begin at 7:00 p.m. and continue to 10:00 p.m.

The meeting will be transcribed and will include (1) A presentation by the NRC staff on the reasons for preparing a supplement to the GEIS and the environmental issues related to power reactor decommissioning to be addressed in the GEIS, and (2) the opportunity for interested government agencies, private organizations, and individuals to provide comments. Anyone wishing to attend or present oral comments at this meeting may preregister by contacting Mr. Dino C. Scaletti by telephone at 1–800–368–5642, extension 1104, or by Internet to the NRC at DGEIS@nrc.gov, 1 week prior to a specific meeting. Members of the public may also register to provide oral comments up to 15 minutes prior to the start of each meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Scaletti's attention no later than 1 week prior to a specific meeting, so that the NRC staff can determine whether the request can be accommodated.

Any interested party may submit comments related to the NRC's intent to supplement the GEIS for consideration by the NRC staff. To be certain of consideration, comments on the intent to prepare the supplement must be received by July 15, 2000. Comments received after the due date will be considered if it is practical to do so. At this time, comments are being sought only on the intent to prepare the supplement. The NRC staff currently projects issuance of the draft supplement for comment in early 2001. Comments on the draft supplement will be solicited at that time. Written comments should be sent to Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T–6 D59, U.S. Nuclear Regulatory

Commission, Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Submittal of electronic comments may be sent by the Internet to the NRC at DGEIS@nrc.gov. All comments received by the Commission, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, in Washington, DC. Also, publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Public Electronic Reading Room).

FOR FURTHER INFORMATION, CONTACT: Mr. Dino C. Scaletti, Decommissioning Section, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Scaletti can be contacted at the aforementioned telephone number.

Dated at Rockville, Maryland, this 6th day of April 2000.

For the Nuclear Regulatory Commission.

Dino C. Scaletti,

Senior Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–8951 Filed 4–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Power Authority of the State of New York; Facility Operating License No. DPR–64 Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated March 14, 2000, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists, the Nuclear Information & Resource Service, the PACE Law School Energy Project, and Public Citizen's Critical Mass Energy Project (Petitioners), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Indian Point Nuclear Generating Unit 2 (IP2), owned and operated by the Consolidated Edison Company of New York (the licensee). The Petitioner requested that the NRC issue an order to the licensee preventing the restart of IP2, or modify the licensee for IP2 to limit it to zero power, until (1) all four steam generators are replaced, (2) the steam generator tube integrity concerns identified in Dr. Joram Hopenfeld's differing professional opinion (DPO) and in Generic Safety Issue GSI–163 are resolved, and (3) potassium iodide tablets are distributed to residents and businesses within the 10–mile emergency planning zone (EPZ) or stockpiled in the vicinity of IP2. (The DPO process provides for the review of concerns raised by individual NRC employees who disagree with a position adopted by the NRC staff.)

As the basis for the request that the NRC prevent the licensee from restarting IP2 until all four steam generators are replaced, the Petitioner states that IP2 is equipped with Westinghouse Model 44 steam generators and that all other operating power plants in the United States that were originally equipped with Westinghouse Model 44 steam generators have replaced them. The Petitioner also states that the IP2 steam generators have had an average of 10 percent of their tubes removed from service and that many other tubes have crack indications.

As the basis for the request that the NRC prevent the licensee from restarting IP2 until the DPO filed by Dr. Hopenfeld is resolved, the Petitioner states that the length of time that the staff has taken to resolve this issue has undermined the NRC's four stated objectives: (1) Maintain safety, (2) increase public confidence, (3) improve regulatory efficiency and effectiveness, and (4) reduce unnecessary regulatory burden. The Petitioner also cites Idaho National Engineering Laboratory findings that support Dr. Hopenfeld's opinion.

As the basis for the request that the NRC prevent the licensee from restarting IP2 until potassium iodide tablets have been distributed to people and businesses within the 10-mile EPZ, the Petitioner states that the incident at IP2 demonstrated the potential for a more serious accident. The Petitioner also states that distributing potassium iodide tablets could reduce the consequences from a postulated accident.

The request that the NRC prevent the licensee from restarting IP2 until all four steam generators are replaced is being treated pursuant to 10 CFR 2.206 of the Commission's Regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

The request that the NRC prevent the licensee from restarting IP2 until the DPO filed by Dr. Hopenfeld is resolved and until potassium iodide tablets are distributed to people and businesses within the 10-mile EPZ or stockpiled in the vicinity of IP2 is not being treated pursuant to 10 CFR 2.206 of the Commission's regulations and shall be handled by separate correspondence.

A copy of the Petition is available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www/nrc.gov).

Dated at Rockville, Maryland, this 5th day of April 2000.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00–8947 Filed 4–10–00; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension

Form S–2, SEC File No. 270–60, OMB Control No. 3235–0072
Form F–1, SEC File No. 270–249, OMB Control No. 3235–0258
Form F–2, SEC File No. 270–250, OMB Control No. 3235–0257
Form F–3, SEC File No. 270–251, OMB Control No. 3235–0256
Form F–7, SEC File No. 270–331, OMB Control No. 3235–0383
Form F–8, SEC File No. 270–332, OMB Control No. 3235–0378
Form F–X, SEC File No. 270–336, OMB Control No. 3235–0379
Form DF, SEC File No. 270–430, OMB Control No. 3235–0482
Schedule 13E–4F, SEC File No. 270–340, OMB Control No. 3235–0375
Schedule 14D–1F, SEC File No. 270–338, OMB Control No. 3235–0376
Schedule 14D–9F, SEC File No. 270–339, OMB Control No. 3235–0382

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (Commission) has submitted to the Office of Management and Budget requests for extension on the previously

approved collections of information discussed below.

Form S–2 is used for registration of securities of certain issuers. The Form S–2 provides investors with the necessary information to make investment decisions regarding securities offered to the public. The likely respondents will be public companies. The information collected must be filed with the Commission. All information is provided to the public upon request. Form S–2 takes 470 burden hours to prepare and is filed by 101 respondents for a total of 47,470 burden hours.

Form F–1 is a registration statement of securities of certain foreign private issuers. Form F–1 provides the public with the necessary information to make informed investment decisions regarding securities offered to the public by foreign private issuers. The information provided on Form F–1 is mandatory. All information on Form F–1 is reported to the public upon request. Form F–1 takes approximately 1,868 burden hours to prepare and is filed by 170 respondents. It is estimated that 25% of the 317,560 total burden hours (79,390 hours) would be prepared by the company.

Form F–2 is a registration statement of securities of certain foreign private issuers. Form F–2 provides the public with the necessary information to make informed investment decisions regarding securities offered to the public by foreign private issuers. The information provided on Form F–2 is mandatory. All information on Form F–2 is provided to the public upon request. Form F–2 takes approximately 559 hours to prepare and is filed by 5 respondents. It is estimated that 25% of the 2,795 total burden hours (699 hours) would be prepared by the company.

Form F–3 is a registration statement of securities of certain foreign issuers offered pursuant to certain types of transactions. Form F–3 provides the public with the necessary information to make informed investment decisions regarding securities offered to the public by foreign private issuers. The information provided on Form F–3 is mandatory. All information on Form F–3 is provided to the public upon request. Form F–3 takes approximately 166 burden hours to prepare and is filed by 150 respondents. It is estimated that 25% of the 24,900 total burden hours (6,255 hours) would be prepared by the company.

Form F–7 is a registration statement of securities of certain Canadian issuers offered for cash upon the exercise of rights granted to existing securityholders. Form F–7 provides the public with the necessary information to make informed investment decisions regarding securities offered to the public. The information provided on Form F–7 is mandatory. All information is provided to the public upon request. It takes approximately 1 burden hour to prepare and is filed by 5 respondents.

Form F–8 is a registration statement of securities of certain Canadian issuers to be issued in exchange offers or a business combination. Form F–8 provides the public with the necessary information to make informed investment decisions. The information provided on Form F–8 is mandatory. All information on Form F–8 is provided to the public upon request. Form F–8 takes one burden hour to prepare and is filed by 16 respondents. It is estimated that 25% of the 16 total burden hours (4 hours) would be prepared by the company.

Form F–X is used to appoint an agent for service of process by Canadian issuers registering securities on Form F–7, F–8, F–9 or F–10 or filing periodic reports on Form 40–F under the Securities Exchange Act of 1934. The information required on form F–X provides investors with the necessary information when considering investing in Canadian companies. form F–X takes 2 burden hours to prepare and is filed by 129 respondents. It is estimated that 25% of the 258 total burden hours (64.5 hours) would be prepared by the company.

Form DF is used to allow registrants to identify a filing that was filed late because of electronic filing difficulties in order to preserve the timeliness of the filing. This form is required by all issuers who are required to file on EDGAR. In addition, Form DF is required to be filed on occasion. All information provided on Form DF is provided to the public upon request. Form DF takes 12 minutes to prepare and is filed by 500 respondents for a total of 100 burden hours.

Schedule 13E–4F may be used by any issuer incorporated or organized under the laws of Canada making a tender offer for the issuer's own securities, where less than 20% of the class of such issuer's securities that is subject of the tender offer is held of record by U.S. residents. The information required by Schedule 13E–4F must be filed with the Commission. All information is provided to the public upon request. Schedule 13E–4F takes 2 burden hours to prepare and is filed by 3 respondents for a total of 6 burden hours.

Schedule 14D–1F may be used by any person making a cash tender or exchange offer for securities of any issuer incorporated or organized under the laws of Canada that is a foreign private issuer, where less than 40% of the outstanding class of such issuer's securities that is the subject of the offer is held by U.S. holders. The information required by Schedule 14D–1F must be filed with the Commission. All information is provided to the public upon request. Schedule 14D–1F takes 2 burden hours to prepare and is filed by 5 respondents for a total of 10 burden hours.

Schedule 14D–9F is used by any issuer incorporated or organized under the laws of Canada, or by any director or officer of such issuer, where the issuer is the subject of tender offer for a class of its securities filed on Schedule 14D–1F. The information required by Schedule 14D–9F must be filed with the Commission. All information is provided to the public upon request. Schedule 14D–1F takes 2 burden hours to prepare and is filed by 5 respondents for a total of 10 burden hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, D.C. 20503, and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 31, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8874 Filed 4–10–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24376; 812–11896]

Penn Series Funds, Inc., et al.; Notice of Application

April 4, 2000.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act and rule 19f–2 under the Act.

SUMMARY OF APPLICATION: The order would permit applicants to enter into and materially amend investment subadvisory agreements without obtaining shareholder approval.

APPLICANTS: Penn Series Funds, Inc. (the ''Company''), on behalf of its series (the ''Funds''), and Independence Capital Management, Inc. (''ICMI'').

FILING DATES: The application was filed on December 20, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the SEC orders a hearing. Interested persons may request a hearing be writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 27, 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 SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549–0609. Applicants, 600 Dresher Road, Horsham, Pennsylvania 19044.

FOR FURTHER INFORMATION CONTACT: J. Amanda Machen, Senior Counsel, (202) 942–7120, or Christine Y. Greenlees, Branch Chief, (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 5th Street, NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The Company, a Maryland corporation, is registered under the Act as an open-end management investment company. The Company currently consists of nine Funds, each with different investment objectives and policies. The Funds currently serve as the investment medium for variable life insurance policies and variable annuity contracts issued by The Penn Mutual Life Insurance Company (''Penn Mutual'') and its subsidiary, The Penn Insurance and Annuity Company, and will serve as the investment medium for variable contracts that in the future are issued by Penn Mutual or its affiliates.

2. ICMI serves as the investment adviser for each of the Funds and is registered under the Investment Advisers Act of 1940 (''Advisers Act''). ICMI provides investment advisory services to the Funds under three separate investment advisory agreements with the Company (the ''Advisory Agreements''). In its capacity as investment adviser, ICMI recommends the selection or termination of one or more sub-advisers (''Managers'') to each Fund's board of directors (''Board''). In addition, ICMI oversees and monitors the performance of the Managers and may reallocate a Fund's assets among Managers. Each Manager recommended by ICMI is approved by the Board of each Fund, including a majority of directors who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (the ''Independent Directors''). Each Fund pays ICMI a fee for its services based on the Fund's net assets.

3. ICMI has entered into sub-advisory agreements (''Subadvisory Agreements'') with four Managers, each of which is registered or is exempt from registration as an investment adviser under the Advisers Act, and none of which is an affiliate of ICMI. Subject to general supervision by ICMI and the Board, each Manager is responsible for the day-to-day management of the assets of a particular Fund or a portion of the assets assigned to such Manager if managed by more than one Manager (each Fund with a Manager, a ''Manager of Managers Fund''). ICMI pays the Managers out of the fees ICMI receives from the Funds.

4 Applicants request an order to permit ICMI to enter into and amend Subadvisory Agreements without obtaining Shareholder approval.[1] The requested relief will not extend to a Manager that is an ''affiliated person'' (as defined in section 2(a)(3) of the Act) of either a Fund or ICMI, other than by reason of serving as Manager of the Fund ''Affiliated Manager'').[2]

[1] The term ''Shareholder'' includes variable life and annuity contract owners having the voting interest in a separate account for which the Funds serve as a funding medium.

[2] Applicants also request relief for: (a) future series of the Company; and (b) all subsequently registered open-end management investment companies and their portfolios that in the future: (i) are advised by ICMI or any entity controlling, controlled by, or under common control (as defined in section 2(a)(9) of the Act) with ICMI, (ii) use the ''manager of managers'' strategy as described in the application, and (iii) comply with the terms and conditions of the application (''Future Funds''). The Company is the only existing investment company that currently intends to rely on the order.

Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a majority of the investment company's outstanding voting securities. Rule 18f-2 under the Act provides that each series or class of stock in a series company affected by a matter must approve the matter if the Act requires shareholder approval.

2. Section 6(c) of the Act authorizes the SEC to exempt persons or transactions from the provisions of the Act to the extent that the 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 relief under section 6(c) from section 15(a) of the Act and rule 18f–2 under the Act. For the reasons discussed below, applicants state that the requested relief meets the standard of section 6(c).

3. Applicants assert that the Shareholders, in effect, hire ICMI to manage a Fund's assets by using external Managers, in combination with ICMI's Manager selection and monitoring process, rather than by hiring its own employees to manage assets directly. Applicants believe that Shareholders expect that ICMI will, under the overall authority of the Board, take responsibility for overseeing the Managers and recommending their hiring, termination and replacement. Applicants argue that the requested relief will reduce Fund expenses associated with Shareholder meetings and solicitation of proxies and enable the Funds to operate more efficiently. Applicants also note that the Advisory Agreements will remain subject to the requirements of section 15 of the Act and rule 18f–2 under the Act, including the requirements for Shareholder approval.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Before any Fund may relay on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of each Fund's Shareholders, or, in the case of a Future Fund whose public Shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder

before offering shares of any Future Fund to the public.

2. The prospectus for each Manager of Managers Fund will disclose the existence, substance and effect of any order granted pursuant to the application. In addition, each Manager of Managers Fund will hold itself out to the public as employing the ''manager of managers'' approach described in the application. The prospectus for each Manager of Managers Fund will prominently disclose that ICMI has ultimate responsibility to oversee the Managers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of any new Manager, ICMI will furnish Shareholders all information about the new Manager that would be included in a proxy statement. To meet this obligation, ICMI will provide Shareholders with an information statement meeting the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Securities Exchange Act of 1934.

4. ICMI will not enter into a Subadvisory Agreement with any Affiliated Manager without such agreement, including the compensation to be paid thereunder, being approved by the Shareholders of the applicable Manager of Managers Fund.

5. At all times, a majority of the Company's Board will be Independent Directors, and the nomination of new or additional Independent Directors will be at the discretion of the then existing Independent Directors.

6. When a Manager change is proposed for a Manager of Managers Fund with an Affiliated Manager, the Company's Board, including a majority of the Independent Directors, will make a separate finding, reflected in the applicable Fund's Board minutes, that such change is in the best interests of the Fund and its Shareholders and does not involve a conflict of interest from which ICMI or the Affiliated Manager derives an inappropriate advantage.

7. ICMI will provide general management services to each Manager of Managers Fund, including overall supervisory responsibility for the general management and investment of each Manager of Managers Fund's securities portfolio, and, subject to Board review and approval, will (i) set each Manager or Managers Fund's overall investment strategies, (ii) recommend and select Managers, (iii) allocate, and when appropriate, reallocate a Manager of Managers Fund's assets among its Managers when a Fund has more than one Manager, (iv) monitor and evaluate Manager performance, and (v) implement procedures designed to ensure that the Manager complies with the Manager of Managers Fund's investment objectives, policies, and restrictions.

8. No director or officer of the Company, or director or officer of ICMI will own, directly or indirectly (other than through a pooled investment vehicle over which such person does not have control), any interest in a Manager, except for (i) ownership of interests in ICMI or any entity that controls, is controlled by or is under common control with ICMI; or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Manager or an entity that controls, is controlled by, or is under common control with a Manager.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8875 Filed 4–10–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of April 10, 2000.

A closed meeting will be held on Wednesday, April 12, 2000 at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and (17) CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

Commissioner Hunt, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 12, 2000 will be:

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 6, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–9014 Filed 4–6–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [65 FR 17547, April 3, 2000].

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: April 3, 2000.

CHANGE IN THE MEETING: Cancellation of Meeting.

The closed meeting scheduled for Thursday, April 6, 2000 at 11 a.m., was cancelled.

Dated: April 7, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–9057 Filed 4–7–00; 11:30 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34–42615; File No. SR–CBOE–00–03)

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Rejecting RAES Orders in Certain Limited Situations

April 3, 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 February 22, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. In this proposed rule change, CBOE seeks to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

extend a pilot program that was first approved by the Commission on November 22, 1999.[3] On March 22, 2000, CBOE filed Amendment No. 1 to the proposed rule change.[4] The Commission received eight comment letters on the pilot program.[5] The Exchange's response to these comment letters can be found in Item IV. The Commission is publishing this notice and order to solicit comments on the proposal from interested persons and to approve the proposal on an accelerated basis for a 6 month pilot that will expire on August 22, 2000.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to extend, for a 6 month period, a pilot program that provides for certain orders to be rejected from RAES for manual handling in certain limited situations. The text of the proposed rule change is available at the CBOE and at the Commission's public reference room.

[3] *See* Release No. 34–42168 (November 22, 1999), 64 FR 66952 (November 30, 1999) (File No. SR–CBOE–99–61).

[4] In Amendment No. 1, the CBOE amended the filing to respond to questions from the Commission staff and to incorporate these responses into the text of the rule filing. In addition, the CBOE proposed to adopt an Interpretation that provides protection for orders kicked out of RAES when the prevailing market bid or offer is equal to the best bid or offer on the Exchange's book. This Interpretation, which was part of CBOE's rules until October 1999, would apply to option classes where the Automated Book Priority system has not been implemented (Interpretation .04 to CBOE Rule 6.8). *See* letter from Timothy Thompson, Director, Regulatory Affairs, CBOE, to Elizabeth King, Associate Director, Division of Market Regulation, Commission, dated March 21, 2000 (''Amendment No. 1'').

[5] *See* letters from George Brunelle, Law Offices of George Brunelle, to Secretary, Commission, dated December 20, 1999 (''Brunelle Letter 1''); James I. Gelbort, to Jonathan G. Katz, Secretary, Commission, dated December 21, 1999 (''Gelbort Letter''); Thomas Peterffy, Chairman, and David M. Battan, Vice President and General Counsel, Interactive Brokers, The Timber Hill Group, to Jonathan G. Katz, Secretary, Commission, dated December 21, 1999 (''IB Letter''); Linda S. Tors, to Jonathan G. Katz, Secretary, Commission, dated January 6, 2000 (''Tors Letter''); Thomas Coyle, to Jonathan G. Katz, Secretary, Commission, dated January 3, 2000 (''Coyle Letter''); John Rohde, to Jonathan G. Katz, Secretary, Commission, dated January 9, 2000 (''Rohde Letter''); Brent Houston, Senior Vice President, Capital Markets, Datek Online, to Jonathan G. Katz, Secretary, Commission, dated February 1, 2000 (''Datek Letter''); George Brunelle, Brunelle & Hadjikow, to Jonathan G. Katz, Secretary, Commission, dated March 23, 2000 (''Brunelle Letter 2''). The Division of Market Regulation received Brunelle Letter 2 on March 28, 2000. In Brunelle Letter 2, the commenter generally reiterates the comments from his previous letter (Brunelle Letter 1) and also comments on another CBOE rule filing, SR–CBOE–99–57.

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 CBOE included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item V below. The CBOE 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 filing is to extend, for an additional 6 month period, the pilot program that provides (where the Exchange's Automated Book Priority (''ABP'') system has been implemented) for certain orders to be rejected from RAES for manual handling in the limited situation where the bid or offer for a series of options generated by the Exchange's Autoquote system becomes crossed or locked with the best bid or offer for that series as established by a booked order. The Exchange believes this limited kick-out situation provided by the pilot program is the best alternative currently available to the Exchange to address the particular risk presented by the unusual situation where the Autoquote crosses or locks with an order in the Exchange's book. In fact, as described further below, the Exchange has found that only 0.44% of all orders (in those classes where the ABP system has been implemented) routed to RAES would be rejected pursuant to the pilot program.

1. Background

The Exchange's ABP system allows an order entered into RAES to trade directly with an order on the Exchange's customer limit order book in those cases where the prevailing market bid or offer is equal to the best bid or offer on the Exchange's book.[6] The Commission approved the Exchange's rules implementing the ABP system in October 1999,[7] however, these rule changes do not become operative in a particular class until the Exchange implements the ABP system in that class.[8] In those classes in which the ABP system has yet not been implemented, orders are still subject to Interpretation .04, which requires an order to be rerouted from RAES in the event that an order in the book is establishing the prevailing best bid or offer (whichever one is relevant to the particular order).[9] The Exchange is not proposing to provide this extra protection to orders that are rejected where the ABP system has been implemented for a number of reasons. First, as the Exchange noted in its original filing, in most cases where the order is kicked out due to an Autoquote inversion, the booked order already will have been traded in open outcry before the incoming RAES orders are received. In addition, the Exchange's systems have been designed such that a rejected order will normally be routed directly to the Exchange's electronic brokerage terminal (''PAR'') in the trading crowd and will appear on that PAR machine instantaneously. Consequently, these rejected orders will routinely be represented in the trading crowd within a matter of seconds of being rejected. These orders will be entitled, by virtue of the firm quote rule, to be executed at the bid or offer displayed when that order reaches the trading station.

As described in the prior filing, in the course of planning for the implementation of the ABP system, the Exchange became aware of an unintended consequence of the operation of the ABP system. That is, the Exchange realized that in situations where the best bid or offer for one or more series of a particular class is established by one or more orders in the

[6] In the event that the order in the book is for a smaller number of contracts than the RAES order, the balance of the RAES order would be assigned to participating market makers at the same price at which the rest of the order is to be executed

[7] *See* Release No. 34–41995 (October 8, 1999), 64 FR 56547 (October 20, 1999) (File No. SR–CBOE–99–29).

[8] As of February 10, 2000, ABP has been implemented in over 150 classes of equity options on the Exchange floor, including many of the most actively traded option classes. ABP has been implemented in options classes at every trading station on the floor. As the Exchange has noted to Commission staff, the Exchange will continue to roll out ABP to the other option classes on the floor in any orderly manner—in a manner designed to ensure the continued integrity of the ABP system.

[9] In those classes where ABP has not yet been implemented, when a RAES order is entered into the Exchange's Order Routing System at a time when the prevailing market bid or offer is equal to the best bid or offer on the Exchange's book, the order generally is routed electronically to a Floor Broker's terminal or work station in the crowd subject to the volume parameters of each firm. Today, the orders are routed to the Floor Brokers instead of being automatically executed in the crowd at the market price, because execution with the crowd would be inconsistent with CBOE Rule 6.45, which provides that bids or offers displayed on the customer limit order book are entitled to priority over other bids or offers at the same price. Until ABP is implemented in the particular class, the first such order rerouted from RAES due to a situation in which the book touches the market is entitled to be filled at the prevailing quote at the time the order was rerouted. *See* Amendment No. 1.

book, the market makers logged into RAES for that class of options would be subject to a substantial risk in the event that the market in the underlying stock moved significantly and quickly in a direction that made the booked order substantially better than the price calculated by CBOE's Autoquote formula. In that event, while the booked order would quickly be executed, CBOE represents that the ABP system may not be able to react quickly enough to remove the executed order from the limit order book. As a result, once ABP is implemented, orders entered in RAES would automatically be executed against the stale bid or offer still being shown in the book notwithstanding the booked order having already been executed. CBOE contends that this result could cause direct and substantial economic disadvantage to the market makers who are obligated to participate in RAES executions.[10] The Exchange believes there is no question that the consequence of implementing ABP without addressing this substantial increased risk is that (i) market makers may choose not to participate on RAES (thus, affecting the liquidity of those lower volume series traded on RAES and endangering the viability of RAES itself) and/or (ii) market makers may request the Equity Procedure Committee to either reduce the size of orders eligible for RAES or to take some series off of RAES (thus, eliminating significant advances in automatic execution that our customers have requested).

As mentioned in that prior filing, the Exchange expected the number of orders that would be rejected from RAES under this proposed rule would represent only a small subset of the orders that were rejected in those same classes before ABP was implemented in those classes. In fact, the Exchange has found that the number of kick-outs resulting from the implementation of this system is a remarkably small percentage of the RAES-eligible orders. Of the 150 classes in which ABP had been implemented as of February 14, the Exchange found that only 44 of those classes had an ABP order on that day. Over the course of that day, 5908 orders were routed to RAES in those particular 44 classes accounting for 41,102 contracts. Of those 5908 orders, 1054 orders (representing 9017 contracts) were handled by ABP, *i.e.* they were traded against orders in the book and in some cases also against market makers at the price of the booked order. In all 44 classes during the course of the day, there were only 26 orders (representing 130 contracts) rejected from RAES due to the Autoquote bid or offer crossing or locking with the price of the booked order.[11] This is, on average, less than one order per day per class that was rejected pursuant to the pilot program and amounts to only 0.44% of the orders routed to RAES in those 44 classes and only 0.31% of all the contracts routed to RAES in those 44 classes.[12] It should also be noted that if ABP had not been implemented in those classes, all 1054 orders that were handled by ABP would have been rejected from RAES for manual handling because of the situation in which the book touches the market. With ABP in place along with the limited kick-out, only 2.46% of the orders (and 1.44% of the contracts) that would have been rejected without ABP are now rejected with ABP.

Other Alternatives

The Exchange believes that the present alternative of rejecting RAES orders in the limited situation it has described is the most effective way to provide the benefits of the ABP system without creating such a great risk to Exchange market makers that they choose not to participate on RAES, or that they encourage the appropriate Floor Procedure Committee to offer only a few active series on RAES. During the 6 month pilot period, the Exchange will continue to seek other alternatives to having these orders rejected. Among the alternatives the Exchange is presently considering are: (i) Having the Autoquote system generate an order that will be traded on RAES in those cases where the Autoquote crosses with the book value and (ii) having an income order trade against the book order at the book price for the volume in the book and then having the balance of the incoming order trade at the next best available price whether it is another booked order or against the market makers logged onto RAES at the best market maker quote whether from Autoquote or verbalized by a market maker. The Exchange will continue to search for alternatives to develop its systems to provide the best opportunities for its customers. As it is, Exchange customers who enter orders in the RAES system in those classes where the ABP system has been implemented are much less likely to have their orders rejected for manual handling today than they were before the implementation of ABP along with the limited kickout provided by the pilot program.

Monthly Study

The Exchange is committing to provide a study each month during the pilot program detailing the number of kickouts that the Exchange experienced pursuant to the pilot program during the previous month.

2. Statutory Basis

The CBOE believes the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5)[13] of the Act in that it is designed to remove impediments to a free and open market

[10] CBOE explains the potential risk market makers could be subject to by implementing the ABP system without the proposed ''carve out'' by way of example. Assume that in a volatile stock (where the maximum order size for RAES has been established at 50 contracts) small customer orders in the book are establishing the best bid in six different series. In one particular series, Series A, assume that the CBOE market is 5 (bid)—5⅛ (offer), with a book order to buy 5 contracts at $5 (which establishes the best bid). Assume further that the price of the underlying internet stock drops precipitously in a matter of seconds. When the underlying moves, the Exchange's Autoquote system will also update CBOE market makers' quotes for the options overlying that stock. Assume with the drop in the underlying, the Exchange's Autoquote system establishes a bid and offer of 4¾–⅞ for Series A. (The same scenario would play out with the other five series whose best bid is established by an order in the book.) The order in the book representing the best bid will likely be immediately executed by the crowd in the auction market. For some period of time after the trade has been consummated in open outcry, however, the bid will still be displayed as CBOE's bid while the Order Book Official physically punches the keys to take the bid down from the display. During this period, the displayed bid of 5 in the book will be out of line with the theoretical bid of 4¾ generated by CBOE's Autoquote system. In the meantime, traders who have equipped themselves with the necessary computer equipment and communications facilities could have identified the pricing disparity between the theoretical price of the options and the displayed best bids, could automatically generate orders to sell the affected options and route those orders to RAES. If RAES is allowed to operate as it does under normal circumstances, each order to sell that arrives at the Exchange from these investors, for so long as the out-of-line book bid continues to be displayed, will be assigned to market makers in the trading crowd who are logged on to RAES. These market makers in turn will be obligated to buy at the $5 bid, which could now be significantly away from the theoretical bid. Of course, the same adverse consequences could be experienced in the other five series of the class in which the bid was established by a booked order

[11] In those 44 classes in which an ABP order was received, 26 orders were rejected. While there was a limited concentration of the kickouts in certain classes, no class had more than 5 kickouts for the entire day. Of the 26 rejects, 19 of them occurred in five classes as follows: CSCO (Cisco Systems)—5, YHOO (Yahoo! Inc.)—4, CMGI (CMGI Inc.)—4, AOL (America Online, Inc.)—3, QCOM (Qualcomm Inc.)—3.

[12] Of course, a more revealing statistic might be the percentage of RAES orders rejected compared to all RAES orders received in those 150 classes in which ABP had been implemented, not only those classes in which an ABP order was received. The percentages for the 150 ABP classes would be significantly lower than they are for the 44 classes alone.

[13] 15 U.S.C. 78f(b)(5).

and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participant, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Summary of Comments

The Commission received eight comment letters on the pilot program.[14] All of the commenters disapprove of the pilot program and ask the Commission not to extend it. Generally, the commenters assert that the pilot program protects CBOE market makers and disadvantages retail customers.[15] A few firms commented on the linking of the options exchanges.[16] The linking issues, however, is not the subject of this filing.

One commenter argues that the pilot program allows CBOE market makers to abandon their firm quote responsibilities.[17] He states that CBOE's Autoquote system does not reflect public bids or offers, but only the activity of a CBOE computer. The commenters asserts that, for example, when this system locks or crosses CBOE's bid as established by a customer limit order, the pilot program will allow market makers to abandon the prevailing public quotation, and to reject all incoming sell orders which would otherwise be entitled to trade against the best published bid. The commenter goes on to state that after these sell orders have been redirected to the crowd, these orders will most likely be executed at an inferior price.

In addition, this commenter believes that CBOE's arguments supporting the pilot program are flawed. He notes that CBOE supports the pilot by arguing that without it, market makers might avoid participating on RAES or might widen their quotes, both in response to the risk created by potential arbitrage situations. He further notes, however, that CBOE also states that it does not anticipate that the potential arbitrage situation will occur that frequently and therefore, the pilot program will have a minimal impact on the market. In sum, he argues that CBOE's support of the proposal is flawed because it simultaneously argues that makers may be exposed to tremendous risk, but the situations creating this risk will occur very infrequently.

Another commenter also refutes CBOE's arguments supporting the pilot program.[18] In particular, the commenter notes that CBOE's fear that market makers may not participate on RAES should be balanced with some of CBOE's other RAES initiatives, such as requiring all DPMs to participate in automatic execution systems and earlier attempts to decrease the number of market makers participating in RAES. Further, the commenter addresses CBOE's argument about market makers widening their quotes by asserting that CBOE already permits double-width quotes in many volatile options classes and also allows market makers to specify a RAES size limit that is less than the class maximum.

In addition, this commenter argues that the changes to various exchanges' automatic execution systems may create public confusion and unfairly restrict customers' trading opportunities. Before the approval of the ABP system and the pilot program, the commenter asserts that public customers knew how their orders would be handled when these orders reached the CBOE floor. When the ABP system was approved, the commenter notes that CBOE deleted Interpretation .04, which provided protection for kicked-out RAES orders, because CBOE believed that the ABP system would reduce or eliminate kick-outs. However, after approval of the ABP system, the commenter points out that CBOE subsequently expanded the situations in which RAES orders could be kicked-out through a series of rule filings, including the pilot program. According to the commenter, the effect of all of these changes is that CBOE still has the ability to kick-out orders, but it no longer has a rule in place which protects these kicked-out orders.

Two broker-dealers commented that the pilot program has an adverse impact on the trading strategies of their customers.[19] In particular, these firms maintain that they have created order routing systems that send customer orders to the market with the best price, and these order routing systems rely on firm quotes and automatic execution. They assert that the kick-out feature of the pilot program hurts their order routing systems because the price displayed by CBOE might not actually be the price that their customers receive. Further, they argue that once an order is kicked-out, their customers lose the advantages of an automatic execution system such as RAES, which according to these commenters, include the ability to modify or cancel orders online. Three other individuals also share these comments.[20]

All of the commenters argue that the pilot program does not allow customers to take advantage of certain trading opportunities, including arbitrage situations. For example, one commenter asserts that the essence of successful options trading, and of successful arbitrage, is the identification of a pricing disparity between the theoretical price of the option and the displayed best bid or offer.[21] This commenter believes that the pilot program, with its kick-out feature, does not allow traders to take advantage of these opportunities.

Two commenters offer suggestions on how to eliminate the need for the pilot program. One of these commenters believes that if CBOE provides additional staff to help take out the booked order when the booked order is locked or crossed by the Autoquote price, the need for the pilot program would be eliminated.[22] The other commenter suggests that when an Autoquote price touches the price of a book order, the system should automatically execute the book order against a market maker.[23] The commenter believes that this would eliminate the need for the pilot program because it would eliminate the possibility of a book order being locked or crossed with the Autoquote price.

In the alternative, this commenter suggests that if the pilot program is to continue, then CBOE should be required to notify broker-dealers that automatic execution is not available in a particular options series. the commenter believes that CBOE should post this notification at least three seconds prior to removing the options series from the automatic execution system. In addition, this commenter believes that the pilot program should not be extended because it gives no incentive to CBOE to fix its systems.

IV. The Exchange's Response to the Commenters

Seven comment letters were submitted on the original proposed rule change: one by Interactive Brokers; one by James Gelbort; one by George

[14] *See supra* note 5.

[15] *See, e.g.*, Brunelle Letter 1, Gelbort Letter, Tors Letter, Rohde Letter and Datek Letter.

[16] *See* IB Letter, Datek Letter.

[17] *See* Brunelle Letter 1.

[18] *See* Gelbort Letter.

[19] *See* IB Letter, Datek Letter.

[20] *See* Tors Letter, Rohde Letter, Coyle Letter.

[21] *See* Brunelle Letter 1.

[22] *See* Gelbort Letter.

[23] *See* IB Letter.

Brunelle on behalf of a private investment firm client; one by Thomas Coyle; one by Linda S. Tors; one by John Rohde; and one from Datek Online.[24] It should be noted that all but three of the letters—the IB Letter, the Gelbort Letter, and the Brunelle Letter 1—were sent to the Commission after the public comment period had expired; the Datek letter was sent more than one month after the comment period ended. Nevertheless, the Exchange is addressing the arguments raised in each of the letters.

Stripped of their rhetoric and inaccuracies, these letters all essentially argue that the Exchange's proposed rule should be disapproved because it does not allow, in their opinion, for the smooth operation of a certain business model of which they presumably want to take advantage. A central theme of many of the letters is that the type of kick-out provided for by this rule (and other procedures at other exchanges) is a step backward in a technological world that is providing quicker and better access for customers to automatic execution systems. What these letters ignore is that the Exchange has continually expanded access to RAES over the last few years by increasing the eligible RAES order size, and that with this new kick-out there are actually fewer orders rejected from RAES today (not more as these letters suggest) than there were just a few months ago before the ABP system was put in place.[25] Before the implementation of ABP in a particular class, every incoming RAES-eligible order would be rejected from RAES in those cases in which a booked order was establishing the best price on that side of the market against which the order would be traded. In those classes where ABP is in place, an incoming RAES-eligible order is only rejected from RAES if the booked order is establishing the best price on the side of the market against which the order would be traded and if the Autoquote bid or offer (as appropriate) crosses or locks with that book price.

The letters also wrongly assume that there is no public benefit to this kick-out[26] and that the proposal was established merely to protect the Exchange's market makers from suffering losses or to protect the market makers' ''advantages.''[27] Again, these letters ignore the fact that, unlike the professional traders who commented on the pilot program, market makers have become subject to ever greater obligations that have been imposed by Exchange rules. In fact, the ABP system obligates the Exchange's market makers to trade up to fifty (50) contracts (the maximum RAES order size) at a price that was established by a public customer and not by the market makers.

One of the commenters suggested that the book staff have an incentive to continue to display a book price that is crossed or locked with the Autoquote system.[28] Of course, it should be apparent from everything the Exchange has explained why the DPM book staff has an incentive to take down the already traded book price as soon as possible. The longer the book price remains, the more orders that will be sent to the Exchange trying to trade at the erroneous price and the more orders that will subsequently be rejected due to the pilot program. The Exchange's DPMs have an incentive from a customer service standpoint and for the sake of running an efficient business to ensure the displayed prices are accurate and that the prices of orders that are traded are taken down as soon as possible.

While the above discussion addresses the arguments presented in all of the comment letters, the Exchange wanted to address individually some of the letters which raise some issues that are particularly troubling because they state inaccuracies and/or misrepresent the Exchange's intentions.

Brunelle Letter 1

The Brunelle Letter 1, which was sent on behalf of a ''private investment firm'' who chose to remain anonymous, states that the CBOE is arguing that ''the public can have RAES, or they can have the Firm Quote Rule * * * but not both.'' This statement is contrary to the Exchange's rules and to Exchange practice. In fact, the Exchange's firm quote rule, CBOE Rule 8.51, states in paragraph (a)(2) that ''the appropriate Floor Procedure Committee * * * may establish a different firm quote requirement for a particular class of options that is not less than the RAES contract limit and no more than 50 contracts.'' By virtue of this rule, every order entered for the maximum RAES eligible size or less is entitled to firm quote treatment. This means that every RAES-eligible order, including those that are rejected in the limited circumstance permitted by the pilot program, will absolutely receive firm quote treatment whether through RAES or after having been rejected from RAES. Because the Exchange has developed systems that route those rejected orders instantaneously to electronic PAR terminals in the trading crowd, in most cases these orders will be executed at the prevailing quotes within a few seconds of when they were entered.

Gelbort Letter

The Gelbort Letter states that the ''CBOE does not propose to expand the ABP system to insure that booked bids or offers are, in fact, rapidly executed by crossed or locked Autoquotes.'' As the Exchange has stated herein, the Exchange has in fact considered and continues to consider expanding the ABP system to have the Autoquotes trade against the booked orders. It was simply not possible at the time ABP was implemented to change the system to allow for this to happen and so the method chosen for dealing with the problem was the one with the Exchange determined was the least disruptive of those feasible alternatives.

Mr. Gelbort continues by arguing that ''[e]ven in an electronic world, on-floor traders continue to enjoy significant advantages.'' In fact, what Mr. Gelbort completely neglects to point out is that any ''advantages'' that on floor traders may have once enjoyed have been eroded over the years as customers have gained access to computers that allow them to identify opportunities for trading and have allowed them to transit orders nearly instantaneously to the floor. In fact, the Exchange has facilitated the erosion of these ''advantages'' by remaining at the forefront of developing systems that allow for quick access, by increasing the order size eligible for automatic execution, and by guaranteeing that RAES orders will be filled at the NBBO if the NBBO is no more than the step-up amount better than the CBOE best quote. What Mr. Gelbort also conveniently neglects to mention is that in spite of the instantaneous access to the Exchange's markets, high speed computers, and a wealth of information at their fingertips, the professional traders enjoy one enormous advantage over Exchange market makers. They have absolutely no obligation to trade at a particular price, unlike Exchange market makers. CBOE market makers who are logged onto RAES, however, are obligated to trade incoming RAES orders at the disseminated price or better when they are assigned the trade even if that price was established by a

[24] CBOE did not receive a copy of Brunelle Letter 2.

[25] As described above, only 2.46% of the orders (1.44% of the contracts) rejected before the implementation of ABP are rejected pursuant to the pilot program. If the number of rejected orders were compared to all RAES orders in those classes in which ABP had been implemented these percentages would be even smaller.

[26] *See* Brunelle Letter 1 at 1, ''Without any countervailing benefit to the public markets. * * *''

[27] *Id.*

[28] *See* IB Letter.

small order in the Exchange's book that was better than the price any CBOE market maker was willing to pay for that particular series.

Mr. Gelbort also argues that the result of these rules is to lead to ''needless public confusion.'' As stated earlier, however, the Exchange has already pointed out that it has gone to great lengths to inform the public of those limited circumstances where an order may be rejected from RAES pursuant to the pilot program both by filing the proposal for pubic comment and by issuing regulatory circulars on the matter. The reasons why an order may be rejected from RAES pursuant to this proposal are clearly defined and have been clearly stated. Mr. Gelbort's final paragraph on the subject rule filing, at the bottom of page 4, is a series of inaccuracies and self-serving statements. Mr. Gelbort argues that if the keystrokes have not been made to trade a booked order it is due to ''inattention rather than some inherent systems delay.'' In fact, at most trading stations there are traders who specifically look for situations where the Autoquotes become crossed with a booked order and trade them immediately. However, even though it takes only ''a few quick keystrokes'' to trade the order, this is all the time it takes for the RAES system to be flooded with orders from multiple customers. This is particularly true when the DPM staff has to trade more than one booked order at the same time.[29] As far as Mr. Gelbort's assertion that the CBOE has been willing to provide additional book terminals and trained personnel DPMs that request them (presumably to suggest that this could solve the problem without the need for rejecting RAES orders), while this is true and remains true, this is not a solution to the particular problem. The Autoquote system may become crossed with a booked order at any time in any options class across the floor and by the time the situation arises it will be too late to transfer staff as Mr. Gelbort no doubt knows.

Mr. Gelbort continues by correctly stating that DPMs have been assigned to all equity option classes and argues that this should eliminate any concern about market makers not participating on RAES if this particular kick-out were not employed because DPMs, at least, are required to participate on RAES at all times. Mr. Gelbort's conclusion is flawed for a number of reasons. First, the Exchange does not believe it is ideal in most instances for DPMs alone to participate on RAESs. Non-DPM market makers, however, are not required to log onto RAES unless they are present in the trading pit and they have logged on at a prior time in the particular expiration cycle. In fact, to the extent market makers are logged onto the RAES system, these market makers will have an incentive to ensure that the quotes are updated and accurate. In addition, regardless of whether a DPM is logged onto RAES, if the risk involved in trading over RAES becomes so great, the DPM will likely request the Floor Procedure Committee to remove all but the most active series from RAES.

IB Letter

Like the Gelbort Letter, the IB Letter draws faulty conclusions from failing to have access to a number of facts. Like the Gelbort Letter, the IB Letter suggests there are better alternatives than rejecting orders from RAES when the Autoquotes cross with the price of a booked order. Interactive Brokers makes this statement without knowing what alternatives the Exchange considered (and continues to consider) and without knowing what time and effort might be involved in instituting Interactive Brokers' preferred solution to deal with the issue. The simple fact of the matter is that the Exchange, Interactive Brokers and Mr. Gelbort all share the same ultimate goal, to have the CBOE's systems operate in the most efficient manner with the fewest disruptions. However, the Exchange is also concerned about providing market makers with the proper incentives to provide the best and tightest markets for the benefit of all customers. Until the Exchange is confident that the quality of its markets will not be compromised by subjecting market makers to undue risk for which they cannot reasonably account, it should not be forced to adopt any particular methodology for dealing with the issue at hand merely because it happens to more easily accommodate the particular system designed by one firm.

Interactive Brokers' entire first argument on pages 2–4 of the IB Letter is predicated on the notion that the number of exceptions to automatic execution is growing on the options exchanges. However, as discussed previously, the number of kick-outs that result from the current pilot program is only a very small subset of the orders that have been kicked out in situations before ABP was implemented on the Exchange. It is the Exchange's judgment, however, that although it is not ideal, it would prefer the limited number of kick-outs provided for by the pilot program than to risk losing liquidity on RAES or having series taken off of RAES.

Interactive Brokers, in fact, suggests an alternative solution on page 5 to deal with the Exchange's particular concern that the Exchange is already considering. Namely, Interactive Brokers suggests that when an Autoquote price touches the price of a booked order, the system should automatically execute the booked order against a market maker. The CBOE agrees that this may well be a longer term solution to the particular issue. In light of the complexities of the RAES system and the Exchange's other current system priorities (including a conversation to decimalization), ''fixing'' the problem would entail more than ''a few of programming work'' as Interactive Brokers suggests.

Finally, Interactive Brokers argues that in lieu of disapproving the proposed rule that the Exchange be required to post in electronic form, accessible to broker-dealer routing systems, a notification that automatic execution is not available for a particular option series. Interactive Brokers argues this notice should be accessible at least three seconds prior to such options series being removed from the automatic execution system. The Exchange is, in fact, exploring having a code placed next to its disseminated quotes that indicates when the best quote for a particular series is being established by a booked order. The Exchange believes it may be able to provide such notice in the near future and this would undoubtedly benefit Interactive Brokers' system. It would not be feasible to wait three seconds to remove the series from automatic execution, however, because the instant that a booked order becomes the CBOE's best bid or offer, the market makers become subject to the risk that the pilot program was designed to manage.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington D.C. 20549–0609. Copies of submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

[29] The Exchange estimates that for one series it will generally take the DPM book staff 1 to 4 seconds to complete the transaction. Of course, there are some instances where more than one booked order may be traded at the same time. As soon as the booked order is traded, the book-Autoquote inversion will generally cease to exist and all incoming RAES orders after that point will be automatically traded and not rejected from RAES.

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–00–03 and should be submitted by May 2, 2000.

VI. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful review, the Commission finds that the proposal is consistent with the requirements of the Act.[30] In particular, the Commission finds the proposal is consistent with Section 6(b)(5)[31] 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.

In extending this pilot, the Commission has balanced the commenters concerns with those expressed by CBOE. The Commission notes that CBOE has provided figures the show that kick-outs under this pilot program occur infrequently. Specifically, on February 14, 2000, CBOE conducted a study to determine how often kick-outs from RAES occurred as a result of this pilot program. On that date, CBOE found that out of the 150 classes for which the ABP system had been implemented, only 44 of those classes had an order executed through the ABP system, *i.e.,* the RAES order interacted with an order on the limit order book. In those 44 classes, 1054 orders (representing 9017 contracts) were executed through the ABP system. In those same 44 classes, only 26 orders (representing 130 contracts) were rejected from RAES due to the Autoquote system locking or crossing CBOE's best bid or offer as established by the book. Moreover, the orders rejected from RAES as a result of this pilot represent a small percentage of the total amount of orders routed to RAES in these 44 options classes on February 14 (5908 orders representing 41,102 contracts). These figures support CBOE's position that kick-outs under this pilot program occur infrequently.

Nevertheless, the Commission is mindful of the commenters concerns. In particular, the Commission agrees with the commenters that there are other solutions than the one employed by CBOE in this pilot program. In this filing, CBOE listed two alternative solutions. One of these alternatives involves having an incoming order trade against the book order at the book price for the volume in the book and then having the balance of the incoming order trade at the next best available price—whether it is with another booked order or with a market makers logged onto RAES. This alternative would allow customer orders to interact with orders on the limit order book, but would eliminate the risk to market makers of executing a RAES order for the maximum eligible size when the limit order is for a smaller number of contracts. In this regard, the CBOE has represented that it will continue work on systems changes to address the situation when the Autoquote system locks or crosses CBOE's best bid or offer as established by the book and has assigned a high priority these systems changes. CBOE stated that it is confident that these changes could be implemented by the end of this calendar year, after it has completed the projects needed for it to convert to decimal trading.[32]

In the meantime, the Commission agrees with one of the commenters that CBOE should provide protection to kicked-out orders in options classes where the ABP system has not yet been implemented. When the ABP system was originally proposed, CBOE represented that the ABP system, by allowing RAES orders to interact directly with orders in the exchange's limit order book, would reduce or eliminate the need for kick-outs. Because of this representation, CBOE eliminated Interpretation .04, which provided protection for orders that had been kicked-out. As of the date of this filing, CBOE has not implemented the ABP system on a floor-wide basis. The Commission therefore believes that Amendment No. 1, which re-adopts Interpretation .04, should help provide protection to orders kicked-out in those classes in which the ABP system has not been implemented. CBOE also stated that it would continue to roll out the ABP system in those classes in which it had not yet been implemented.

In light of the likely benefits to customer limit orders expected to be gained by the continued implementation of the ABP system, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Further, the Commission notes that the CBOE has agreed to provide monthly reports to the Commission regarding the number of times an incoming RAES order is rejected pursuant to this pilot.[33]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[34] that the proposed rule change (SR–CBOE–00–03) is hereby approved through August 22, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[35]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8880 Filed 4–10–00; 8:45 am]

BILLING CODE 8010–01–M

[30] In addition, pursuant to Section 3(f) of the Act, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78f(b)(5).

[32] *See* Amendment No. 1 at 2.

[33] The extension of this pilot should not be interpreted as suggesting that the Commission is predisposed to approving the proposal permanently.

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42617; File No. SR–EMCC–00–3]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Exclusion of Excess Clearing Fund Deposits in the Calculation of an Inter-Dealer Broker Member's Minimum Margin Amount

April 4, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 30, 2000, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared primarily EMCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change provides EMCC the right, in its discretion, to exclude from an inter-

[1] 15 U.S.C. 78s(b)(1).

dealer member's ''minimum margin amount'' additional margin that such member has posted to the clearing fund due to its contra-party's failure to timely submit one or more trades to EMCC once the underlying trade(s) have been compared or settled.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, EMCC 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. EMCC has prepared summaries set forth in sections (A), (B) and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

EMCC's rules require that inter-dealer broker members (''IDBs'') be margined in the same way as dealer members. Rule 4, Section 5(A) of EMCC's Rules requires members' clearing fund deposits to equal the greater of (i) their daily margin amount (*i.e.,* the amount calculated for each member on each business day) and (ii) their minimum margin amount (*i.e.,* their ''floor''). The floor is the amount equal to the largest single daily margin amount computed for a member during the relevant calendar month and the previous calendar month.

As EMCC has developed and expanded its membership base, there have been concerns about the effect of the late trade matching on IDBs. That is, where an IDB and one of its contra-parties submit a trade on a timely basis but the other contra-party dealer does not, the IDB will be required to post additional clearing fund with EMCC. EMCC's Addendum B requires the late submitting dealer in that situation to cover the IDB's financing cost for the excess clearing fund deposit. Addendum B does not, however, address the impact of such additional margin requirement on the computation of the IDB's floor. The intent of requiring the additional margin from the IDB is to cover EMCC's risk exposure until the trade is compared or settled. As written, the IDB Member would have to maintain that additional amount on deposit as its floor for an additional 30 to 60 days. Accordingly, the proposed rule would amend Rule 4 to permit EMCC, in its discretion, to exclude the additional margin from the calculation of the IDB's floor once the underlying trade(s) have been compared or settled and thus return the excess clearing fund so posted by the IDB.

This rule change should encourage IDBs to become participants in EMCC, and therefore facilitate the prompt and accurate clearance and settlement of emerging market securities transactions. The proposed rule change is therefore consistent with the requirements of section 17A(b)(3)(F) of the Act, as amended, and the rules and regulations thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition

EMCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments relating to the proposed rule change have been solicited or received. EMCC will notify the Commission of any written comments received by EMCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act, as amended, and the rules and regulations thereunder. Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[4] The Commission believes that EMCC's proposal to exclude from the calculation of an IDB's minimum margin amount clearing fund deposits which are made by an IDB due to the failure of a contra-party dealer to submit a trade in a timely fashion is consistent with EMCC's safeguarding obligations because EMCC will be able to so adjust the minimum margin amount only (1) for an IDB and not a dealer member, (2) where the IDB has deposited the additional margin because of the untimely submission of trade(s) by one of its dealer counterparties, and (3) where the trade(s) have been compared or settled.

EMCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication on the notice of filing. The Commission finds good cause to approve the rule change prior to the thirtieth day after publication of notice because so approving will permit EMCC to immediately exclude the additional margin requirement in the computation of the IDB's floor. This should encourage more IDBs to become participants in EMCC which should contribute to the safe and efficient clearance and settlement of emerging market debt securities.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of EMCC. All submissions should refer to File No. SR–EMCC–00–3 and should be submitted by May 2, 2000.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–EMCC–00–3) be, and hereby is, approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

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[2] A copy of the text of EMCC's proposed rule change and the attached exhibits are available at the Commission's Public Reference Section or through EMCC.

[3] The Commission has modified the text of the summaries prepared by EMCC.

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42619; File No. SR–NASD–00–04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to its Corporate Financing Rule

April 4, 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 21, 2000, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly-owned subsidiary, NASD Regulations, Inc. (''NASD Regulation''), 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 NASD Regulations. NASD Regulation filed Amendments No. 1,[3] No. 2,[4] and No. 3[5] to the proposed rule change on March 6, 2000, March 21, 2000, and March 30, 2000, respectively, the substance of which has been incorporated into this filing. 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

NASD Regulation proposes to amend NASD Conduct Rule 2710. Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

2710. Corporate Financing Rule—Underwriting Terms and Arrangements

(a) Definitions: No change.

(b) Filing Requirements

(1)–(5) No change.

(6) Information Required to be Filed

(A) Any person filing documents pursuant to subparagraph (4) above shall provide the following information with respect to the offering:

(i)–(iii) No change.

(iv) [a statement addressing the factors in subparagraph c)(4)(C) and(D), where applicable;]

[(v)] a detailed explanation of any other arrangement entered into during the [12-month] *180-day* period immediately preceding the filing *date* of the *public* offering, which arrangement provides for the receipt of any item of value [and/]or the transfer of any warrants, options, or other securities from the issuer to the underwriter and related persons; and

[(iv)] (*v*) a detailed explanation and any documents related to*:*

a. the modification of any *information or representation previously provided to the Association or of any* item of underwriting compensation[,]; *or*

b. any new arrangement that provides for the receipt of any additional item of value by the underwriter and related persons subsequent to the [review and approval of such compensation] *issuance of an opinion of no objections to the underwriting terms and arrangements* by the Association *and within 90 days immediately following the effective date of the public offering.*

(B) No change.

(7)–(12) No change.

(c) Underwriting Compensation and Arrangements

(1)–(2) No change.

(3) Items of Compensation

(A) For purposes of determining the amount of underwriting compensation received or to be received by the underwriter and related persons pursuant to subparagraph (2) above, the following items and all other items of value received or to be received by the underwriter and related persons in connection with or related to the distribution of the *public* offering, as determined pursuant to subparagraph (4) below shall be included:

(i)–(v) No change.

(iv) financial consulting and advisory fees whether in the form of cash, securities, or any other item of value;

(vii) *common or preferred* stock, options, warrants, and other *equity* securities, *including debt securities convertible to or exchangeable for equity securities* [including securities] received [as underwriting compensation, for example]:

a. [in connection with] *for arranging* a private placement of securities for the issuer.

b. for providing or arranging *a loan, credit facility, or* bridge financing for the issuer;

c. as a finder's fee;

d. for *providing* consulting services to the issuer; [and]

e. [securities purchase] *as an investment* in private placement made by the issuer; *or*

f. at the time of the public offering;

(viii)–(x) No change.

(xi) commissions, expense reimbursements, or other compensation to be received by the underwriter and related persons as a result of the exercise or conversion, within twelve (12) months following the effective date of offerings, of warrants, options, convertible securities, or similar securities distributed as part of the *public* offering; *and*

(xii) fees of a qualified independent underwriter[; and].

[(xiii) compensation, including expense reimbursements, paid in the six (6) months prior to the initial or amended filing of the prospectus or similar documents to any member or person associated with a member for a public offering that was not completed.]

(B) *Notwithstanding paragraph (c)(3)(A) above, the calculation of underwriting compensation shall not include:*

(i) [E] *e*xpenses customarily borne by an issuer, such as printing costs; SEC, ''blue sky'' and other registration fees; Association filing fees; and accountant's fees, [shall be excluded from underwriter's compensation] whether or not paid through an underwriter;

(ii) compensation, including expense reimbursements, previously paid to any member in connection with a proposed public offering that was not completed, if the member does not participate in the revised public offering; and

(iii) financial consulting and advisory fees, on the basis of information that establishes that an ongoing relationship between the issuer and the financial advisor or consultant was established more than twelve months before the filing date of the public offering.

(4) Determination of Whether Compensation Is Received in Connection With the Offering

(A) All items of value received [or to be received] by the underwriter and

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] Letter from Suzanne E. Rothwell. Chief Counsel, Corporate Financing, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated March 3, 2000 (''Amendment No.. 1''). Amendment No. 1 makes certain clarifying and non-substantive changes to the proposed rule change.

[4] Letter from Suzanne E. Rothwell, Chief Counsel, Corporate Financing, NASD Regulations, to Katherine A. England, Assistant Director, Division, Commission, dated March 20, 2000 (''Amendment No. 2''). Amendment No. 2 revises the language of proposed Rule 2710(c)(4)(D)(i) relating to ''members of a group.'' Amendment No. 2 also states that NASD Regulations consents to a 90 day extension of the time period for Commission action specified in Section 19(b)(2) of the Act.

[5] Letter from Suzanne E. Rothwell, Chief Counsel, Corporate Financing, NASD Regulation, to Katherine A. England, Assistant Director, Division, Commission, dated March 29, 2000 (''Amendment No. 3''). Amendment No. 3 states NASD Regulation's rationale for deleting the exception from the current Venture Capital lock-up in Rule 2710(c)(C)(i) for transactions in which a qualified independent underwriter provides a pricing opinion and performs due diligence.

related persons during the [twelve (12) months] *180-day* period immediately preceding the filing *date* of the registration statement or similar document, and at the time of [and subsequent to] the public offering, will be [examined to determine whether such items of value are] *considered to be* underwriting compensation in connection with the *public* offering [and, if received during the six (6) month period immediately preceding the filing of the registration statement or similar document, will be presumed to be underwriting compensation received in connection with the offering, provided, however, that such presumption may be rebutted on the basis of information satisfactory to the Association to support a finding that the receipt of an item is not in connection with the offering and shall not include cash discounts or commissions received in connection with a prior distribution of the issuer's securities].

[(B) Items of value received by an underwriter and related person more than twelve (12) months immediately preceding the date of filing of the registration statement or similar document will be resumed not to be underwriting compensation. However, items received prior to such twelve (12) month period may be included as underwriting compensation on the basis of information to support a finding that receipt of the item is in connection with the offering.]

[(C) For purposes of determining whether any item of value received or to be received by the underwriter and related persons is in connection with or related to the distribution of the public offering, the following factors, as well as any other relevant factors and circumstances, shall be considered:]

[(i) the length of time between the date of filing of the registration statement or similar document and:]

[a. the date of the receipt of the item of value;]

[b. the date of any contractual agreement for services for which the item of value was or is to be received; and]

[c. the date the performance of the service commenced, with a shorter period of time tending to indicate that the item is received in connection with the offering;]

[(ii) the details of the services provided or to be provided for which the item of value was or is to be received;]

[(iii) the relationship between the services provided or to be provided for which the item of value was or is to be received and:]

[a. the nature of the item of value;]

[b. the compensation value of the item; and]

[c. the proposed public offering;]

[(iv) the presence or absence of arm's length bargaining or the existence of any affiliate relationship between the issuer and the recipient of the item of value, with the absence of arm's length bargaining or the presence of any affiliation tending to indicate that the item of value is received in connection with the offering.]

[(D) For purposes of determining whether securities received or to be received by the underwriter and related persons are in connection with or related to the distribution of the public offering, the factors in subparagraph (C) above and the following factors shall be considered:]

[(i) any disparity between the price paid and the offering price or the market price, if a bona fide independent market exists at the time of acquisition, with a greater disparity tending to indicate that the securities constitute compensation;]

[(ii) the amount of risk assumed by the recipient of the securities, as determined by:]

[a. the restrictions on exercise and resale;]

[b. the nature of the securities (*e.g.,* warrant, stock, or debt); and]

[c. the amount of securities, with a larger amount of readily marketable securities without restrictions on resale or a warrant for securities tending to indicate that the securities constitute compensation; and]

[(iii) the relationship of the receipt of the securities to purchases by unrelated purchasers on similar terms at approximately the same time, with an absence of similar purchases tending to indicate that the securities constitute compensation.]

[(E) Notwithstanding the provisions of subparagraph (3)(A)(vi) above, financial consulting and advisory fees may be excluded from underwriting compensation upon a finding by the Association, on the basis of information satisfactory to it, that an ongoing relationship between the issuer and the underwriter and related person has been established at least twelve (12) months prior to the filing of the registration statement or similar document or that the relationship, if established subsequent to that time, was not entered into in connection with the offering, and that actual services have been or will be rendered which were not or will not be in connection with or related to the offering.]

(B) Securities of the issuer acquired by the underwriter and related persons before the filing date of a public offering will be considered to be received for purposes of subparagraph (c)(4)(A) and (E) as of the date of the:

(i) closing of a private placement, if the securities were purchased from or received as compensation for the private placement;

(ii) execution of an agreement for a loan or credit facility, if the securities were received as compensation for the loan or credit facility; or

(iii) transfer of beneficial ownership of the securities to a consultant, if the securities were received as compensation for consulting services.

(C) All items of value received by the underwriter and related persons during the 90-day period immediately following the effective date of a public offering will be examined to determine whether such items of value are considered underwriting compensation in connection with the public offering.

(D) For purposes of subparagraph (c)(4)(E) below, the following terms will have the meanings stated below.

(i) An entity will include a group of legal entities that either:

a. are contractually obligated to make co-investments and have previously made at least one such investment; or

b. have filed a Schedule 13D or 13G with the SEC that identifies the entities as members of a group who have agreed to act together for the purpose of acquiring, holding, voting or disposing of equity securities of an issuer for purposes of Section 13(d) or 13(g) of the Securities Exchange Act of 1934.

(ii) An institutional investor will mean any individual or entity that has at least $50 million invested in securities in the aggregate in its portfolio or under management; provided that an institutional investor will not include any member participating in the public offering, any of its associated or affiliated persons, or an immediate family member of its associated or affiliated persons.

(E) Notwithstanding subparagraph (c)(4)(A) above, the following acquisitions of securities will not be considered underwriting compensation:

(i) Purchases and Loans by Certain Entities—Securities of the issuer purchased in a private placement or received as compensation for a loan or credit facility more than 90 days before the filing date of the public offering, by certain entities if:

a. the entity:

1. either:

A. manages capital contributions of $100 million or more, at least $75 million of which has been committed by persons that are not underwriters or related persons; or

B. manages capital contributions of $25 million or more, at least 75% of

which has been committed by persons that are not underwriters or related persons;

2. is a separate and distinct legal entity from the member and is not registered as a broker/dealer;

3. makes investments or loans subject to the evaluation and review of individuals who have a contractual or fiduciary duty to select investments and loans based on the risks and rewards to the entity and not based on opportunities for the member to earn investment banking revenues;

4. does not participate directly in investment banking fees received by the member for underwriting public offerings;

5. is engaged primarily in the business of making investments in or loans to private or start-up companies or companies in the early process of developing products or services, or participating in leveraged buy-out transactions; and

b. the member maintains and enforces written procedures reasonably designed to ensure that the member's participation in the public offering is not contingent on the entity's participation in the private placement or loan.

(ii) Investments In and Loans to Certain Issuers—Securities of the issuer purchased in a private placement or received as compensation for a loan or credit facility more than 90 days before the filing date of the public offering, by certain entities if:

a. the entity:

1. manages capital contributions or loan commitments of at least $50 million;

2. is a separate and distinct legal entity from the member and is not registered as a broker/dealer;

3. does not participate directly in investment banking fees received by the member for underwriting public offerings;

4. is engaged primarily in the business of making investments in or loans to private or start-up companies or companies in the early process of developing products or services, or participating in leveraged buy-out transactions; and

b. institutional investors beneficially own at least 33% of the total number of the issuer's equity securities outstanding on a fully diluted basis;

c. an institutional investor is a member of the issuer's board of directors;

d. the transaction was approved by a majority of the issuer's board of directors and by the affirmative vote of institutional investors that are board members;

e. the total amount of securities received by all entities related to each member does not exceed 5% of the total number of the issuer's equity securities outstanding on a fully diluted basis; and

f. the member maintains and enforces written procedures reasonably designed to ensure that the member's participation in the public offering is not contingent on the entity's participation in the private placement or loan.

(iii) Private Placements With Institutional Investors—Securities of the issuer purchased in or received as placement agent compensation for a private placement more than 90 days before the filing date of the public offering if:

a. institutional investors purchase at least 51% of the total offering (comprised of the total number of securities, on a fully diluted basis, sold in the private placement and received as placement agent compensation by a member);

b. an institutional investor was the lead negotiator with the issuer to establish the terms of the private placement;

c. the underwriter and related persons (excluding any entities qualified under paragraph (c)(4)(D)(i) above):

1. have not, in the aggregate, purchased or received as placement agent compensation more than 20% of the total offering; and

2. have purchased securities that were at the same price and with the same terms as the securities purchased by other investors; and

d. the member maintains and enforces written procedures reasonably designed to ensure that its participation in the public offering will not be contingent on its participation in the private placement.

(iv) Purchases Under a preemptive Right—Securities of the issuer under a right of preemption if:

a. the right of preemption was granted either:

1. by contract or the terms of the security in connection with a purchase from a private placement of the issuer's securities made more than 180 days before the filing date of the public offering; or

2. in connection with a security purchased from a public offering or the public market; and

b. the purchase under the right of preemption:

1. was exercised in connection with a private placement of the issuer's securities that was for cash;

2. was to all similar preemptive right holders;

3. was at the same price and had the same terms as the securities purchased by other investors; and

4. did not increase the purchaser's percentage ownership of the same class of securities of the issuer.

(5) Valuation of Non-Cash Compensation

For purposes of determining the value to be assigned to securities received as underwriting compensation, the following criteria and procedures shall be applied:

(A) [No underwriter and related person may receive a security or a warrant for a security as compensation in connection with the distribution of a public offering that is different than the security to be offered to the public unless the security received as compensation has a bona fide independent market, provided, however, that: (i) in exceptional and unusual circumstances, upon good cause shown, such arrangement may be permitted by the Association; and (ii) in an offering of units, the underwriter and related persons may only receive a warrant for the unit offered to the public where the unit is the same as the public unit and the terms are no more favorable than the terms of the public unit.]

An underwriter and related person may not receive a security (including securities in a unit) or a warrant for a security as underwriting compensation in connection with a public offering unless: (i) the security received or the security underlying the warrant received is identical to the security offered to the public or to a security with a bona fide independent market; or (ii) the arrangement, upon good cause shown, is permitted by the Association.

(B) [s] *S*ecurities that are not options, warrants or convertible securities shall be valued on the basis of:

(i) the difference between [the per security cost and]*:*

a. either the market price per security on the date of acquisition, [where a] *or, if no* bona fide independent market exists for the security, [or] the [proposed (and actual)] public offering price per security*; and*

b. the per security cost;

(ii) multiplied by the number of securities received or to be received as underwriting compensation;

(iii) divided by the *public* offering proceeds; and

(iv) multiplied by one hundred [(100)].

(C) [o] *O*ptions, warrants or convertible securities *(''warrants'')* shall be valued on the basis of [the following formula]:

(i) the [proposed (and actual)] public offering price per security multiplied by .65 [(65%)];

(ii) minus the difference between*:*

a. the exercise or conversion price per [security] *warrant;* and

b. either the market price per security on the date of acquisition, [where a] *or, if no* bona fide independent market exists for the security, [or] the [proposed (and actual)] public offering price per security;

(iii) divided by two [(2)];

(iv) multiplied by the number of *securities underlying the* warrants[, options, and convertible securities received or to be received as underwriting compensation];

(v) less the total price paid for the [securities] *warrants;*

(vi) divided by the *public* offering proceeds; and

(vii) multiplied by one hundred [(100)].

(D) [a lower value equal to 80% and 60% of the calculated value shall be assigned if securities, and where relevant, underlying securities, are or will be restricted from sale, transfer, assignment or other disposition for a period of one and two years, respectively, beyond the one-year period of restriction required by subparagraph (7)(A)(i) below.] *A lower value equal to 10% of the calculated value shall be assigned for each 180-day period that the securities or underlying securities are restricted from sale or other disposition beyond the 180-day period of restriction required by subparagraph (c)(7)(A)(i) below. The transfers permitted by subparagraphs (c)(7)(B)(i)(c) and (d) are not available for the sale of such securities.*

(6) Unreasonable Terms and Arrangements

(A) No change.

(B) Without limiting the foregoing, the following terms and arrangements, when proposed in connection with [the distribution of] a public offering of securities, shall be unfair and unreasonable:

(i)–(vii) No change.

(viii) the receipt by the underwriter and related persons of underwriting compensation consisting of any option, warrant or convertible security [which] *that:*

a.–f. No change.

g. has anti-dilution terms designed to provide the underwriter and related persons with disproportionate rights, privileges and economic benefits which are not provided to the purchasers of the securities offered to the public (or the public shareholders, if in compliance with subparagraph (5)(A) above); *or*

h. has anti-dilution terms designed to provide for the receipt or accrual of cash dividends prior to the exercise or conversion of the security[;or]*;*

[i. is convertible or exercisable or otherwise is on terms more favorable than the terms of the securities being offered to the public;]

(ix)–(x) No change.

[(xi) stock numerical limitation. The receipt by the underwriter and related persons of securities which constitute underwriting compensation in an aggregate amount greater than ten (10) percent of the number or dollar amount of securities being offered to the public, which is calculated to exclude:]

[a. any securities deemed to constitute underwriting compensation;

b. any securities issued or to be issued pursuant to an overallotment option;]

[c. in the case of a ''best efforts'' offering, any securities not actually sold; and]

[d. any securities underlying warrants, options, or convertible securities which are part of the proposed offering, except where acquired as part of a unit;]

(xii)–(xiv) Renumbered (xi)-(xiii).

(C) In the event that the underwriter and related persons receive securities deemed to be underwriting compensation in an amount [constituting] *that results in* unfair and unreasonable compensation [pursuant to the stock numerical limitation in subparagraph (B)(ix) above], the recipient shall return any excess securities to the issuer or the source from which received at cost and without recourse, except that [in exceptional and unusual circumstances], upon good cause show, a different arrangement may be permitted.

(7) Restrictions on Securities

(A) [No member or person associated with a member shall participate in a] *A*ny public offering *in* which [does not] *a member or person associated with a member participates must* comply with the following requirements:

(i) *any common or preferred stock, options, warrants, and other equity* securities [deemed to be underwriting compensation], *including debt securities convertible to or exchangeable for equity securities, of the issuer beneficially owned by an underwriter and related person at the time of effectiveness of the public offering* shall not be sold, transferred, assigned, pledged or hypothecated by any person, except as provided in subparagraph (B) below, for a period of [(a) one year] *180 days immediately* following the effective date of the *public* offering [for which the securities were received.]*;*

[However, securities deemed to be underwriting compensation may be transferred to any member participating in the offering and the bona fide officers or partners thereof and securities which are convertible into other types of securities or which may be exercised for the purchase of other securities may be so transferred, converted or exercised if all securities so transferred or received remain subject to the restrictions specified herein for the remainder of the initially applicable time period;]

[(ii) certificates or similar instruments representing securities restricted pursuant to subparagraph (i) above shall bear an appropriate legend describing the restriction and stating the time period for which the restriction is operative;] and

[(iii)] *(ii)* securities [to be] received by a member as underwriting compensation shall only be issued to a member participating in the offering and the [bona fide] officers or partners thereof.

(B) [The provisions of] *Notwithstanding* subparagraph (A) [notwithstanding] *above, the following shall not be prohibited:*

(i) the transfer of any security*:*

a. by operation of law or by reason of reorganization of the issuer [shall not be prohibited.]*;*

b. to any member participating in the offering and the officers or partners thereof, if all securities so transferred remain subject to the restrictions in subparagraph (A) above for the remainder of the applicable time period;

[(C) Venture capital restrictions. When a member participates in the initial public offering of an issuer's securities, such member or any officer, director, general partner, controlling shareholder or subsidiary of the member or subsidiary of such controlling shareholder or a member of the immediate family of such persons, who beneficially owns any securities of said issuer at the time of filing of the offering, shall not sell such securities during the offering or sell, transfer, assign or hypothecate such securities for ninety (90) days following the effective date of the offering unless:]

[(i) the price at which the issue is to be distributed to the public is established at a price no higher than that recommended by a qualified independent underwriter who does not beneficially own 5% or more of the outstanding voting securities of the issuer, who shall also participate in the preparation of the registration statement and the prospectus, offering circular, or similar document and who shall exercise the usual standards of ''due diligence'' in respect thereto; or]

[(ii)] *c. if* the aggregate amount of such securities held by [such a member and its related persons enumerated above would] *an underwriter and its related persons do* not exceed 1% of the securities being offered; *or*

d. if the class of security qualifies as an ''actively traded security'' for purposes of SEC Regulation M as of the date of effectiveness of the public offering; and

(ii) the exercise or conversion of any security, if all securities received remain subject to the restrictions in subparagraph (A) above for the remainder of the applicable time period.

(8) Conflicts of Interest. No change.

(d) Exemptions

Pursuant to the Rule 9600 Series, the Association may exempt a member or person associated with a member from the provisions of this Rule for good cause shown.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

(a) Current Corporate Financing Rule

(1) Scope of the Corporate Financing Rule

NASD Conduct Rule 2710 (''Corporate Financing Rule'' or ''Rule'') is intended to ensure that the underwriting terms and arrangements of a public offering [6] in which an NASD member participates [7] are fair and reasonable. The Rule requires a member to file certain information with NASD Regulation about the underwriting arrangements of a public offering in which the member participates. The Corporate Financing Department (''Department'') of NASD Regulation reviews this information prior to commencement of the offering in order to determine whether the underwriting compensation and other terms and arrangements meet the requirements of applicable NASD rules.[8]

The Corporate Financing Rule regulates, among other matters, the total amount of underwriting compensation that the ''underwriter'' and related persons [9] may receive in connection with a public offering. The term ''underwritten and related persons'' includes all broker/dealers (and the associated persons [10] and affiliates [11] of the broker/dealers) participating in any capacity in the proposed public offering, as well as other non-broker/dealers who act as counsel, finders, or consultants, or are members of the immediate family, or are related persons [12] to other persons in the definition. In order to facilitate the following discussion, participating broker/dealers and their associated persons, affiliates, and related persons are together referred to as ''members.''

(2) Calculating Underwriting Compensation

The Corporate Financing Rule currently provides in paragraph (c)(4) that any item of values as set forth in Rule 2710(c)(3)(A), including certain securities of the issuer,[13] acquired by the underwriter and related persons within the 12-month period before the filing date of a proposed public offering will be examined by the Department to determine whether it was acquired ''in connection with the public offering'' and therefore, is deemed to be underwriting compensation. The Rule presumes that any such item of value acquired within the six-month period before filing is underwriting compensation, but this presumption may be rebutted by the member based on information satisfactory to the Department.[14]

The Corporate Financing Rule currently requires in paragraphs (c)(4)(C) and (D) that the Department weigh as many as ten different factors to determine whether the item of value received by the underwriter and related persons within the 12-month period before the filing date of a public offering is received ''in connection with the public offering'' and, therefore, included in the calculation of underwriting compensation. In many cases, an

[6] Rule 2720(b)(14) defines ''public offering'' as ''any primary or secondary distribution of securities made pursuant to a registration statement or offering circular including exchange offers, rights offerings, offerings made pursuant to a merger or acquisition, straight debt offerings, offerings pursuant to SEC Rule 504, and all other securities distributions of any kind whatsoever, except any offering made pursuant to an exemption from registration under Sections 4(1), 4(2), or 4(6) of the Securities Act of 1933, as amended, or pursuant to SEC Rule 504 if the securities are ''restricted securities'' under SEC Rule 144(a)(3), SEC Rule 505, or SEC Rule 506 adopted under the Securities Act of 1933, as amended. The term public offering shall exclude exempted securities as defined in Section 3(a)(12) of the Act.'' This definition of ''public offering'' also applies to Rule 2710.

[7] Rule 2710(a)(4) defines ''participation'' or ''participating in a public offering'' as ''participation in the preparation of the offering or other documents, participation in the distribution of the offering on an underwritten, non-underwritten, or any other basis, furnishing of customer and/or broker lists for solicitation, or participation in any advisory or consulting capacity to the issuer related to the offering, but not the preparation of an appraisal in a savings and loan conversion or a bank offering or the preparation of a fairness opinion pursuant to SEC Rule 13e–3.''

[8] Rule 461(b)(6) under the Securities Act of 1933, as amended, provides that the Commission may refuse to accelerate the effective date of an offering if the ''NASD has not issued a statement expressing no objections to the compensation and other arrangements.'' *See* 17 CFR 230.461(b)(6).

[9] Rule 2710(a)(6) defines ''underwriter and related persons'' as ''underwriters, underwriter's counsel, financial consultants and advisors, finders, members of the selling or distribution group, any member participating in the public offering, and any and all other persons associated with or related to and members of the immediate family of any of the aforementioned persons.''

[10] Article I, paragraph (ee) of the NASD By-Laws defines ''associated person of a member'' as ''(1) any natural person registered under the Rules of the Association; or (2) a sole proprietor, partner, officer, director, or branch manager of a member, or a natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the NASD under the By-Laws or the Rules of the Association.''

[11] For purposes of Rules 2710 and 2720, Rule 2720(b)(1) provides that an ''affiliate'' presumptively includes ''(1) a company that beneficially owns 10 percent or more of the outstanding voting securities of a member; (2) a member that beneficially owns 10 percent or more of the outstanding voting securities of a company; and (3) a company and a member that are under the common control of a person or company who beneficially owns 10 percent or more of the outstanding voting securities of the company and/or member or who has the power to direct the management or policies of the company and/or member. The Department's long-standing practice is to deem any company or member that comes within these presumptions to be an affiliate.''

[12] In SR–NASD–01–19, the NASD stated that ''[t]he concept of whether the person is 'related to' any of the enumerated persons in the definition is determined by whether there is an investment or business relationship between the parties an is based on objective facts.'' *See* Securities Exchange Act Release No. 29928 (Nov. 12 1991), 56 FR 58257 (Nov. 18, 1991).

[13] The term ''issuer'' is defined in Rule 2710(a)(2) to include ''[t]he issuer of the securities offered to the public, any selling security holders offering securities to the public, any affiliate for the issuer or selling security holder, and the officers or general partners, directors, employees and security holders thereof.''

[14] Rule 2710(c)(4)(B) provides that items of value received more than 12 months before the filing date of the public offering are presumed not to be underwriting compensation unless the staff has satisfactory information supporting a conclusion that the item is additional underwriting compensation.

underwriter or related person has acquired unregistered equity securities [15] of the issuer. Members typically acquire these unregistered securities as an investment in a private placement, as compensation for the member's services as private placement agent, or for providing a loan or credit facility to the issuer.

The Rule requires the staff to consider the following factors—as well as ''any other relevant factors and circumstances''—to determine whether securities have been received in connection with the public offering:

- The length of time between the date of the receipt of the security and the filing date;
- Details of any services provided;
- The presence or absence of arm's length bargaining;
- The disparity between the price paid for a security and the proposed public offering price;
- The existence of restrictions on exercise and resale;
- The nature of the securities;
- The amount of securities; and
- The relationship of the receipt of securities to purchases by other unrelated purchasers.

The factor-weighing process requires the staff to review each acquisition of the issuer's securities by members on a case-by-case basis. The value of any securities that the Department determines are underwriting compensation, as calculated under Rule 2710(c)(5), is added to the underwriting discount or commission and any fees or reimbursements received by underwriting syndicate to determine whether the compensation is unfair or unreasonable.

(3) Restrictions on Resale

Securities included in the calculation of underwriting compensation are also restricted by the Rule from sale for one year following the effective date of the offering under Rule 2710(c)(7)(A) (''compensation lock-up''). In the case of an initial public offering, if the members and certain senior persons and subsidiaries of the member hold securities of the issuer that are not deemed to be underwriting compensation, a 90-day lock-up is nonetheless imposed under Rule 2710(c)(7)(B) (''venture capital lock-up'').[16]

(4) Limitation on Amount of Securities

Rule 2710(c)(6)(B)(xi) limits the amount of securities that can be received by the underwriter and related persons as underwriting compensation to 10% of the number of securities to be sold in the public offering (''stock numerical limitation'').

(b) Changes in the Capital Markets

In recent years, many NASD members have expanded the variety of services that they provide to their corporate financing clients. These services may include venture capital investment, consulting, commercial lending, and investment banking. Moreover, the pace of corporate financing activities has accelerated, and the time period between private fundraising and the issuer's initial public offering has often been shortened. These developments necessitate a review of the Corporate Financing Rule to ensure that it accommodates the modern, legitimate capital financing activities of NASD members, while continuing to protect investors and issuers from unreasonable underwriting activities.

The current subjective, factor-weighing process for determining whether securities were acquired in connection with a public offering is an inefficient method to achieve these objectives. The subjectivity hampers the Department's ability to provide clear and predictable guidance to members. The consequences under the Rule of a particular venture capital or other private placement financing are sometimes uncertain until a public offering is filed and the Department's review is completed. This uncertainty unnecessarily complicates the capital-raising process, to the detriment of issuers and investors.

(c) Description of Proposed Rule Change

(1) Summary of Proposed Rule Change

NASD Regulation proposes to amend the Corporate Financing Rule to allow members to provide legitimate capital-raising services to issuers, while adopting restrictions that are designed to minimize the opportunity for abusive practices by members. NASD Regulation also proposes to eliminate or revise other burdensome and obsolete provisions, including rules regulating the exercise price of warrants received as underwriting compensation and the treatment of fees paid to a previous underwriter for an uncompleted offering. In addition, the proposed rule change would clarify a member's obligation to update previously filed information.

(2) Treatment of Securities As Underwriting Compensation

(i) Six-Month Pre-Offering Objective Test

The proximity of an acquisition of equity securities of an issuer (or any other item of value) to filing date of its public offering has proven to be the most significant factor in determining whether those securities constitute underwriting compensation. The Department has found that the application of the six-month presumption contained in the Rule generally minimizes the opportunity for abusive practices by members. Application of a longer time period has typically been unnecessary to achieve this goal.

NASD Regulation proposes to amend the Corporate Financing Rule to provide greater clarity and predictability regarding whether equity securities [17] of the issuer and other items of value acquired by the underwriter and related persons constitute underwriting compensation. The proposed rule change would replace the twelve-month review period, the six-month presumption, and the subjective review factors with an objective standard in Rule 2710(c)(4)(A) under which all items of value acquired during the 180-day period immediately preceding the filing date of the registration statement or similar document and at the time of the public offering will constitute underwriting compensation. The proposed rule change would also provide four safe harbors from this general standard.[18] These safe harbors are described below.

Replacement of the existing subjective analysis with an objective, bright-line test would provide greater clarity and predictability concerning application of the Rule to specific transactions. Consequently, members and their venture capital and lending affiliates should find it easier to determine at the time of a private placement or other financing whether their investment will be treated as underwriting

[15] Securities purchased in the public market are not considered to be ''items of value.''

[16] The venture capital lock-up only applies to securities of the issuer held by the member, or any officer, director, general partner, controlling shareholder or subsidiary of the member, or by a subsidiary of a controlling shareholder of the member, or by a member of the immediate family of such persons. In comparison, the compensation lock-up applies to all securities considered to be underwriting compensation that are held by the underwriter and related persons, as defined by Rule 2710(a)(b)

[17] The proposed rule change would clarify that the securities that will be considered to be underwriting compensation include common or preferred stock, options, warrants, and debt securities convertible to or exchangeable for equity securities.

[18] Regardless of when an underwriter or related person acquires securities of the issuer, or the availability of any safe harbor, all securities held by the underwriter and related persons are proposed to be subject to a lock-up on their sale, as described below.

compensation when the subsequent public offering is filed with the Department for review.

(ii) Safe Harbor Provisions

NASD Regulation proposes four safe harbors from the determination that certain acquisitions of securities during the 180-day review period are deemed to be underwriting compensation.[19] The four safe harbors are intended to identify acquisitions that occur in *bona fide* capital-raising transactions and would impose restrictions designed to minimize the opportunity for abusive practices.

The First three safe harbors in proposed Rule 2710(c)(4)(E)(i)–(iii), would be available for acquisitions by certain entities that regularly make venture capital investments; for acquisitions in issuers with significant institutional investor involvement in their corporate governance; and for acquisitions in private placements that have significant institutional investor participation. The fourth safe harbor in Rule 2710(c)(4)(E)(iv) would exempt acquisitions that occur from the exercise of a preemptive right to purchase.

The first three safe harbors would be available only for acquisitions that occur more than 90 days before the filing date of the public offering. These safe harbors would also require that the member maintain and enforce written procedures reasonably designed to ensure that the member's participation in the public offering is not contingent on the acquiring party's participation in the private placement or loan.

(A) Safe Harbor No. 1—Purchases And Loans By Certain Entities

The first safe harbor, proposed in Rule 2710(c)(E)(i), is intended for acquisitions of the issuer's securities by certain entities that routinely make venture capital investments or provide loans or credit facilities. The safe harbor would be available (1) To any qualifying entities related to any member participating in an offering; (2) for purchases in a private placement and for the receipt of securities as compensation for a loan or credit facility; and (3) without any limitation on the amount of securities purchased or received.

(1) Legal Entity/Registration

The related entity would have to be a legal entity that is separate and distinct from the member and not registered as a broker/dealer. The term ''entity'' would be defined in new Rule 2710(c)(4)(D)(i) to include a group of legal entities that either are contractually obligated to make co-investments and have previously made at least one such investment or have filed a Schedule 13D or 13G with the SEC that identifies the entities as members of a group who have agreed to act together for the purpose of acquiring, holding, voting or disposing of equity securities of an issuer for purposes of Section 13(d) or 13(g) of Act.

(2) Venture Capital/Fiduciary Duty

The related entity must also be ''primarily engaged in the business of making investments in or loans to private or start-up companies or companies in the early process of developing products or services, or participating in leveraged buy-out transactions.'' The related entity can make investments or loans that are under the safe harbor only if they are subject to the evaluation and review of individuals who have a contractual or fiduciary duty to select investments and loans based on the risks and rewards to the related entity and not based on opportunities for the member to earn investment banking revenues.

(3) Sharing in Investment Banking Fees

The related entity could not participate directly in investment banking fees received by the member for underwriting public offerings.

(4) Captil Under Management

The related entity would have to either (1) manage capital contributions of $100 million or more, at least $75 million of which has been committed by persons that are not underwriters or related persons; or (2) manage capital contributions of $25 million or more, at least 75% of which has been committed by persons that are not underwriters or related persons.[20] The requirement for significant third-party capital would protect against potentially abusive situations, as the related entity must make its investment or lending decision in the interest of investors who are not underwriters or related persons.

(B) Safe Harbor No. 2—Investments in and Loans to Certain Issuers

The second safe harbor, proposed in Rule 2710(c)(4)(E)(ii), is intended for acquisitions of securities of issuers that have significant institutional investor involvement in their corporate governance. The proposed safe harbor would be available for acquisitions by qualifying related entities: (1) in a private placement; and (2) as compensation for a loan or credit facility, with a limitation on the amount acquired.

(1) 5% Limitation on Acquisition

The total amount of securities acquired by all entities that are related to a single member could not exceed 5% of the issuer's outstanding equity securities, on a fully diluted basis. The 5% limitation would apply on a member-by-member basis when more than one member proposes to rely on this safe harbor.

(2) Related Entity Qualifications

The related entity would have to manage capital contributions and loan commitments of at least $50 million. Unlike the first safe harbor, there would not be a requirement that the entity manage third-party capital contributions. The related entity would also have to be a separate legal entity and not registered as a broker/dealer; could not participate directly in the member's investment banking fees; and would have to be primarily engaged in the business of making venture capital investments.

(3) 33% Institutional Investor Ownership

The proposed safe harbor would require that institutional investors beneficially own at least 33% of the total number of the issuer's equity securities outstanding on a fully diluted basis. The term ''institutional investor'' would be defined in Rule 2710(c)(4)(D)(ii) to include any individual or entity (including a group of legal entities as proposed to be defined in Rule 2710(c)(4)(D)(i)) that has at least $50 million invested in securities in the aggregate in its portfolio or under management and is not (1) a member participating in the public offering; (2) any of the member's associated or affiliated persons; or (3) an immediate family member of any associated or affiliated person of the member.[21]

[19] The Department will maintain its authority under the Rule 9600 Series to grant exemptions on a case-by-case basis from the determination that certain securities are deemed to be underwriting compensation. The Department expects to exercise this authority sparingly and only in exceptional and unusual circumstances.

[20] In both instances, such third-party capital commitments could come from members and their associated and affiliated persons, so long as those members do not participate in the public offering.

[21] An institutional investor could be a member, or a person associated or affiliated with a member, that is not participating in the public offering.

(4) Participation on and Vote of Board of Directors

At least one of those institutional investors would have to serve as a member of the issuer's board of directors and the transaction would have to be approved by a majority of the issuer's board of directors and by an affirmative vote of the institutional investors that are board members.

(C) Safe Harbor No. 3—Private Placements with Institutional Investors

The third safe harbor, proposed in Rule 2710(c)(4)(E)(iii), is intended for acquisitions in private placements with significant institutional investor participation. The safe harbor would be available for purchases of securities in a private placement and for the receipt of securities as placement agent compensation.

(1) 20% of Total Offering Limitation

The underwriter and related persons could not, in the aggregate, acquire more than 20% of the ''total offering''. The ''total offering'' would be defined to consist of the total number of securities, on a fully diluted basis, sold in the private placement *and* received as placement agent compensation by a member.[22] The 20% calculation would exclude purchases by those affiliates and other related persons of a member that would be qualified to acquire securities of the issuer under the first safe harbor.

(2) Same Terms and Price

All securities purchased by the underwriter and related persons from the private placement must have the same terms [23] and be purchased at the same price [24] as securities purchased by the other investors.

(3) 51% Institutional Investor Participation

Institutional investors would have to purchase at least 51% of the total offering.[25] In addition, an institutional investor would have to be the lead negotiator with the issuer to establish the terms of the private placement. This requirement would not prevent an underwriter or related person from participating in the negotiation of the terms of the private placement.

(D) Safe Harbor No. 4—Purchases Under a Preemptive Right

The fourth safe harbor, proposed in Rule 2710(c)(4)(E)(iv), is intended for any acquisition of the issuer's securities by any underwriter or related person that is made pursuant to a right of preemption, whether that preemptive right was granted by contract, by the terms of the securities, or by applicable law.[26] Purchases pursuant to a right of preemption generally do not raise the sorts of concerns that the Rule was designed to address because they are based on a purchase right granted to the purchaser in a prior investment. The right of preemption merely protects the purchaser from dilution when the company issues additional securities.

(1) Requirements Applicable to Acquisition of Preemptive Right

If the security with a preemptive right was acquired from a private placement, the private placement would have to occur more than 180 days before the filing date of the public offering. If the security with a preemptive right was acquired from the public market or from a public offering, there would be no limitation on when the security must have been purchased, *i.e.,* the security could have been purchased less than 180 days before the subsequent public offering is filed.

(2) Requirements Applicable to Purchase under the Preemptive Right

Under the safe harbor: (1) the right of preemption must be exercised in connection with a private placement of the issuer's securities for cash; (2) the private placement must be to all similar preemptive right holders; (3) the price and terms of the securities purchased must be she same as that for all other investors in the private placement; and (4) the purchaser may not, through the exercise of its preemptive rights, increase its ownership of the same class of securities of the issuer.

(iii) Calculation of the 180-Day Review Period

The 180-day review period and the 90-day safe harbor period are proposed to be calculated from the filing date of a public offering with the appropriate regulatory authority in order to provide a readily identifiable standard. Consistent with existing Department practice, the ''filing date'' for purposes of this calculation would be the *earlier* of the date of filing with the SEC, state securities commission, or other regulatory authority, or the date of filing with the Association. Thus, if an offering is filed with the SEC before it is filed with the NASD, the ''filing date'' will be the SEC filing date. In addition, offerings submitted to the SEC for review on a confidential basis will be considered filed with the SEC as of the date of the confidential submission for purposes of Rule 2710.

(iv) Determination of when Securities are Considered ''Received''

The purposed rule change would adopt Rule 2710 (c)(4)(B) to clarify when securities will be considered to be ''received'' under the Rule for purposes of the 180-day review period under Rule 2710(c)(4)(A) and the 90-day safe harbor period under Rule 2710(c)(4)(E). Securities purchased from or received as compensation for a private placement will be deemed to have been received on the date of the closing of the private placement.[27] Securities received as compensation for a loan or credit facility will be deemed to have been received on the date the loan or credit facility agreement is executed. Securities received for consulting services to the issuer will be deemed to have been received on the date that beneficial ownership of the securities is transferred to the consultant. These proposals are consistent with existing Departmental practice.

(v) 90-Day Post-Offering Objective Test

Rule 2710(c)(4)(A) permits the staff to examine items of value received ''subsequent to the public offering'' to determine whether the items of value are considered to be underwriting compensation in connection with the

[22] For example, if the private placement consists of 100,000 shares of common stock and the issuer pays placement agent compensation to a member that includes a warrant for 10,000 shares of common stock, the total offering is 110,000 shares of common stock. The acquisition by the underwriter and related persons that are not qualified to purchase under the first safe harbor could not exceed 22,000 shares of common stock. Of these 22,000 shares, 10,000 shares would be accounted for by the warrant and up to 12,000 shares could be purchased as an investment.

[23] A security would be considered to have the same terms if it is a security of the same class with the same rights as the security sold to other investors. Thus, in a unit offering, the unit purchased by a member must be composed of the same number and type of securities and any exerciseable security within a unit must have the same exercise price as the exerciseable security within the unit purchased by other investors.

[24] If the purchasing member is also acting as placement agent, purchases by the member at a price that is net of the commission it receives for sales to the other investors will be considered to be ''at the same price'' for purposes of this provision.

[25] In the example provided above, institutional investors must purchase at least 56,100 shares of the total offering of 110,000. *See supra,* n.22.

[26] The Corporate Financing rule does not prohibit a member from exercising a preemptive right to purchase securities from the issuer's public offering. However, such purchases by members, their associated and related persons, and affiliates are regulated by SEC Regulation M and the NASD's Free-Riding and Withholding Interpretation, IM–2110–1. *See also* Securities Exchange Act Release No. 42325 (Jan. 10, 2000), 65 FR 2656 (Jan. 18, 2000).

[27] The Department relies on the closing date rather than the date of a commitment letter because a commitment letter does not transfer beneficial ownership of the securities.

public offering. The ability of the staff to include items of value received after the public offering in the calculation of underwriting compensation is necessary to avoid circumvention of the Rule.

In order to provide greater clarity concerning the extent of the ''subsequent'' time period, the proposed rule change would replace this language with new Rule 2710(c)(4)(C), under which items of value received within the 90-day period immediately following the effective date of a public offering would be examined to determine whether they constitute underwriting compensation.

(vi) Valuation of Warrants

Rule 2710(c)(6)(B)(viii)(i) provides that any option, warrant or convertible securities received by the underwriter and related persons as underwriting compensation may not be convertible or exercisable on terms more favorable than the terms of the securities being offered to the public. The provision, therefore, prohibits members from receiving compensation in the form of warrants that have an exercise price below the proposed public offering price.

The Rule requires that the warrants be valued, that they be included in the calculation of the underwriting compensation, and that they be subject to the Rule's compensation provisions. Therefore, the requirement that members revise the exercise price of their warrants seems unnecessary and Rule 2710(c)(6)(B)(viii)(i) is proposed to be deleted.

The proposed rule change would amend Rule 2710(c)(5)(A), which prohibits the payment of underwriting compensation in the form of securities that are not identical to those offered to the public or to a security that has a bona fide independent market, in order to clarify the application of this prohibition.

(3) Restrictions on Resale of Securities

As discussed above, the Corporate Financing Rule currently imposes a one-year compensation lock-up on securities that constitute underwriting compensation or, in the case of an initial public offering, a 90-day venture capital lock-up on all securities held by members and certain senior persons and subsidiaries.

(i) Background—Compensation Lock-Up

The compensation lock-up was adopted primarily to protect the aftermarket in a new security from the potential for fraud and manipulation that exists when a member is an underwriter, actively trades the securities, and is a selling securityholder. These multiple roles for a broker/dealer were a basic concern discussed at length in the Report of the Special role for a broker/dealer were a basic concern discussed at length in the Report of the Special Study of the Securities Markets of the Securities and Exchange Commission issued in 1963 (''Special Study'').[28] In the testimony underlying the Special Study, industry members also stated that sales of an underwriter's private placement investments in an issuer shortly after the completion of an offering creates a negative appearance as the member has previously recommended the purchase of the security to its customers.

(ii) Background—Venture Capital Lock-Up

The venture capital lock-up was intended to address similar potentials for abuse in the context of an initial public offering, by imposing a lock-up restriction that prohibits the sale of *any* of the issuer's securities (not just those considered to be underwriting compensation) held by a member and certain senior persons and subsidiaries at the time of the offering and for 90 days thereafter. The venture capital lock-up does provide exceptions for *de minimis* transactions and transactions in which a qualified independent underwriter[29] provides due diligence and a pricing opinion.

(iii) Proposed 180-Day Lock-Up

NASD Regulation understands that it is common industry practice to impose a 180-day lock-up on the securities of the issuer held by certain officers and directors of the issuer. Consistent with this industry practice, NASD Regulation proposes to amend Rule 2710(c)(7)(A) and delete Rule 2710(c)(7)(C) to impose a 180-day lock-up on all equity securities of the issuer held by the underwriter and related persons at the time of effectiveness of the public offering. Securities purchased from the public market would not be subject to the lock-up. The new 180-day lock-up would replace the one-year compensation lock-up and the 90-day venture capital lock-up. It would apply to both initial public offerings'' and to secondary offerings, subject to the following exceptions in amended Rule 2710(c)(7)(B) for:

- Transfers of otherwise restricted securities that occur by operation of law or by reason of reorganization of the issuer;
- Transfers to participating members and their officers and partners, so long as the transferred securities remain subject to any remaining lock-up period;
- Transfers if a member and its related persons do not, in the aggregate, own more than 1% of the securities being offered; and
- The exercise of securities, so long as the exercised securities remain subject to any remaining lock-up period.

In addition, secondary offerings of securities would be able to rely on an exception for transfers of securities that qualify as an ''actively traded security'' for purposes of SEC Regulation M as of the date of effectiveness of the public offering.[30]

The proposal would eliminate the existing exception in Rule 2710(c)(7)(C)(i) from the venture capital lock-up for transactions in which a qualified independent underwriter provides a pricing opinion and performs due diligence. The exception does not adequately address the potential negative impact of immediate sales of members' securities into the after-market of an initial public offering or of securities with a thinly traded market nor the conflicts-of-interest present when an underwriter is also a selling securityholder.

The proposed 180-day lock-up would address the concerns discussed in Part 1, Chapter IV of the Special Study related to the disposition of securities considered underwriting compensation. The Special Study did not focus on a particular time period that was appropriate for such a lock-up, but note with approval testimony that underwriting compensation securities were held by underwriters for some time period after the initial public offering and the practice of one broker/dealer that imposed a minimum six-month holding period.[31]

The discussion in the Special Study expressed concern regarding the opportunities for fraud and manipulation in the after-market of a company's initial public offering when a member is an underwriter, actively trades the securities, and is a selling securityholder, stating that the underwriter may be placed ''in situations where its duties and obligations to the issuer's stockholders, its own customers, and the general investing public may come into conflict.

[28] Report of the Special Study of the Securities Markets of the Securities and Exchange Commission, 88th Cong., 1st Session, House Document No. 95, Part 1, Chapter IV.

[29] The term ''qualified independent underwriter'' is defined in NASD Rule 2720(b)(15).

[30] Under SEC Regulation M, a security is considered to be an ''actively traded security'' if it has at least $1 million average daily trading volume and $150 million public float value. 17 CFR 242.100 through 242.105.

[31] Special Study, at 541–542.

* * *''[32] NASD Regulation believes it is appropriate to extend the protections intended for the after-market of an initial public offering to secondary offering of securities that do not have a sufficiently liquid market to address these conflicts-of-interest and to apply the lock-up to all equity securities of the issuer held by underwriters and related persons. This category of persons would include broker/dealers that are participating in the public offering and all of the broker/dealer's associated, affiliated, and related persons.[33]

The proposed exception for sales of an ''actively traded security'' will permit a member to sell the issuer's equity securities during the lock-up period in the case of a secondary public offering only if the security's market has sufficient liquidity to decrease the opportunity for a member to engage in fraud and manipulation in connection with the sale transaction. As stated by the Commission, ''[t]he costs of manipulating such securities generally are high. In addition, because actively-traded securities are widely followed by the investment community, aberrations in price are more likely to be discovered and quickly corrected. Moreover, actively-traded securities are generally traded on exchanges or other organized markets with high levels of transparency and surveillance.'' [34]

(iv) Lower Compensation Value for Longer Lock-Up

In valuing any securities considered to be underwriting compensation, current Rule 2710(c)(5)(D) permits a lower valuation when the securities are subject to a lock-up beyond the one-year compensation lock-up period. This paragraph would be amended to discount the compensation value of securities by 10% for each 180-day period that the securities (or underlying securities) are restricted from sale beyond the proposed 180-day lock-up period.

When a person agrees to such a longer lock-up in order to obtain a lower compensation value for the securities, the person would not be able to later rely on the exceptions from the 180-day lock-up for *de minimis* sales and sales of an ''actively traded security.'' However, the other exceptions would be available.

(v) Restrictive Legend

The proposed rule change would delete Rule 2710(c)(7)(A)(ii), which requires that certificates representing any security subject to a lock-up bear a restrictive legend describing the lock-up. NASD Regulation understands that members are required to obtain a CUSIP number for the securities subject to the lock-up imposed by the rule that is different from the number assigned to other securities of the same issue. NASD Regulation proposes to delete this requirement, as it places an unintended burden on members that is unnecessary. Members would still be required to establish appropriate written procedures pursuant to NASD Rule 3010(b)(1) for ensuring compliance with the proposed 180-day lock-up.

(4) Stock Numerical Limitation

(i) Elimination of Requirement

The proposed rule change would eliminate the 10% stock numerical limitation in Rule 2710(c)(6)(B)(xi) on the amount of securities that participating underwriters and related persons may receive as underwriting compensation. The Rule already restricts the total value of all items that a member may receive as compensation, and Rule 2720 addresses the conflicts-of-interest that may arise when a member is an affiliate of the issuer. Therefore, the stock numerical limitation is unnecessary to achieve the purposes of the Rule.

(ii) Sales of Securities Considered to be Underwriting Compensation

Rule 2710(c)(6)(C) requires that when the stock numerical limitation has been exceeded, the recipient of the securities must return any excess securities to the issuer or the source from which received at cost and without recourse. A different arrangement may be permitted by the Association. In light of the proposed elimination of the stock numerical limitation, this provision would be amended to apply to an acquisition of securities that results in unfair and unreasonable compensation.

(5) Other Amendments [35]

(i) Types of Securities Considered to be Items of Value

NASD Regulation proposes to amend Rule 2710(c)(3)(vii) to make non-substantive amendments to the description of the types of equity securities that are considered items of value to be included in the calculation of underwriting compensation.

(ii) Exclusions From the Calculation of Underwriting Compensation

The proposed rule change would amend Rule 2710(c)(3)(B) to put into one place all items of value that will be excluded from the calculation of underwriting compensation.

(A) Payments to a Previous Underwriter

Rule 2710(c)(3)(A)(xiii) requires the Department to include any fees paid to a previous underwriter that failed to complete a public offering in the calculation of underwriting compensation for a subsequent underwriter. This provision is intended to restrict the total amount of compensation paid to all underwriters, but it has imposed an unfair restriction on the compensation of replacement underwriters. Consequently, the proposed rule change would delete this provision.

The proposed rule change would further codify this determination in new Rule 2710(c)(3)(B)(ii) by excluding from the calculation of underwriting compensation any payment to a member in connection with a proposed public offering that was not completed, if the member does not participate in the revised offering.[36]

(B) Consulting Agreements

The requirements of Rule 2710(c)(4)(E) would be moved to new Rule 2710(c)(3)(B)(iii), which would continue to exclude from the calculation of underwriting compensation any payments received under a consulting agreement entered into more than one year before the filing date of the public offering.

(iii) Members' Obligation to File Information

Current Rule 2710(b) requires that members file certain documents and

[32] Special Study, at 539.

[33] In comparison, the current one-year compensation lock-up only covers those securities deemed to be underwriting compensation and, therefore, does not restrict the resale of other securities of the issuer by participating members. Further, the current 90-day venture capital lock-up only applies in the case of an initial public offering and only covers securities held by the member, its officers, directors, and certain of its affiliates. The 90-day venture capital lock-up, therefore, does not apply to secondary offerings and does cover securities held by other associated, affiliated, and related persons to the member.

[34] Securities Act Release No. 7375 (Dec. 20, 1996); 62 FR 520 (Jan. 3, 1997).

[35] The proposed rule change includes non-substantive amendments to Rule 2710 that are intended to provide clarity and consistency.

[36] NASD Rule 2710(c)(6)(B)(iv) would continue to prohibit payment of any compensation by an issuer to a member in connection with an offering of securities that is not completed according to the terms of agreement between the issuer and underwriter, except for reimbursement of out-of-pocket accountable expenses actually incurred by the member.

other information with the Department in connection with a public offering. The Department must rely on the adequacy and accuracy of the information filed by members in order to carry out its regulatory obligations under the rules that apply to public offerings of securities. To the extent, therefore, that a member or its counsel or other agent fails to provide all of the facts necessary for the Department's review of a public offering, files inaccurate information, fails to update or correct previously filed information, or fails to comply with representations made to the Department, the member would violate the Rule and NASD Conduct Rule 2110 (the Association's basic ethical conduct rule).

The proposed rule change would clarify this obligation of the member in several respects. First, Rule 2710(b)(6)(A)(v) would be amended to require members to provide the Department with a detailed explanation and documents related to a modification of any information or representation previously provided to the Association or of any item of underwriting compensation. Thus, in the event that the member (or member's counsel or other agent) determines that subsequent events have made inaccurate any information or representations previously provided to the Department, the member must inform the Department regarding the change. This obligation applies regardless of whether the change occurs before or after the issuance of the Department's opinion of a ''no objections'' to the underwriting terms and arrangements.

Second, proposed Rule 2710(b)(6)(A)(v)(b) would provide that if an underwriter or related person receives any additional item of value subsequent to the Department's issuance of a ''no objections'' opinion and within 90 days following the offering's effective date, then the member must provide a detailed explanation and any documents related to the new arrangement to the Department.

The proposed rule change would also delete Rule 2710(b)(6)(iv), as it requires the submission of information addressing the subjective review factors in Rules 2710(c)(4)(C) and (D). As set forth above, paragraphs (C) and (D) are proposed to be deleted.

(d) Implementation of Proposed Rule Change

NASD Regulation proposes to implement the proposed rule change upon approval by the SEC. Any public offering filed subsequent to the adoption of the amendments and any public offering that had been filed with the Department but for which a ''no objections'' letter has yet to be issued, would be subject to the new requirements. In addition, with respect to public offerings for which a ''no objections'' letter has been issued at the time the amendments are adopted, the one-year compensation lock-up on securities would be shortened to 180 days and members could rely on the exceptions from the 180 day lock-up.[37] Upon adoption of the amendments, any securities that are subject to the 90-day venture capital lock-up would remain subject to that lock-up until it expires, but any person holding such securities could rely on the exceptions from the 180-day lock-up.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[38] which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just equitable principles of trade and, in general, to protect investors and the public interest. The NASD believes that the proposed rule change will burdensome rules that no longer distinguish between *bona fide* capital-raising and lending practices and abusive arrangements and will minimize the opportunity for abusive practices by members in connection with underwriting public offerings of securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were not solicited on the proposed rule change. However, NASD Notice to Members 98–81 requested comment on whether any NASD rules are obsolete. NASD Regulation received a comment letter from The Bond Market Association (''TBMA'') that included two recommended amendments to Rule 2710 that are pertinent to the proposed rule change.[39] The recommendations of TBMA to amend other provisions of Rule 2710 are under consideration by the Association and are not pertinent to the proposed rule change.

TBMA recommends that the subjective review factors of Rule 2710(c)(4)(D) be amended to consider whether there is a bona fide business purpose for an acquisition of securities.[40] Rule 2710(c)(4)(D) is proposed to be deleted and Rule 2710(c)(4)(A) would be amended to adopt an objective, bright-line test to include in the calculation of underwriting compensation all items of value received by the underwriter and related persons during the 180-day period immediately preceding the filing of the public offering and during the public offering. Thus, the subjective factor proposed by TBMA is no longer necessary to the Department's review of underwriting compensation.

In addition, TBMA recommends that Rule 2710(c)(5)(A) be amended to permit the underwriter and related person to receive as compensation a security different than the security offered to the public if there is a reasonable method to value the security received.[41] The proposed rule change would amend Rule 2710(c)(5)(A) to clarify the current language of the provision, which allows the Department to permit the underwriter and related person to receive a security that is different than the security offered to the public and that does not have a *bona fide* independent market, if good cause can be shown for the arrangement. One of the considerations in permitting such an arrangement would be whether the Department can value the security for compensation purposes. In the absense of a *bona fide* independent market for a security, the decision on whether a security that is different than the security to be offered to the public can be reliably valued is subjective and, therefore, not amenable to codification.

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

[37] For these offerings, the lock-up period would apply only to securities deemed to be underwriting compensation, as required by current Rule 2710(c)(7)(A)(i). Telephone call between Katherine England, Assistant Director, Division, Commission, Sonia Patton, Attorney, Division, Commission, and Suzanne Rothwell, Chief Counsel, Corporate Financing, NASD Regulation (March 28, 2000).

[38] 15 U.S.C. 78*o*–3(b)(6).

[39] Letter dated January 15, 1999, from TBMA, to Joan Conley, Office of the Corporate Secretary, NASD Regulation (''TBMA'').

[40] TBMA Letter, at 18.

[41] *Id.*

(ii) as to which NASD Regulation consents,[42] the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–00–04 and should be submitted by May 26, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[43]

Margaret H. McFarland,

Deputy Secretary.

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[42] NASD Regulation has consented to a 90-day extension of the time period for Commission action. *See* Amendment No. 2, *supra* n. 4.

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42618; File No. SR–NASD–00–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Extending the Pilot Program for the Nasdaq Application of the OptiMark System

April 4, 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 March 28, 2000, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed a proposed rule change with the Securities and Exchange Commission (''SEC'' or ''Commission''). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by Nasdaq. On March 30, 2000, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] The Exchange filed the proposed rule change, as amended, pursuant to Section 19(b)(3)(A) of the Act,[4] and Rule 19b–4(f)(6) thereunder,[5] which renders the proposed rule change effective upon filing with the Commission. 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

Nasdaq is proposing to extend the pilot period for the Nasdaq application of the OptiMark System (the ''Nasdaq Application'') for an additional six months from April 3, 2000. No changes to the existing rule language are being proposed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change, as amended, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* March 30, 2000 letter from Peter R. Geraghty, Assistant General Counsel, Nasdaq, to Rebekah Liu, Special Counsel, Division of Market Regulation, SEC (''Amendment No. 1''). In Amendment No. 1, Nasdaq requested that the proposed rule change be filed under Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder. 15 U.S.C. 78s(b)(3)(A) and 17 CFR 240.19b–4(f)(6). Nasdaq also requested that the Commission waive the 5-day notice of its intent to file the proposal by treating the original proposed rule change as the prefiling notice required under Rule 19b–4(f)(6); and requested that the Commission waive the 30-day period before the proposal becomes effective to permit the proposed rule change to become immediately effective.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 5, 1999, the Commission approved a proposed rule change filed by the NASD to implement the Nasdaq Application.[6] The Nasdaq Application permits NASD members and their customers to enter large orders in Nasdaq stocks into an anonymous matching system that has been designed, developed, and patented by OptiMark Technologies, Inc. (''OptiMark Match'') and has been integrated into Nasdaq's facilities in Trumbull, Connecticut. The anonymity offered by this facility limits the market impact of trading in larger quantities of securities and provides NASD members with a new, additional tool to trade Nasdaq securities more effectively.

The Nasdaq Application allows NASD members (and if sponsored by NASD members, customers of such members) to enter trading interests, called profiles, into Nasdaq-operated systems where those profiles are collected and matched periodically by the OptiMark Match. As currently approved, these matches occur no more frequently than every five minutes. In addition to matching profiles entered directly into the system, the Nasdaq Application incorporates bids and offers in the Nasdaq Quote Montage, creates profiles for such quotes, and includes the quotes in the next match. The OptiMark Match then attempts to match contra interests at the best prices and sizes according to the rules of the match process. If the system finds that a quote profile matches another profile, the system sends a message to the market participant (via the Nasdaq SelectNet system) seeking to trade at the market participant's quoted price or better and at round lot sizes, up to the amount quoted by that market participant.

The Commission approved the Nasdaq Application on a pilot basis for a six-month period ending April 3, 2000.[7] The Commission's rationale for limiting the period was based partly on the perceived need to enhance certain aspects of clearing brokers' capabilities to monitor trading activity occurring in the Nasdaq Application. Nasdaq is in the process of adding new features to the Nasdaq Application that address all of the stated concerns regarding clearing and anonymity, and plans to file with

[6] Securities Exchange Act Release No. 41967 (September 30, 1999), 64 FR 54704 (October 7, 1999)(SR–NASD–98–85).

[7] See *supra* note 6.

the Commission a proposed change reflecting these new features. Because these new features will not be in place until the second quarter 2000 and must be subject to notice and comment before approval, the pilot will end prior to such time periods. Nasdaq believes that the Nasdaq Application provides benefits to the market and should be allowed to continue to operate as currently operating for an additional six months to permit Nasdaq to implement the system changes that address the Commission's concerns.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act[8] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, 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 markets system, and, in general to protect investors and the public interests.

Nasdaq also believes the proposed rule change is consistent with Section 11A of the Act[9] in general, and Section 11A(a)(1)(A)[10] in particular, by promoting economically efficient execution of securities transactions, fair competition among markets, the best execution of customer orders, and an opportunity for orders to be executed without the participation of a dealer.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change, as amended, will result in any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Nasdaq has neither solicited nor received written comments on the proposed rule change, as amended.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6)[12] thereunder because the 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 the proposed rule change was filed, or such shorter time as the Commission may designate. At any time within 60 days of the filing of a rule change pursuant to Section 19(b)(3)(A) of the Act, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Commission finds that it is appropriate to accelerate the effective date of the proposed rule change and to permit the proposed rule change to become immediately effective because the proposed simply extends a previously approved pilot program for an additional six months. By extending the pilot program, the Commission will enable Nasdaq to continue to offer this additional trading mechanism without interruption. In addition, the Commission finds that Nasdaq provided the required prefiling written notice of its intent to file this proposed rule change when it filed the original proposed rule change.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–00–14 and should be submitted by May 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

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[8] 15 U.S.C. 78o-3(b)(6).

[9] 15 U.S.C. 78k-1.

[10] 15 U.S.C. 78k-1(a)(1)(C).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42607; File No. SR–NASD–00–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Release of Disciplinary Information

April 3, 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 February 16, 2000, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice of the proposed rule change to solicit comments on the proposal from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend IM–8310–2 of the Association, to provide for the publication of all final, litigated decisions issued by the Office of Hearing Officers (''OHO''),[3] the National Adjudicatory Council (''NAC''), and the NASD Board, regardless of sanctions imposed. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

IM–8310–2. Release of Disciplinary Information

(a) through (c) No change.

(d)(1) The Association shall release to the public information with respect to

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] The OHO issues decisions rendered by Hearing Officers (default decisions) and Hearing Panels.

any disciplinary decision issued pursuant to the Rule 9000 Series imposing a suspension, cancellation or expulsion of a member; or suspension or revocation of the regulation of a person associated with a member; or suspension or barring of a member or person associated with a member from association with all members; or imposition of monetary sanctions of $10,000 or more upon a member or person associated with a member; or containing an allegation of a violation of a Designated Rule; and may also release such information with respect to any disciplinary decision or group of decisions that involve a significant policy or enforcement determination where the release of information is deemed by the President of NASD Regulation, Inc. to be in the public interest. The Association also may release to the public information with respect to any disciplinary decision issued pursuant to the Rule 8220 Series imposing a suspension or cancellation of the member or a suspension of the association of a person with a member, unless the National Adjudicatory Council determines otherwise. The National Adjudicatory Council may, in its discretion, determine to waive the requirement to release information with respect to a disciplinary decision under those extraordinary circumstances where the release of such information would violate fundamental notions of fairness or work an injustice.

The Association may release to the public information on any other final, litigated, disciplinary decision issued pursuant to the Rule 8220 Series or Rule 9000 Series, not specifically enumerated in this paragraph, regardless of sanctions imposed, so long as the names of the parties and other identifying information is redacted.

(2) No changes.

(e) through (m) 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, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Some, but not all, NASD disciplinary decisions are currently available in electronic legal research databases, such as Westlaw, Lexis-Nexis, and Books on Screen. Interpretive Material 8310–2 (the ''Interpretation'') permits the NASD to release any disciplinary decision: (1) Imposing a suspension, cancellation or expulsion of a member; (2) imposing a suspension or revocation of the registration of any associated person; (3) imposing a suspension or barring a member or associated person from association with all members; (4) imposing monetary sanctions of $10,000 or more on a member or associated person; (5) containing an alleged violation of a Designated Rule; or (6) deemed by the President of NASD Regulation to involve a significant policy or enforcement determination where the release of information would be in the public interest.

Disciplinary decisions provide guidance in how NASD rules are to be interpreted and enforced. The Association believes that providing vendors of legal research databases with all final, litigated decision issued by the OHO, the NAC, and the NASD Board, edited to prevent the disclosure of the identities of respondents upon whom minimal or no sanctions are imposed, is in the public interest.

Accordingly, the Association is proposing to amend the Interpretation to provide for the publication of all final, litigated decisions issued by the OHO, the NAC, and the NASD Board, regardless of sanctions imposed. However, the names of the parties and other identifying information mentioned in the decisions that do not meet the current enumerated publication criteria, as outlined in the Interpretation (and listed above), will be redacted from these decisions. Settlements, Letters of Acceptance, Waivers and Consents (''AWCs''), and Minor Rule Violation Plan letters are excluded from the proposal. This proposal will not have any impact on the information contained in or disclosed by the Central Registration Depository system.

The Association will make all decisions covered under this proposal available that were issued after August 7, 1997, the effective date of the most recent significant changes to the NASD Code of Procedure.[4] The Association believes that the disciplinary decisions issued after August 7, 1997, are of special value in providing a clearer picture of the Association's current application and interpretation of its substantive and procedural rules. The Association does not believe that the benefits that would arise from publishing decisions that pre-date August 7, 1997, justify the administrative burdens that would result from having to redact the names of parties and other identifying information from these decisions.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The NASD believes that the proposed rule change is consistent with Section 15A(b)(7) of the Act[6] in that it works to adequately safeguard the interests of investors while establishing fair and reasonable rules for its members and persons associated with its members. The NASD also believes that the proposed changes are consistent with Section 15A(b)(8) of the Act[7] in that they further the statutory goals of providing a fair procedure for disciplining members and associated persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

[4] *See* Special NASD Notice to Members 97–55 (August 1997).

[5] 15 U.S.C. 78*o*–3(b)(6).

[6] 15 U.S.C. 78*o*–3(b)(7).

[7] 15 U.S.C. 78*o*–3(b)(8).

publishes its reasons for so finding or (ii) as to which the sale-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–00–05 and should be submitted by May 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

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[8] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

DEPARTMENT OF COMMERCE

Request for Public Views

April 3, 2000.

AGENCIES: Office of the United States Trade Representative and Department of Commerce.

ACTION: Request for public views on procedures for obtaining trade policy advice from nongovernmental organizations.

SUMMARY: Recently the United States Trade Representative (the USTR) and the Secretary of Commerce (the Secretary) announced a joint initiative to enhance opportunities for nongovernmental organizations to provide their views to the Administration on key trade issues. As part of that initiative USTR and Commerce are seeking comments and suggestions from the public on ways to strengthen channels of communication between these groups and the Administration on trade policy matters.

DATES: Written comments should be sent no later than July 10, 2000 to the Office of the United States Trade Representative at the address indicated below.

FOR FURTHER INFORMATION: Contact Pate Felts, Assistant USTR for Intergovernmental Affairs and Public Liaison ((202) 395–6120), or Patrick Morris, Director of the Office of Export Promotion Coordination, Department of Commerce ((202) 482–4501).

SUPPLEMENTARY INFORMATION: Congress and the Administration have established a variety of advisory committees from which the Executive Branch solicits and obtains advice on trade policy matters, including from environmental, labor, and consumer groups. Section 2155 of title 19, U.S. Code, establishes a three-tier trade policy advisory committee system, with one committee addressing overall policy advice, several committees providing advice on more specific policy issues, and a larger number of committees covering sectoral, technical, or functional issues.

The Administration seeks trade policy advice from environmental, labor, consumer, and other groups through three advisory committees. Specifically, the Advisory Committee for Trade Policy and Negotiations (ACTPN) provides the President and the USTR with broad advice on trade matters. The ACTPN membership is drawn from chief executive officers of agriculture, consumer, environment, industry, and labor groups. The President has also established a Trade and Environment Policy Advisory Committee (TEPAC), which primarily addresses trade and environment issues. TEPAC members are drawn from agriculture, consumer, environmental, industry, and labor groups, and from non-federal governments. A Labor Advisory Committee (LAC) provides advice on trade issues and labor. The LAC is administered by the Department of Labor and is composed exclusively of labor union representatives.

The Administration seeks trade policy advice on environmental, labor, consumer, and other issues in other ways as well. For example, in formulating specific U.s. objectives in major trade negotiations, USTR routinely solicits written comments from the public, consults with interested constituencies, holds public hearings, and meets with a broad spectrum of non-governmental groups at their request.

On January 11, 2000, the Secretary and the USTR announced an initiative to seek views from the public on ways to enhance the effectiveness of Administration efforts to obtain advice from non-governmental organizations on important trade policy matters. Through this notice, USTR and Commerce are seeking comments from the public on changes to the advisory committee system that would help to ensure that the Administration obtains timely, relevant trade policy advice from consumer, environmental, labor, and other non-governmental organizations.

Public Comments

Persons wishing to submit written comments should provide twenty (20) typed copies no later than July 10, 2000 to Gloria Blue, Office of the U.S. Trade Representative, Room 122, 600 17th Street, NW., Washington, DC 20508.

Written comments submitted in connection with this request will be available for inspection in the USTR Reading Room. An appointment to review the file at USTR may be made by calling Brenda Webb (202) 395–6186. The USTR Reading Room is located at the Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC and is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

Pate Felts,

Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.

Michael J. Copps,

Assistant Secretary for Trade Development, U.S. Department of Commerce.

[FR Doc. 00–8931 Filed 4–10–00; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25.905–X, Minimizing the Hazards From Propeller Blade and Hub Failures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25.905–X and request for comments.

SUMMARY: This notice announces the availability of and requests comment on a proposed advisory circular (AC) that provides methods acceptable to the Administrator for showing compliance with the airworthiness standards for propeller installations on transport category airplanes. The guidance provided in the AC supplements the engineering and operational judgment that must form the basis of any compliance findings relative to design precautions that should be taken to minimize the hazards to an airplane in the event that a propeller blade fails or is released by a hub failure. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before June 12, 2000.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Attn: Michael Dostert, FAA, Transport Airplane Directorate, Aircraft Certification Service, Propulsion/Mechanical Systems Branch, ANM–112, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jill DeMarco, Program Management Branch, ANM–114, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–1313.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the AC by title and submit comments in duplicate to the address specified above. The Transport Airplane Directorate will consider all communications received on or before the closing date for comments before issuing the final AC.

Availability of Proposed AC

The proposed AC can be found and downloaded from the Internet at *http://www.faa.gov/avr/air/airhome.htm*, at the link titled ''Draft AC's'' under the ''Available Information'' drop-down menu. A paper copy of the proposed AC may be obtained by contacting the person named above under the caption ''**FOR FURTHER INFORMATION CONTACT.**''

Discussion

Proposed AC 25.905–X, ''Minimizing the Hazards from Propeller Blade and Hub Failures,'' has been prepared to provide guidance on one means of demonstrating compliance with the requirements of § 25.905, ''Propellers,'' of Title 14, Code of Federal Regulations (CFR) part 25, commonly referred to as part 25 of the Federal Aviation Regulations (FAR). Part 25 contains the airworthiness standards applicable to transport category airplanes.

The means of compliance described in proposed AC 25.905–X is intended to provide guidance to supplement the engineering and operational judgment that must form the basis of any compliance findings relative to paragraph § 25.905(d). That paragraph addresses design precautions that should be taken to minimize the hazards to an airplane in the event that a propeller blade fails or is released by a hub failure.

In accordance with § 25.905(d), the hazards that must be considered include:

1. Damage to structure and vital systems due to the impact of a failed or released blade, and

2. The consequent unbalance created by such failure or release.

The proposed AC addresses the hazards associated with damage created by the impact of failed or released propeller blades, and provides a discussion of design practices to minimize such hazards. However, it does not address the hazard associated with unbalance created by such failure or release.

Harmonization of Standards and Guidance

The proposed AC is based on recommendations submitted to the FAA by the Aviation Rulemaking Advisory Committee (ARAC). The FAA tasked ARAC (63 FR 50954, September 23, 1998) to provide advice and recommendations on ''harmonizing'' certain sections of part 25 (including § 25.1183) with the counterpart standards contained in Joint Aviation Requirements (JAR) 25. The goal of ''harmonization tasks,'' such as this, is to ensure that:

- Where possible, standards and guidance do not require domestic and foreign parties to manufacture or operate to different standards for each country involved; and
- The standards and guidance adopted are mutually acceptable to the FAA and the foreign aviation authorities.

The guidance contained in the proposed AC has been harmonized with that of the JAA, and provides a method of compliance that has been found acceptable to both the FAA and JAA.

Issued in Renton, Washington, on March 31, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8848 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Record of Decision for the 1999 Final Supplemental Environmental Impact Statement for 1992 Environmental Impact Statement for Master Plan Development, Indianapolis International Airport

AGENCY: Federal Aviation Administration (FAA, DOT).

ACTION: Notice of availability of a record of Decision.

SUMMARY: The FAA is issuing this notice to advise the public that the FAA Regional Administrator has approved and signed the Record of Decision (ROD) for implementation of air traffic control noise abatement procedures and land use mitigation measures at Indianapolis International Airport on March 20, 2000.

ADDRESSES: The Record of Decision is available for review at: Federal Aviation Administration, Airspace Branch, AGL–520, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ms. Annette Davis, Environmental Specialist, AGL–520.E, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (847) 294–8091.

SUPPLEMENTARY INFORMATION: The FAA is issuing this notice of availability of its March 20, 2000 Record of Decision to assure that all persons have notification that the FAA has decided to implement the air traffic control noise abatement procedures and land use mitigation measures for Indianapolis International Airport contained in the 1999 Final Supplemental Environmental Impact Statement for the 1992 Environmental Impact Statement for the 1992 Environmental Impact Statement for Master Plan Development.

Issued in Des Plaines, Illinois on March 22, 2000.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 00–8971 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Impact Statement and to Hold an Environmental Scoping Meeting for Runway Safety Area Improvements at Groton-New London Airport, Groton, Connecticut

AGENCY: Federal Avation Administration, DOT.

ACTION: Notice of Public Environmental Scoping Meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing notice to advise the public that an Environmental Impact Statement (EIA) will be prepared for a proposal by the State of Connecticut to construct Runway Safety Area improvements to Runway 5–23 at Groton-New London Airport, Groton, Connecticut. To ensure that all significant issues related to the proposed action are identified a public scoping meeting will be held.

FOR FURTHER INFORMATION CONTACT: Frank Smigelski, Environmental Specialist, Airports Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone number: 781–238–7613.

SUPPLEMENTARY INFORMATION: Because of the potential for significant adverse environmental impact, primarily to wetlands and estuarine resources adjacent to the runway, comments and suggestions are invited from federal, state and local agencies and other interested members of the public on order to ensure that a full range of issues related to the proposed project are identified and addressed in the scope of work for the EIS. Comments and suggestions may be mailed to the FAA at the above address.

Public Scoping Meeting

In order to provide public input, a scoping meeting for federal, state and local agencies and other interested members of the public will be held on May 10, 2000 at 11:00 a.m. at the Connecticut Air National Guard AVCARD Facility, 139 Tower Road, Groton-New London Airport, Groton, CT. The scoping meeting will include a field tour of the project area. Representatives of federal, state and local agencies and other interested members of the public are encouraged to attend and comment. Additional Information may be obtained by contacting FAA at the above address or telephone number.

Issued in Burlington, Massachusetts on March 30, 2000.

Vincent A. Scarano,

Manager, Airports Division FAA, New England Region.

[FR Doc. 00–8972 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application to Impose and Use the Revenue from a Passenger Facility Charge (PFC) at Sawyer International Airport, Marquette, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Sawyer International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 11, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, MI 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Harold R. Pawley, Airport Manager, of the Sawyer International Airport, at the following address: 225 Airport Avenue, Gwinn, MI 49841.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the County of Marquette under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, MI 48111 (734–487–7281). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Sawyer International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 22, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Marquette County was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 18, 2000.

The following is a brief overview of the application:

PFC Application No.: 00–05–C–00–SAW.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 2000.

Proposed charge expiration date: October 30, 2002.

Total estimated PFC revenue: $369,235.00.

Brief description of proposed projects: (1) North Access Road to terminal, (2) FAR Part 77 grading, (3) VOR/DMS, (4) Rehabilitate terminal apron, (5) Rehabilitate hangar, (6) Terminal lighting, (7) Groove Runway 1/19, (8) Runway 1/19 joint repairs, (9) Taxiway relighting, (10) Rehabilitate taxiway and construct taxi streets, (11) ILS paving, (12) Renovate ARFF building, (13) Environmental Assessment for North Access Road and Runway 13/31, (14) North Access Road (design only).

Class or classes of air carriers that the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT".**

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Sawyer International Airport.

Issued in Des Plaines, Illinois, on March 29, 2000.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 00–8973 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Randolph and Tucker Counties, West Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement (SEIS) will be prepared for the Kerens-to-Parsons portion of the proposed Appalachian Corridor H highway project.

FOR FURTHER INFORMATION CONTACT: Henry E. Compton, Division Environmental Coordinator, Federal Highway Administration, West Virginia Division, Geary Plaza, Suite 200, 700 Washington Street East, Charleston, West Virginia 25301, Telephone: (304) 347–5268.

SUPPLEMENTARY INFORMATION: In accordance with a court approved settlement agreement, the FHWA in cooperating with the West Virginia Department of Transportation (WVDOH) will prepare a supplemental environmental impact statement (SEIS) to examine one or more potential alignment shifts for the Kerens-to-Parsons portion of the proposed Appalachian Corridor H highway in Randolph and Tucker Counties, West Virginia. A Record of Decision (ROD) for the entire Appalachian Corridor H Highway (FHWA–WV–EIS–92–01–F) from Aggregates to the WV/VA state line, a distance of approximately 100 miles, was approved on August 2, 1996. The proposed Kerens-to-Parsons project will provide a divided four-lane, partial control of access highway on new location for a distance of approximately 20 miles. The purpose of this project is to provide safe and efficient travel between the population centers of Randolph (Elkins/Kerens Area) and Tucker (Parsons Area) counties, while also contributing to the completion of Corridor H in West Virginia.

Alternates under consideration in the SEIS will be: (1) The no action alternative, (2) the preferred alternative that was approved in the 1996 ROD, and (3) one or more alternatives that avoid impacts to the Corricks Ford Battlefield. Based on preliminary studies, it is expected that the avoidance alternatives considered in the SEIS will include one or more alignments that would shift the project to the north, resulting in additional connections to US 219, WV Route 72, and County Route 17 in the vicinity of Parsons. However, final decisions on the scope of the SEIS will be made only after an opportunity for comment by interested agencies and the public during the scoping process, which will occur in early to mid-April 2000.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal.

To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities to this program)

Issued on: March 28, 2000.

Henry E. Compton,

Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 00–8869 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Aberdeen Carolina and Western Railway

[Docket Number FRA–1999–6067]

The Aberdeen Carolina and Western Railway (ACWR) seeks a permanent waiver of compliance with the *Safety Glazing Standards*, 49 CFR 223.11(c), which requires certified glazing in all locomotive windows, except those locomotives used in yard service. ACWR seeks this waiver for locomotive number 1132. The owner states that the locomotive would be used one way (20 miles) as back-up power for a dinner/excursion train operating on weekends between Aberdeen and Pinehurst, North Carolina.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 1999–6067) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on April 4, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8855 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Buffalo Southern Railroad, Inc.

Docket Number FRA–1999–6069

The Buffalo Southern Railroad, Inc. (BSOR) seeks a permanent waiver of compliance with the Safety Glazing Standards, 49 CFR 223.11(c), which requires certified glazing in all locomotive windows, except those locomotives used in yard service. BSOR seeks this waiver for five locomotives, numbers 5010, 107, 100, 93 and 105. BSOR states that they operate on 30 miles of track at speeds not to exceed 20

mph between Buffalo and Gowanda, New York. They also state that all locomotives are equipped with shatterproof type safety glazing and have never experienced any problems with window breakage or vandalism.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number 1999–6069) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, D.C. on April 4, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8856 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

National Railroad Passenger Corporation

[Docket No. FRA–2000–7199]

The National Railroad Passenger Corporation (Amtrak) seeks a temporary waiver of compliance with section 203 of FRA's Passenger Equipment Safety Standards (49 CFR part 238). On October 18, 1999, Amtrak, pursuant to 49 CFR 238.203, filed a ''grandfathering'' petition with FRA (Docket No. FRA–1999–6404), in which it requested approval to continue using five trainsets manufactured by Talgo, Inc. in the Pacific Northwest that do not meet the buff strength standards specified in Part 238. Section 203 of that part provides that use of non-compliant equipment subject to a grandfathering petition must cease on May 8, 2000, unless FRA has approved the petition by that date.

Amtrak, in its petition for waiver, states that it believes there is a significant risk that FRA, will be unable to resolve administrative issues concerning information in the docket, obtain final comments from all interested parties, and then perform its own internal analysis and issue a final decision by May 8, 2000. Amtrak further states that ''in order to ensure there is no short term [service] disruption, Amtrak feels that it is essential that FRA extend the period during which operation of Talgo equipment is permissible beyond the current May 8, 2000 date, until a date that is 30 days after the date on which FRA acts finally on Amtrak's grandfathering petition.''

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA's Docket Clerk at Federal Railroad Administration, Office of Chief Counsel, 1120 Vermont Avenue, MS 10, Washington, DC, 20590, in writing, by April 20, 2000 and specify the basis for their request.

All other communications concerning this proceeding should identify the appropriate docket number (*e.g.* Docket No. FRA–2000–7199) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–40–1 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received by April 26, 2000 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9:00 am—5:00 pm) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on April 6, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8935 Filed 4–6–00; 3:11 pm]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Union Pacific Railroad Company

(Docket Number FRA–1999–5755)

Union Pacific Railroad Company (UP) seeks a permanent waiver of compliance from certain provisions of the Power Brakes and Drawbars regulations, 49 CFR part 232, at Proviso Yard in Chicago, Illinois. Specifically, UP requests relief from the requirements of 49 CFR 232.12(i)(1), which requires that when a train airbrake system is tested from a yard test plant, the air source must be connected to the end of the train which will be nearest to the hauling road locomotive.

UP provides the following information to justify this request. At Proviso Yard, trains are regularly made up and depart from Yard Four. The tracks in Yard Four hold approximately 60 cars. Most trains consist of one hundred or more cars, which requires a double or triple over be made to make up an outbound train. The standard procedure is to fill one or more tracks with the head end portion and set the rear end portion as a rear end fill in an adjacent track. When this rear end fill is short (thirty cars or less), it presents an operational and safety problem. Yard air is at the extreme ends of Yard Four. If the rear fill is set at the end of the yard where hauling locomotives are attached,

it requires the carman to either walk thirty car lengths or more to apply the end-of-train device (EOT) or cross several tracks with the EOT in order to install the device to the rear of the train. Either alternative presents both a safety factor for the carman and a time factor for completing the air test, since there are no access roads for the carmen to use.

Based on the above, UP believes that a permanent waiver permitting the yard air source to be applied to the rear end fill at Proviso's Yard Four would improve the safety and efficiency of operations without any adverse effect on safety.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 1999–5755) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on April 4, 2000.

Grady C. Cothen, Jr.

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8857 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the First Quarterly Meeting of the Crash Injury Research and Engineering Network

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting Announcement.

SUMMARY: This notice announces the First Quarterly Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at eight Level 1 Trauma Centers which are linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATE AND TIME: The meeting is scheduled from 8:30 a.m. to 5:00 p.m. on May 5, 2000.

ADDRESSES: The meeting will be held in Room 6200–04 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street, SW, Washington, DC.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. NHTSA has held three Annual Conferences (two in Detroit and one in conjunction with STAPP in San Diego) where CIREN research results were presented. Further information about the three previous CIREN conferences is available through the NHTSA website at: *http://www-nrd.nhtsa.dot.gov/bio__and__trauma/ciren-final.htm.*

NHTSA plans to begin holding quarterly meetings on a regular basis to disseminate this information to interested parties. This is the first such meeting. The topic for this meeting is lower extremity injuries in motor vehicle crashes. Subsequent meetings have tentatively been scheduled for July and October. These quarterly meetings will be in lieu of an annual CIREN conference.

FOR FURTHER INFORMATION CONTACT: Mrs. Donna Stemski, Office of Human-Centered Research, 400 Seventh Street, SW, Room 6220, Washington, DC 20590, telephone: (202) 366–5662.

Issued on: April 5, 2000.

Joseph N. Kanianthra,

Acting Associate Administrator for Research and Development, National Highway Traffic Safety Administration.

[FR Doc. 00–8940 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7112]

Notice of Receipt of Petition for Decision That Nonconforming 1987–1989 Bentley Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1987–1989 Bentley passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1987–1989 Bentley passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 11, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle

originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1987–1989 Bentley passenger cars are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1987–1989 Bentley passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1987–1989 Bentley passenger cars to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1987–1989 Bentley passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1987–1989 Bentley passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies that incorporate headlamps with DOT markings; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of high mounted stop lamps.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the convex passenger side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of automatic lap and shoulder belts at each front designated seating position. The petitioner states that the vehicles are equipped with combination lap and shoulder restraints that release by means of a single push button at both rear outboard designated seating positions, and with a lap belt in the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1987–1989 Bentley passenger cars must be reinforced or U.S.-model bumper components must be installed to comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 6, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–8938 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7173]

Notice of Receipt of Petition for Decision that Nonconforming 1988–1990 Jaguar XJS and XJ6 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1988–1990 Jaguar XJS and XJ6 passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1988–1990

Jaguar XJS and XJ6 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 11, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies of Baltimore, Maryland (''J.K.'')(Registered Importer 90–006) has petitioned NHTSA to decide whether 1988–1990 Jaguar XJS and XJ6 passenger cars are eligible for importation into the United States. The vehicles which J.K. believes are substantially similar are 1988–1990 Jaguar XJS and XJ6 passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1988–1990 Jaguar XJS and XJ6 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1988–1990 Jaguar XJS and XJ6 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1988–1990 Jaguar XJS and XJ6 passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . . .,* 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System* (for all vehicles except the 1990 Jaguar XJS, to which the standard is inapplicable because the vehicle meets the frontal barrier crash test requirements in paragraph S5.1 of Standard No. 208), 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems,* 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention,* 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1988–1990 Jaguar XJS and XJ6 passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour. The petitioner states that owing to a shortage of dealer available parts for earlier models, these parts may be purchased from aftermarket Jaguar suppliers, and that in some cases the instrument clusters will be replaced with complete units as opposed to individual parts.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Inspection of all vehicles, and, where necessary, (a) installation of U.S.-model headlamps and front sidemarker lamps; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarker lights; (c) installation of a U.S.-model high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard on vehicles that are not already so equipped.

Standard No. 111 *Rearview Mirror*: replacement of the passenger side rearview mirror with a U.S.-model component on vehicles that are not already so equipped.

Standard No. 114 *Theft Protection*: installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly on vehicles that are not already so equipped.

Standard No. 118 *Power Window Systems*: installation, on vehicles that are not already so equipped, of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 Occupant Crash Protection:

All vehicles: installation of a safety belt warning buzzer, wired to the driver's seat belt latch.

1988–1989 Jaguar XJS and the 1988–1990 Jaguar XJS: replacement of the motorized automatic belts with U.S.-model components on vehicles that are not already so equipped. The petitioner states that these vehicles are equipped with combination lap and shoulder belts at the rear outboard seating positions and with a lap belt at the rear center seating position.

1990 Jaguar XJS: replacement of the driver's side air bag and knee bolster with U.S.-model components on vehicles that are not already so equipped. The petitioner states that these vehicles are equipped with combination lap and shoulder belts at the front and rear outboard seating positions, and ''with rear center seat lap belt.''

Standard No. 214 *Side Impact Protection*: installation of U.S.-model doorbars in vehicles that are not already so equipped.

The petitioner states that all vehicles will be inspected prior to importation to ensure that they comply with the parts marking requirements of the Theft Prevention Standard at 49 CFR Part 541, and that these markings will be embossed or engraved on any required parts from which they are missing.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 6, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–8939 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Research and Special Programs Administration

Results of a Departmentwide Program Evaluation of the Hazardous Materials Transportation Programs (HMPE)

AGENCY: Office of Inspector General (OIG) and Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of Findings and Recommendations.

SUMMARY: This notice announces the completion of a Departmentwide Program Evaluation of the Hazardous Materials Transportation Programs. The program evaluation found that the Department's hazardous materials program is working reasonably well, but could be improved through Departmentwide strategic planning and program coordination, more focused delivery, and better data. To address these findings, the program evaluation recommended that DOT establish a focal point to administer and deliver a Departmentwide hazardous materials program, aimed at intermodal and cross-modal issues, to provide for more effective deployment of its resources. DOT should also place more emphasis on hazardous materials safety in its Strategic and Performance Plan(s) to better guide program delivery and measure results. Furthermore, the program evaluation recommended that the Department develop DOT-wide strategies to focus more on high-risk or problem shippers through targeted outreach activities and inspections, and strengthen its training standards to improve industry safety practices and compliance with the hazardous materials regulations to reduce incidents. The program evaluation also recommended that DOT take steps to improve its hazardous materials data Departmentwide and develop ways to increase data availability and usefulness. The results of the Hazardous Materials Program Evaluation (HMPE) are intended to improve the effectiveness and efficiency of the Department's hazardous materials program. Copies of the Executive Summary and full report are available electronically through DOT at: http://hazmat.dot.gov/hmpe.htm.

FOR FURTHER INFORMATION CONTACT: Jackie A. Goff, Esq., 202–493–0326, or George A. Whitney, 202–366–4831, HMPE Co-Chairs, U.S. Department of Transportation; 400 Seventh Street SW, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On March 9, 1999, DOT published a Notice in the **Federal Register** (64 FR 11528) announcing the initiation of an internal Departmentwide Program Evaluation of the Hazardous Materials Transportation Programs. In that Notice it was announced that the HMPE team was being jointly lead by the Office of Inspector General (OIG) and the Research and Special Programs Administration (RSPA). The HMPE team was staffed by 10 full-time persons, including at least one full-time person from the OIG and RSPA and each of the following DOT Operating Administrations: the United States Coast Guard; the Federal Aviation Administration; the Federal Motor Carrier Safety Administration; and the Federal Railroad Administration.

The HMPE team examined the Federal hazardous materials transportation law, the program structure defined by the delegation of authority within DOT, and assessed program delivery. The HMPE was intended to determine the effectiveness of DOT's current hazardous material programs, including the division of responsibilities across and within modes, and the allocation of resources dedicated to specific functions. The HMPE focused on cross-modal issues, including an analysis and critique of DOT's current program intervention tools (regulation, education, training, outreach, inspection, and enforcement).

The scope of the HMPE included those activities covered by 49 CFR parts 106 (Rulemaking Procedures) and 107 (Hazardous Materials Program Procedures), and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180. International shipments of hazardous materials were also included in the scope of the HMPE to permit a review of the International Maritime Dangerous Goods Code (IMDG) and the International Civil Aviation Organization's Technical Instructions on the Transportation of Dangerous Goods by Air (ICAO), both of which are authorized by HMR as alternative standards for many of the requirements in the HMR for shipments destined for import export.

II. Findings

There are roughly 300 million hazardous materials shipments in the nation each year and the vast majority of these shipments arrive at their destinations safely. In 1998, there were 15,322 reported hazardous materials incidents, including 429 serious incidents; 13 deaths; and 198 injuries. Although this is a relatively good safety record, given the total amount of shipments and movements, there remains the potential for catastrophic incidents in the transportation of hazardous materials where multiple fatalities, serious injuries, large-scale evacuations, and other costs to society could result.

Total tons of hazardous materials produced are forecast to grow by 2 percent per year. Growth in the amount of hazardous materials transported by air and intermodally could be 4 times and 3 times faster, respectively, than the overall production growth. Therefore, the potential risk to the public may also increase unless effective safeguards are in place. The Department has responsibility for protecting the public

from the inherent risks associated with transporting hazardous materials.

The HMPE team found that DOT's hazardous materials programs work reasonably well but could be improved. The hazardous materials programs lack Departmentwide strategic planning and direction necessary to ensure effective deployment of resources, and there are insufficient reliable data upon which to make informed program decisions. The program evaluation's major findings were:

• The Secretarial delegations do not provide for Departmentwide coordination or oversight of the five Operating Administrations responsible for ensuring hazardous materials safety. To address this, DOT needs to establish a focal point to administer and deliver a Departmentwide hazardous materials program, aimed at intermodal and cross-modal issues, to provide for more effective deployment of resources. DOT should also place more emphasis on hazardous materials safety in its Strategic and Performance Plan(s) to better guide program delivery and measure results.

• Shippers of hazardous materials generally receive less attention Departmentwide than carriers, yet they offer the greatest opportunity to improve safety. Shippers are a common element across the Operating Administrations, perform critical functions early in the transportation stream, and can impact safety system-wide. As a result, the Department needs to develop Departmentwide strategies and actions to focus more on high-risk or problem shippers through targeted outreach and inspection activities.

• Human error continues to be the single greatest contributing factor in hazardous materials incidents and DOT has not been effective in changing this trend. To address this, in part, DOT should strengthen its training standards to improve industry safety practices and compliance with the HMR to reduce incidents. Also, the traveling public is largely unaware of the dangers of the hazardous materials they bring into the transportation system and the dangerous consequences of unsafe driver actions around vehicles, especially those transporting hazardous materials. Accordingly, DOT needs to develop a coordinated, national campaign to increase the traveling public's awareness of the dangers of hazardous materials and reduce the risk of hazardous materials incidents.

• DOT lacks reliable, accurate, and timely data to measure program effectiveness and make informed program delivery and resource decisions. DOT needs to improve hazardous materials census, incident, compliance, and budget data Departmentwide and develop ways to increase data availability and usefulness. DOT should also improve its analysis of incident data to better understand the root causes of hazardous materials incidents and address these through Departmentwide hazardous materials actions and broader safety program initiatives.

• In addition, a number of areas were identified requiring further analysis or other actions related to: better understanding undeclared shipments; the complexity and adequacy of the current regulations; safety gaps related to hazardous materials shipments in the US mail; enhanced inspection authority; and ways to improve DOT's current performance measure.

III. Recommendations

The HMPE team recommends the hazardous materials program be improved by:

• Strengthening strategic planning and coordination by establishing an institutional capacity in the Department to administer and deliver a coordinated hazardous materials program with the authority to establish Departmentwide policy, program objectives, and priorities and focus budget and resource strategies. For example, if analysis of inspection and incident data revealed that improper preparation of closure devices on plastic drums was becoming a problem, the recommended institutional capacity would be able to develop Departmentwide objectives and strategies to address the issue.

• Enhancing program delivery by identifying and focusing more on high-risk or problem shippers, more effectively using all available tools at DOT's disposal, and identifying other critical points in the transportation stream for program focus. For example, problem shippers, such as those with many hazardous materials incidents, may be targeted for inspections, while infrequent hazardous materials shippers may benefit more from outreach.

• Improving outreach aimed at the traveling public by better educating passengers on what materials are hazardous and should not be carried aboard, or placed in stowed luggage on, planes, trains, and buses. DOT should also take steps to increase public awareness about the dangerous consequences of unsafe driver actions around vehicles transporting hazardous materials.

• Strengthening the training regulations and tasking the institutional capacity to work with RSPA, the other Operating Administrations, and industry to identify ways to ensure hazardous materials employees are adequately trained to carry out their jobs in a safe manner.

• Using strike force inspections to cross-train inspectors as well as enforce regulations. Strike force operations concentrate inspectors from the Operating Administrations and other Federal, state, and local agencies at intermodal locations for a specific time period to conduct hazardous materials inspections of more than one mode of transportation using that targeted location. In addition to enforcing compliance, strike force operations can be used to train inspectors from one Operating Administration on the issues, problems, and regulatory requirements of other Operating Administrations.

• Enriching the quality of hazardous materials data by tasking the Bureau of Transportation Statistics to work with the Operating Administrations to determine data needs, collection strategies, and analytical techniques.

• Having the new institutional capacity address several regulatory and programmatic issues identified by the team during the program evaluation, but which were too complex or time consuming for this program evaluation.

Summary findings of the HMPE were published in the combined DOT Performance Plan (FY 2001) and Report (FY 1999) dated March 31, 2000, in support of the Government Performance and Results Act. An electronic copy of the HMPE Executive Summary and the full HMPE report is available on the internet at: http://hazmat.dot.gov/hmpe.htm.

Issued in Washington, DC on April 5, 2000.

Jackie A. Goff,

Co-Chair, Hazardous Materials Program Evaluation Team.

George A. Whitney,

Co-Chair, Hazardous Materials Program Evaluation Team.

[FR Doc. 00–8847 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Change of Meeting Location

The location of the meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 9 a.m. on Wednesday, April 12, 2000, notice of which was published in the **Federal Register** on March 30 (65 FR 17000), has been changed. The new location is the Sheraton West Palm

Beach Hotel, 630 Clearwater Park Road, West Palm Beach, Florida.

Issued at Washington, D.C. on April 7, 2000.

Marc C. Owen,

Advisory Board Liaison.

[FR Doc. 00–9073 Filed 4–10–00; 8:45 am]

BILLING CODE 4910–61–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Financial Management Service; Proposed Collection of Information: Final Rule—Administrative Offset, Collection of Past-Due Child Support

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Financial Management Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the ''Final Rule—Administrative Offset, Collection of Past-Due Child Support''.

DATES: Written comments should be received on or before June 12, 2000.

ADDRESSES: Direct all written comments to Financial Management Service, 3700 East West Highway, Programs Branch, Room 144, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mary MacLeod, Manager, Customer Liaison Branch, Room 439F, 401—14th Street, SW, Washington, DC 20227, (202) 874–7451.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Financial Management Service solicits comments on the collection of information described below.

Title: Final Rule—Administrative Offset, Collection of Past-Due Child Support.

OMB Number: 1510–0069.

Form Number: N/A.

Abstract: The Debt Collection Improvement Act of 1996 authorizes the collection of past-due child support by offset of nontax Federal payments. Executive Order 13019 of September 28, 1996, requires Treasury to promptly develop and implement procedures necessary to implement this authority.

Current Actions: Extension of currently approved collection.

Type of Review: Regular.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 54.

Estimated Time Per Respondent: 103 hours.

Estimated Total Annual Burden Hours: 5,562.

Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: April 4, 2000.

Nancy C. Fleetwood,

Assistant Commissioner, Debt Management Services.

[FR Doc. 00–8860 Filed 4–10–00; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0073]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the amount of educational benefits payable to veterans or eligible persons.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0073'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

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

Title: Enrollment Certification, VA Form 22–1999. (NOTE: A reference to VA Form 22–1999 also includes VA Forms 22–1999–1, 22–1999–2, and 22–1999–3 unless otherwise specified. VA Forms 22–1999–1, 22–1999–2, and 22–1999–3 contain the same information as VA Form 22–1999.)

OMB Control Number: 2900–0073.

Type of Review: Extension of a currently approved collection.

Abstract: Educational institutions and job establishments use VA Form 22–1999 to report information concerning the enrollment or reenrollment into training of veterans, service persons, reservists, and other eligible persons. The information collected on VA Form 22–1999 is used by VA to determine the amount of educational benefits payable to the trainee during the period of

enrollment or training and to determine whether the trainee has requested an advanced payment of benefits. Without the information, VA would not have a basis upon which to make payment.

Affected Public: Not-for-profit institutions, Business or other for-profit, and State, Local or Tribal Government.

Estimated Annual Burden: 120,975 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion (The number of responses per respondent will vary according to the number of trainees who receive VA benefits at the educational institution or job training establishment during a 12-month period).

Estimated Annual Responses: 725,802.

Estimated Number of Respondents: 7,514.

Dated: March 23, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–8859 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to identify individuals at risk for stress-related illnesses.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2000.

ADDRESSES: Submit written comments on the collection of information to Ann W. Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann W. Bickoff (202) 273–8310 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

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

Title: Study of Individuals at Risk for Stress Related Illness, VA Form 10–21036(NR).

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: This survey collection is intended for the development of ''psychological and biomedical measurements for early identification of individuals at risk for stress-related illness.'' VA proposes to design and validate a psychometrically sound inventory of psychosocial risk and resilience factors that will be empirically related to self-reported physical and mental health and health-related quality of life in Gulf War veterans. The inventory will include assessments of multiple dimensions of war-zone stress, predeployment vulnerabilities, and reentry-postwar circumstances.

Affected Public: Individuals or households.

Estimated Annual Burden: 525 hours.

Estimated Average Burden Per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 700.

Dated: March 17, 2000.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–8975 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0180]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether or not proprietary education institutions receiving Federal financial assistance are in compliance with the applicable civil rights statute and regulations.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 12, 2000.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0180'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites

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

Title: Compliance Report of Proprietary Institutions, VA Form 27–4274.

OMB Control Number: 2900–0180.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA Form 27–4274 is used to determine whether or not proprietary educational institutions receiving Federal financial assistance are in compliance with applicable civil rights statute and regulations. The collected information is used to identify areas that may indicate, statistically, disparate treatment of minority group members.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 124 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 124.

Dated: March 24, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–8976 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0104]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 11, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0104.''

SUPPLEMENTARY INFORMATION:

Title: Report of Accidental Injury in Support of Claim for Compensation or Pension, VA Form 21–4176.

OMB Control Number: 2900–0104.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used in support of claims for disability benefits based on a disability that is the result of an accident. The information given by the veteran is used as a source to gather specific data regarding the accident and to afford the veteran an opportunity to provide information from his or her own knowledge regarding the accident.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 29, 1999, at page 66693.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,200 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,400.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0104'' in any correspondence.

Dated: March 2, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–8977 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0105]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 11, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0105.''

SUPPLEMENTARY INFORMATION:

Title: Statement of Witness to Accident, VA Form Letter 21–806.

OMB Control Number: 2900–0105.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to gather information to support veterans' claims for disability benefits based on disability(ies) which is/are the result of an accident. The information given by a witness to the accident is used as a source to gather specific data regarding the accident and to obtain from the witness opinions as well as facts based on his or her own knowledge and beliefs regarding the accident. Benefits may be paid if a disability is incurred in the line of duty and is not the result of the veteran's own willful misconduct.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 29, 1999, on pages 66693 and 66694.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,400 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 13,200.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0105'' in any correspondence.

Dated: March 17, 2000.

By direction of the Secretary.

Sandra S. McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–8978 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 11, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0132.''

SUPPLEMENTARY INFORMATION:

Title: Veteran's Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant, VA Form 26–4555.

OMB Control Number: 2900–0132.

Type of Review: Extension of a currently approved collection.

Abstract: VA grants for specially adapted housing and special housing adaptations for disabled veterans are authorized under Title 38, U.S.C., 2101(a) and (b). VA Form 26–4555 is used to gather information to determine the veteran's eligibility to specially adapted housing or special home adaptation grant.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 2, 1999, at pages 67624–67625.

Affected Public: Individuals or households.

Estimated Annual Burden: 133 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 800.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0132'' in any correspondence.

Dated: March 2, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service

[FR Doc. 00–8979 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0133]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 11, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0133.''

SUPPLEMENTARY INFORMATION:

Title: Application for Amounts on Deposit for Deceased Veteran, VA Form 21–6898.

OMB Control Number: 2900–0133.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–6898 is used to determine the individual(s) who may be entitled to accrued benefits of deceased beneficiaries.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 29, 1999, at page 66694.

Affected Public: Individuals or households.

Estimated Annual Burden: 175 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 700.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0133'' in any correspondence.

Dated: March 2, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–8980 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs is announcing the availability of funds for applications for assistance under the grant component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, application process, and amount of funding available.

DATES: An original completed and collated grant application (plus three completed collated copies) for assistance under the VA Homeless Providers Grant and Per Diem Program must be received in Mental Health Strategic Health Care Group, Washington, DC, by 4:00 PM Eastern Time on May 31, 2000. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

FOR A COPY OF THE APPLICATION PACKAGE, CONTACT: The Grant and Per Diem Program at (toll-free) 1–877–332–0334 or download directly from VA's Special Homeless Assistance Programs and Initiatives web page at: http://www.va.gov/health/homeless/grants.htm. For a document relating to the VA Homeless Providers Grant and Per Diem Program, see the final rule codified at 38 CFR Part 17.700.

SUBMISSION OF APPLICATION: Original completed and collated grant application (plus three copies) must be submitted to the following address: Mental Health Strategic Health Care Group (116E), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Applications must be received in the Mental Health Strategic Health Care Group by the application deadline.

FOR FURTHER INFORMATION CONTACT: Roger Casey, VA Homeless Providers Grant and Per Diem Program, Mental Health Strategic Health Care Group (116E), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; (toll-free) 1–877–332–0334.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible entities to: (1) Expand existing projects; or (2) develop new programs or new components of existing projects. This program is authorized by Public Law 102–590, the Homeless Veterans Comprehensive Service Programs Act of 1992, as amended. Funding applied for under this Notice may be used for: (1) Remodeling or alteration of existing buildings; (2) acquisition of buildings, acquisition and rehabilitation of buildings; (3) new construction; and (4) acquisition of vans for outreach to and/or transportation for homeless veterans. Applicants may apply for more than one type of assistance.

Although a separate Notice has been published announcing funding availability for the Per Diem Component of the program, grant applicants seeking such assistance should indicate this request on the application submitted for a grant. The applicants who are awarded grants will not be required to complete a separate application for per diem assistance. VA will review those portions of the grant application that pertain to per diem.

Grant applicants may not receive assistance to replace funds provided by any State or local government to assist homeless persons. A proposal for an existing project that seeks to shift its focus by changing the population to be served or the precise mix of services to be offered is not eligible for consideration. No more than 25 percent of services available in projects funded through this grant program may be provided to clients who are not receiving those services as veterans.

Authority: VA's Homeless Providers Grant and Per Diem Program is authorized by Sections 3 and 4 of Public Law 102–590, the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 USC 7721 note) and has been extended through Fiscal Year 2003 by Public Law 106–117. The program is implemented by the final rule codified at 38 CFR Part 17.700. The final rule was published in the **Federal Register** on June 1, 1994, and February 27, 1995, and revised February 11, 1997. The regulations can be found in their entirety in 38 CFR, Volume 1, Sec. 17.700 through 17.731, revised July 1, 1997. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation

Approximately $13 million is available for the grant component of this program.

Application Requirements

The specific grant application requirements will be specified in the application package. The package includes all required forms and certifications. Conditional selections will be made based on criteria described in the application. Applicants who are conditionally selected will be notified of the additional information needed to confirm or clarify information provided in the application. Applicants will then have approximately one month to submit such information.

If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: April 4, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

[FR Doc. 00–8981 Filed 4–10–00; 8:45 am]

BILLING CODE 8320–01–U

Federal Register

Tuesday,
April 11, 2000

Part II

Environmental Protection Agency

40 CFR Part 434

Coal Mining Point Source Category; Amendments to Effluent Limitations Guidelines and New Source Performance Standards; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 434

[FRL–6571–9]

RIN 2040–AD24

Coal Mining Point Source Category; Amendments to Effluent Limitations Guidelines and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to amend the current regulations for the Coal Mining Point Source Category by adding two new subcategories to the existing regulation. First, EPA proposes to establish a new subcategory that will address pre-existing discharges at coal remining operations. EPA also proposes to establish a second new subcategory that will address drainage from coal mining reclamation areas in the arid and semiarid western United States. This proposal would not otherwise change the existing regulations.

The establishment of new subcategories has the potential to create significant environmental benefits at little or no additional cost to the industry. Establishing the Coal Remining Subcategory will encourage remining activities and will reduce hazards associated with abandoned mine lands. The new subcategory has the potential to significantly improve water quality by reducing the discharge of acidity, iron, manganese, and sulfate from abandoned mine lands. EPA projects total monetized annual benefits of $0.70 million to $1.2 million. Additionally, EPA expects that this regulation will result in significant ecological and public safety benefits that could not be quantified and/or monetized. EPA projects that the annual compliance cost for this new subcategory will be $0.33 million to $0.76 million.

EPA estimates that the proposed Western Alkaline Coal Mining Subcategory will result in a net cost savings to affected surface mine operators. The monetized and non-monetized benefits for this subcategory are a result of adopting alternative sediment control technologies for reclamation areas in the arid west. These technologies are projected to increase the volume of storm water drainage to arid watersheds and avoid the disturbance of 26,000 acres, thus reducing severe erosion, sedimentation, hydrologic imbalance, and water loss. EPA projects that the proposed subcategory will result in annualized monetized benefits of $43,000 to $769,000.

DATES: Comments on the proposed regulation must be received on or before July 10, 2000. Public meetings will be held during the comment period. Further details of the public meetings, including dates and specific locations, will be published in the **Federal Register** at a later date.

ADDRESSES: Send written comments on the proposed rule to Mr. Joseph Vitalis (4303); U.S. Environmental Protection Agency; 1200 Pennsylvania Ave, NW; Washington, DC 20460. Comments delivered by hand should be brought to Room 641, West Tower; 401 M Street, SW Washington, DC. Please submit any references cited in your comments. Submit an original and three copies of your written comments and enclosures. No facsimiles (faxes) will be accepted. For information on how to submit electronic comments see ''**SUPPLEMENTARY INFORMATION,** How to Submit Comments.''

A copy of the supporting documents cited in this proposal is available for review at EPA's Water Docket; Room EB57, 401 M Street, SW, Washington, DC 20460. A copy of the record supporting proposal of a Western Alkaline Coal Mining Subcategory is also available for review at the Office of Surface Mining Library, 1999 Broadway, 34th Floor, Denver, CO. The public record for this rulemaking has been established under docket number W–99–13, and includes supporting documentation, but does not include any information claimed as Confidential Business Information (CBI). For access to docket materials, please call (202) 260–3027 between 9:00 a.m. and 3:30 p.m., Monday through Friday, excluding Federal holidays, to schedule an appointment. For access to docket materials at the Office of Surface Mining Library, please call (303) 844–1436 between 8:00 a.m. and 4:00 p.m. to schedule an appointment.

See the **SUPPLEMENTARY INFORMATION** section for locations of the public meetings regarding this proposal.

FOR FURTHER INFORMATION CONTACT: For additional technical information contact John Tinger at (202) 260–4992 or *''Tinger.John@epa.gov'';* or Joseph Vitalis at (202) 260–7172. For additional economic information contact Kristen Strellec at (202) 260–6036 or *''Strellec.Kristen@epa.gov''.*

SUPPLEMENTARY INFORMATION:

Regulated Entities: Entities potentially regulated by this action include:

Category	Examples of regulated entities	SIC codes	NAICS codes
Industry	Operations engaged in the remining of abandoned surface and underground coal mines and coal refuse piles for remaining coal reserves in areas containing discharges defined as ''pre-existing'. Operations engaged in coal mine reclamation activities in the arid and semiarid western coal region.	1221 1222 1231	212111 212112 212113

The preceding table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware potentially could be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 434.70 and 434.80 of today's rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed for technical information in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Locations of Public Meetings

Public meetings regarding proposal of the Western Alkaline Coal Mining Subcategory will likely be held in Gillette, WY; Flagstaff, AZ; and Denver, CO during the public comment period. Public meetings regarding proposal of the Remining Subcategory also will likely be held near Charleston, WV; Lexington, KY; and Zanesville, OH during the public comment period. Further details of the public meetings, including dates and specific locations, will be published in the **Federal Register** at a later date. If you wish to present formal comments at the public meetings, you should have a written copy for submittal. No meeting materials will be distributed in advance

of the public meetings; all materials will be distributed at the meetings.

How to Submit Comments

Comments also may be submitted electronically to *vitalis.joseph@epa.gov.* Electronic comments must be submitted as a Word Perfect 5/6/7/8 or ASCII file. Please avoid using special characters, form and encryption. Electronic comments must be identified with the docket number (W–99–13). EPA also will accept comments and data on disks in WP 5/6/7/8 or ASCII file format. Electronic comments on this document may be filed online at some Federal Depository Libraries. No Confidential Business Information (CBI) should be sent via e-mail.

Supporting Documentation

The proposed regulations are supported by several key documents:

1. *''Coal Remining Best Management Practices Guidance Manual''* (EPA 821–R–00–007). This document describes abandoned mine land conditions and the performance of Best Management Practices (BMPs) that have been implemented at remining operations for over ten years. The BMP Guidance Manual is a technical reference document that presents research and data concerning the prediction and prevention of acid mine drainage to the waters of the United States.

2. *''Coal Remining Statistical Support Document''* (EPA 821–R–00–001). This document establishes the statistical methodology for establishing baseline conditions and setting discharge limits at remining sites.

3. *''Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory''* (EPA 821–R–00–008): This document presents EPA's technical conclusions concerning the Western Alkaline Mining Subcategory proposal.

4. *''Economic and Environmental Impact Assessment of Proposed Effluent Limitations Guidelines and Standards for the Coal Mining Industry: Remining and Western Alkaline Subcategories''* (EPA–821–B–00–002): This document presents the methodology employed to assess economic and environmental impacts of the proposed rule and the results of the analysis.

Major supporting documents are available from the National Service Center for Environmental Publications (NSCEP), 11029 Kenwood Road, Cincinnati, OH 45242, (800) 490–9198, *http://www.epa.gov/ncepi.* You can obtain copies of this preamble and rule at http://www.epa.gov/OST/guide.

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Definitions, Acronyms, and Abbreviations Used in This Document.

I. Legal Authority

These regulations are proposed under the authority of sections 301, 304, 306, 308, 402, 501, and 502 of the Clean Water Act, 33 U.S.C. 1311, 1314, 1316, 1318, 1342, 1361, and 1363.

II. Background

A. Statutory Authorities

1. Clean Water Act

Congress adopted the Clean Water Act (CWA) to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters' (section 101(a), 33 U.S.C. 1251(a)). To achieve this goal, the CWA prohibits the discharge of pollutants into navigable waters except in compliance with the statute. The Clean Water Act confronts the problem of water pollution on a number of different fronts. Its primary reliance, however, is in establishing restrictions on the types and amounts of pollutants discharged from various industrial, commercial and public sources of wastewater.

Direct dischargers must comply with effluent limitations in National Pollutant Discharge Elimination System (''NPDES'') permits; indirect dischargers must comply with pretreatment standards. These limitations and standards are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology.

a. Best Practicable Control Technology Currently Available (BPT)—Section 304(b)(1) of the CWA. Effluent limitations guidelines based on BPT apply to discharges of conventional, toxic, and non-conventional pollutants from existing sources. BPT guidelines are generally based on the average of the best existing performance in terms of pollution control by plants in a particular industrial category or subcategory. In establishing BPT, EPA considers the cost of achieving pollution reductions in relation to the pollution reduction benefits, the age of equipment and facilities, the processes employed, process changes required, engineering aspects of the control technologies, non-water quality environmental impacts (including energy requirements), and other factors the Administrator deems appropriate. CWA Section 304(b)(1)(B). Where the pollution control performance of existing sources for a category or subcategory is uniformly inadequate, EPA may set BPT by

transferring technology used in a different subcategory or category.

b. Best Available Technology Economically Achievable (BAT)—Section 304(b)(2) of the CWA. In general, BAT effluent limitations guidelines are based on the degree of pollution control achievable by applying the best available technology economically achievable for facilities in the industrial subcategory or category. The CWA requires BAT for controlling the direct discharge of toxic and non-conventional pollutants. The factors considered in determining BAT for a category or subcategory include the age of the equipment and facilities involved, the process employed, potential process changes, engineering aspects of the control technologies, non-water quality environmental impacts (including energy requirements), and other factors the Administrator deems appropriate. EPA retains considerable discretion in assigning the weight to be accorded these factors. Generally, economic achievability is determined on the basis of total costs to the industrial subcategory and their effect on the overall industry's (or subcategory's) financial health. As with BPT, where existing performance is uniformly inadequate, BAT may be transferred from a different subcategory or category. BAT may be based upon process changes or internal controls, such as product substitution, even when these technologies are not common industry practice. The CWA does not require cost-benefit comparison in establishing BAT.

c. Best Conventional Pollutant Control Technology (BCT)—Section 304(b)(4) of the CWA.

The 1977 amendments to the CWA established BCT as an additional level of control for discharges of conventional pollutants from point sources other than publicly owned treatment works. In addition to other factors specified in section 304(b)(4)(B), the CWA requires that BCT limitations be established in light of a two part ''cost-reasonableness'' test. EPA published a methodology for the development of BCT limitations which became effective August 22, 1986 (51 FR 24974, July 9, 1986).

Section 304(a)(4) designates the following as conventional pollutants: biochemical oxygen demanding pollutants (measured as BOD_5), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as an additional conventional pollutant on July 30, 1979 (44 FR 44501).

d. New Source Performance Standards (NSPS)—Section 306 of the CWA. NSPS reflect effluent reductions that are achievable based on the best available demonstrated control technology. New facilities have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. As a result, NSPS should represent the most stringent controls attainable through the application of the best available control technology for all pollutants (i.e., conventional, nonconventional, and priority pollutants). In establishing NSPS, EPA is directed to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

e. Pretreatment Standards for Existing Sources (PSES)—Section 307(b) of the CWA—and Pretreatment Standards for New Sources (PSNS)—section 307(b) of the CWA. Pretreatment standards are designed to prevent the discharge of pollutants to a publicly-owned treatment works (POTW) which pass through, interfere, or are otherwise incompatible with the operation of the POTW. Since none of the facilities to which this rule applies discharge to a POTW, pretreatment standards are not being considered as part of this rulemaking.

f. CWA Section 304(m) Requirements. Section 304(m) of the CWA, added by the Water Quality Act of 1987, requires EPA to establish schedules for (1) reviewing and revising existing effluent limitations guidelines and standards and (2) promulgating new effluent guidelines. On January 2, 1990 (55 FR 80), EPA published an Effluent Guidelines Plan, which established schedules for developing new and revised effluent guidelines for several industry categories. The Natural Resources Defense Council, Inc., challenged the Effluent Guidelines Plan in a suit filed in the U.S. District Court for the District of Columbia (*NRDC* v. *Browner,* Civ. No. 89–2980). On January 31, 1992, the Court entered a consent decree (the ''304(m) Decree''), which established schedules for EPA's proposal and promulgation of effluent guidelines for a number of point source categories. The most recent Effluent Guidelines Plan was published in the **Federal Register** on September 4, 1998 (63 FR 47285). This plan required, among other things, that EPA propose the Coal Mining Guidelines by December 1999 and promulgate the Guidelines by December 2001. On November 19, 1999, the court modified the decree revising the deadline for proposal to March 31, 2000. The deadline of December 2001 for promulgation of these guidelines was not modified.

2. Pollution Prevention Act

The Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101 *et seq.*, Pub. L. 101–508, November 5, 1990) ''declares it to be the national policy of the United States that pollution should be prevented or reduced whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or release into the environment should be employed only as a last resort * * *'' (Sec. 6602; 42 U.S.C. 13101(b)). In short, preventing pollution before it is created is preferable to trying to manage, treat or dispose of it after it is created.

The PPA directs EPA to, among other things, ''review regulations of the EPA prior and subsequent to their proposal to determine their effect on source reduction'' (Sec. 6604; 42 U.S.C. 13103(b)(2)). Source reduction reduces the generation and release of hazardous substances, pollutants, wastes, contaminants, or residuals at the source, usually within a process. The term source reduction ''includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training or inventory control. * * * The term ''source reduction'' does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to or necessary for the production of a product or the providing of a service'' (42 U.S.C. 13102(5)). In effect, source reduction means reducing the amount of a pollutant that enters a waste stream or that is otherwise released into the environment prior to out-of-process recycling, treatment, or disposal.

In this proposed rule, EPA encourages pollution prevention by requiring the use of site-specific Best Management Practices (BMPs) that are integral to remining operations in abandoned mine lands and to reclamation activities in the arid and semiarid western coal regions. These BMPs, under each subcategory, are designed and implemented to improve existing conditions and to reduce pollutant discharges at the source, thereby reducing the need for treatment.

B. Current Requirements for the Coal Mining Point Source Category

1. EPA Regulations at 40 CFR Part 434

On October 9, 1985 (50 FR 41296), EPA promulgated effluent limitations guidelines and standards that are in effect today under 40 CFR part 434. Currently, there are four subcategories: Coal Preparation Plants and Coal Preparation Plant Associated Areas; Acid or Ferruginous Mine Drainage; Alkaline Mine Drainage; and Post-Mining Areas. Additionally, there is a subpart for Miscellaneous Provisions. The subcategories include BPT, BAT, and NSPS limitations for TSS, pH, iron, manganese, and/or settleable solids (SS).

2. Surface Mining Control and Reclamation Act

In 1977, Congress enacted the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1201 *et seq.,* to address the environmental problems associated with coal mining on a nationwide basis. SMCRA created the Office of Surface Mining Reclamation and Enforcement (OSM) within the Department of Interior, which is responsible for preparing regulations and assisting the States financially and technically to carry out regulatory activities.

Title V of the statute gives OSM broad authority to regulate specific management practices before, during, and after mining operations. OSM has promulgated comprehensive regulations to control both surface coal mining and the surface effects of underground coal mining (30 CFR parts 700 *et seq*). Implementation of these requirements has significantly improved mining practices, control of water pollution, and protection of other resources. Title IV of SMCRA addresses the problem of presently abandoned coal mines by authorizing and funding abandoned mine reclamation projects.

All mining operations subject to today's proposal must also comply with SMCRA requirements. EPA has worked extensively with OSM in the preparation of this proposal in order to ensure that the requirements proposed today are consistent with OSM requirements.

3. Rahall Amendment

As part of 1987 amendments to the CWA, Congress added section 301(p), often called the Rahall Amendment, to provide incentives for remining abandoned mine lands that pre-date the passage of SMCRA in 1977. Section 301(p) provides an exemption for remining operations from the BAT effluent limits for iron, manganese, and pH for pre-existing discharges from abandoned mine lands. Instead, a permit writer may set site-specific, numerical BAT limits for pre-existing discharges determined based on Best Professional Judgement (BPJ). The permit effluent limits may not allow discharges to exceed pre-existing ''baseline'' levels of iron, manganese, and pH. In addition, the permit applicant must demonstrate that the remining operation ''will result in the potential for improved water quality from the remining operation.'' The Rahall Amendment defines remining as ''a coal mining operation which began after February 4, 1987 at a site on which coal mining was conducted before August 3, 1977,'' which was the effective date of the Surface Mining Control and Reclamation Act. Thus, the Rahall Amendment attempted to encourage remining by allowing operators not to treat degraded pre-existing discharges to the levels set in EPA's current effluent limitations guidelines for coal mining.

Despite the statutory authority provided by the Rahall Amendment, coal mining companies and most States remain hesitant to pursue remining without formal EPA approval and guidelines. Today's Document proposes to establish requirements for determining baseline pollutant loadings in pre-existing discharges. It also proposes to specify how to determine site-specific BAT requirements for remining operations and how to demonstrate the potential for environmental improvement from a remining operation.

4. Clean Water Action Plan

On October 18, 1997, the 25th anniversary of the enactment of the Clean Water Act, Vice President Gore called for a renewed effort to restore and protect water quality. EPA and other Federal agencies were directed to develop a Clean Water Action Plan (CWAP) that would continue to provide clean water successes and would address three major goals: (1) Enhanced protection from public health threats caused by water pollution; (2) more effective control of polluted runoff; and (3) promotion of water quality protection on a watershed basis.

Based on the efforts of interagency work groups and comments from the public, EPA and other Federal agencies developed the final CWAP on February 14, 1998. One of several Key Actions specifically identified to implement the goals of the CWAP was EPA's project to re-examine 40 CFR part 434 to ''better address coal mining in arid western areas'' and ''to address coal remining operations.''

III. Scope of Proposal

Today, EPA is proposing effluent limitations and performance standards for the Coal Remining Subcategory and for the Western Alkaline Coal Mining Subcategory. The new subcategories will be added to the existing regulations for the Coal Mining Point Source Category found in 40 CFR part 434. The new subcategories will create a set of standards and requirements for the specific waste streams defined in today's proposal.

The existing provisions will continue to apply to discharges produced or generated in active mining areas, which include the active mining areas of remining operations. Section 434.11(b) defines active mining area as ''the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.'' Wastewater discharges produced or generated by active coal mining operations will not be affected by this proposed regulation and will remain subject to the effluent limitations already established in part 434.

Additionally, in accordance with section 434.61, any waste stream subject to this proposed rule that is commingled with a waste stream subject to another subpart of part 434 will be required to meet the most stringent limitations applicable to any component of the combined waste stream. EPA's proposed regulatory text simply maintains the current regulatory approach on this issue.

A. Coal Remining Subcategory

The effluent limitations and standards proposed for the Coal Remining Subcategory apply to pre-existing discharges that are located within areas of a coal remining operation and that are not commingled with waste streams from active mining areas. Coal remining is the mining of surface mine lands, underground mine lands, and coal refuse piles that were abandoned prior to August 3, 1977.

EPA's rationale for the proposed Remining Subcategory is discussed in Section VI.

B. Western Alkaline Coal Mining Subcategory

The effluent limitations and performance standards for the Western Alkaline Coal Mining Subcategory apply to alkaline mine drainage from

reclamation areas associated with western coal mining operations.

''Alkaline mine drainage'' is defined in the existing regulations as ''mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.'' 40 CFR 434.11(c). ''Reclamation area'' is defined in the existing regulations as ''the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.'' 40 CFR 434.11(l). EPA is not proposing to make any changes to these existing definitions.

EPA is proposing to define a ''western coal mining operation'' in arid or semiarid areas as a surface or underground coal mining operation located in the interior western United States, west of the 100th meridian west longitude, in an arid or semiarid environment with an average annual precipitation of 26.0 inches or less. This definition is consistent with the way OSM currently identifies and addresses western coal mining operations (see 30 CFR 701.5 and 30 CFR 816.116) and with SMCRA's provisions with respect to arid and semiarid lands (i.e., extended liability time frames for areas with less than 26 inches of annual precipitation, protection of the alluvial valley floors found in the western environments, and recognition of geological, hydrological and ecological differences found in arid and semiarid environments).

EPA discusses the rationale for the proposed Western Alkaline Coal Mining Subcategory in Section VI.

IV. Industry Profile

A. Coal Mining Industry

The United States is divided into three major coal producing regions termed the Appalachian, Interior, and Western regions. The States included in each are as follows:

- Western Coal Region—Alaska, Arizona, California, Colorado, Montana, New Mexico, North Dakota, Utah, Washington, and Wyoming;
- Appalachian Coal Region—Alabama, Georgia, Eastern Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia; and
- Interior Coal Region—Arkansas, Illinois, Iowa, Kansas, Western Kentucky, Louisiana, Missouri, Oklahoma, and Texas.

Historically, the Appalachian Region has been the Nation's most important source of coal, accounting for about three-fourths of the total annual production as recently as 1970. In 1970, most of the coal produced domestically was mined east of the Mississippi River (567.8 million tons east of the Mississippi River, compared to 44.9 million tons west of the Mississippi River). Appalachian coals are predominantly bituminous, with a high Btu content and a wide range of sulfur content. Coal in this Region generally occurs in beds that tend to be less than 15 feet thick.

There are two distinct coal-producing areas in the Interior Region. The Illinois Basin, which includes most of Illinois, parts of Indiana and western Kentucky, produces high Btu bituminous coal with medium to high sulfur content. The second major coal producing area in this Region consists of the lignite fields within the Coastal Plain along the Gulf of Mexico.

The Western Coal Region contains extensive deposits of sub-bituminous, low sulfur-content coal. This coal occurs in thick coal seams and shallow overburden conditions that enable the extraction of large volumes at relatively low cost. Consequently, these coal resources represent a highly competitive fuel in the power generation market based on chemical qualities and cost per kilowatt-hour.

Production from U.S. surface coal mines has increased by more than 90 percent since 1970, and there have been dramatic changes in the domestic production of coal due to environmental concerns and market demands. Environmental laws have increased government regulation of the industry. In addition, the Clean Air Act emission requirements to reduce acid rain have shifted market demand to lower sulfur content fuel sources. With this change in the coal market, coal production in the west has increased, and is now nearly equal to that in the Appalachian region (Energy Information Administration, Coal Industry Annual, 1997). In 1970, the Appalachian Region produced a total of 427.6 million tons. The Interior Region total production was 149.9 million tons. By comparison, in 1970, the Western Region produced only 35.1 million tons. By 1993, the market share of production from eastern coal mines had dropped to 55 percent (516.2 million tons), while western mine output had increased to 45 percent (429.2 million tons).

In 1997 the United States produced 1.09 billion short tons of coal, with the Appalachian Region producing approximately 468 million short tons, the Interior Region producing approximately 172 million short tons and the Western Region producing approximately 451 million short tons. While domestic coal production has increased since 1970, fewer operating mines exist today. In 1991, the number of mines producing coal was less than half the number in 1976 (e.g., 6,553 mines in 1976 compared to 3,022 mines in 1991). Coal-fired electric power generating plants are the largest single source of domestically produced primary energy.

B. Coal Remining Subcategory

Coal mining in the eastern United States has been an important industry for several centuries. The lack of adequate environmental controls, until recently, has produced hundreds of thousands of acres of abandoned mine land. Prior to passage of SMCRA in 1977, reclamation of coal mining sites was not a Federal requirement, and drainage from these abandoned mine lands has become the number one water quality problem in Appalachia.

Based on information supplied by the Interstate Mining Compact Commission (IMCC) and OSM's Abandoned Mine Land Inventory System (AMLIS), EPA estimates there currently are over 1.1 million acres of abandoned coal mine lands in the United States. These have produced over 9,709 miles of streams polluted by acid mine drainage. In addition, there are over 18,000 miles of abandoned highwalls, 16,326 acres of dangerous piles and embankments, and 874 dangerous impoundments. Of the land disturbed by coal mining between 1930 and 1971, only 30 percent has been reclaimed to acceptable levels. Several States have indicated that acid mine drainage from abandoned coal mine land is their most serious water pollution problem.

Streams that are impacted by acid mine drainage characteristically have low pH levels (less than 6.0 standard units) and contain high concentrations of sulfate, acidity, dissolved iron and other metals. These conditions commonly will not support fish or other aquatic life. The flows from abandoned mine lands can range from unmeasurable to huge torrents of thousands of gallons per minute. Ninety percent of acid mine drainage comes from coal mines (mostly underground mines) that were abandoned prior to the enactment of SMCRA. Many of the streams impacted by acid mine drainage could be resources for drinking water and the propagation and maintenance of aquatic life, and could support water-based recreation if they were remediated. Their restoration also would contribute to the enhancement of regional economies in areas that have been socio-economically disadvantaged for decades.

Development of modern surface-mining techniques has allowed for more efficient removal of coal deposits and more effective implementation of BMPs that provide pollution abatement and remediation. Consequently, mining is now feasible in areas where mining was previously uneconomical.

More than ten years of remining under the requirements of the Rahall Amendment have demonstrated success in improving abandoned mine land and acid mine drainage. IMCC member States have estimated that there are currently 150 mining companies in ten States involved in remining operations (under either Rahall-type permits or current 40 CFR part 434 limitations) or in operations affecting abandoned mine lands. These companies are producing at least 25 million tons of coal annually, and are employing approximately 3,000 people. To date, approximately 1,072 permits that include coal remining operations have been issued. Of these 1,072 permits, 330 (31 percent) are Rahall-type permits where the operator is required to meet a determined baseline limit for pre-existing discharges. Approximately 300 of these Rahall-type permits are in Pennsylvania alone. Of the 1,072 remining permits, 742 (69 percent) are non-Rahall permits where all discharges must meet current effluent limitations. These permits have tended to be issued at sites where the effects of acid mine drainage are not as significant. Remining operations are affecting approximately 270 abandoned coal refuse piles; 1,600 abandoned surface mines; and 1,100 abandoned underground mines. Information provided by IMCC indicates that there are approximately 2,100 coal refuse piles; 2,000 abandoned surface mines (plus 228,000 acres); and over 8,000 abandoned underground mines that have the potential for remining. Information provided by IMCC is discussed in the Coal Remining BMP Guidance Manual and is included in Section 7.0 of the Rulemaking Record.

Many States have not been able to establish the guidelines and procedures required to issue Rahall permits. However, IMCC member States have indicated that they would be able to establish formal remining programs under guidelines set forth under an EPA effluent limitation Coal Remining subcategory. With the establishment of State remining programs, mine operators would be more inclined to enter into remining projects as discussed in Section VI.

C. Western Alkaline Coal Mining Subcategory

EPA is proposing to address western alkaline mines which would be defined as mines that are (1) west of the 100th meridian, (2) have annual precipitation of 26 inches or less, (3) are in an arid or semiarid environment, and (4) produce alkaline mine drainage. Western coal producing States qualifying are: Arizona, Colorado, Utah, Montana, New Mexico, Wyoming, and all coal fields in North Dakota located west of the 100th meridian.

Coal mining operations in arid and semiarid western regions operate under environmental conditions that are significantly different from those in other regions of the United States. Western arid and semiarid areas are naturally unstable with highly eroded landscapes that are created by flash flood runoff transporting large volumes of sediment. Water resources are severely limited and highly valuable. Specific differences include:

- Precipitation—Annual precipitation averages 26 inches or less, with about one-half occurring as snowfall and one-half as rainfall. The average annual precipitation received by relevant western coal-producing States are: Arizona—13 inches; Colorado—16 inches; Montana—15 inches; New Mexico—13 inches; and Wyoming—13 inches. Rainfall is commonly received during localized, high-intensity, short-duration thunderstorms.
- Temperature—Temperatures fluctuate over wide daily ranges of 30° to 50°F and extreme seasonal ranges (−40° to 115°F). These temperature fluctuations contribute to the physical weathering of surface materials.
- Solar intensity—Solar energy is high and humidity is characteristically very low. As a result, evapotranspiration normally exceeds precipitation. Water infiltration and retention in soil is limited, which results in severe soil moisture deficits, extremely limited surface water resources, and poor vegetative growth.
- Erosion—Natural soils tend to be erosion prone and soil-forming materials frequently erode faster than they are formed. Soil that does form can be poorly developed with low organic matter and limited plant nutrient content. Soil moisture content is low and precipitation easily mobilizes sediment.
- Hydrology—Drainage systems are composed primarily of dry washes and arroyos. These drainage features provide an unlimited source of sediment that may be mobilized by flash flooding. For approximately eleven months per year, the washes and arroyos are dry, flowing only in response to precipitation runoff. Runoff is frequently characterized by high volume, high velocity, sediment laden, turbulent flows with tremendous kinetic energy. Flows can be expected to contain sediment concentrations ranging upwards to 500,000 mg/L during flash flood runoff events.
- Vegetation—Areas are characterized by discontinuous and sparsely distributed grasses, shrubs and trees. The major vegetation types are desert grass and brush, and open forests with pinyon-juniper and ponderosa pine.

EPA has identified 46 surface coal mines in the western region that potentially will be affected by this proposed rule (two percent of the total number of coal mines in the United States). These mines produce approximately one-third of the total annual U.S. coal production.

V. Summary of Data Collection Activities

A. Expedited Guidelines Approach

EPA is developing this regulation using an expedited rulemaking process. This process relies on stakeholder support to develop the initial technology and regulatory options. At various stages of information gathering, OSM, States, Tribes, industry, EPA and other stakeholders have presented and discussed their preferred options and identified differences in opinion. EPA developed this proposal more quickly than a typical effluent guidelines proposal, and the proposal contains less information than EPA usually provides for effluent guidelines. EPA expects to identify any gaps and gather additional information through the public comment process.

EPA encourages full public participation in developing the final Coal Remining and Western Alkaline Coal Mining Guidelines. This expedited rulemaking process relies more on open communication between EPA, the regulated community, and other stakeholders, and less on formal data and information gathering mechanisms. The expedited guidelines approach is suitable when EPA, States, industry, and other stakeholders have a common goal in regards to the purpose of the effluent guidelines. EPA believes this is the case with the Coal Remining and Western Alkaline Coal Mining rulemaking. EPA is proposing to allow site-specific effluent limits for pre-existing discharges at remining operations and alternative sediment control technologies at western alkaline mine reclamation operations. EPA believes that this rule will provide

better environmental results than the current requirements. EPA welcomes comment on all options and issues and encourages commenters to submit additional data during the comment period. EPA also is willing to meet with interested parties during the comment period to ensure that EPA considers the views of all stakeholders and the best possible data upon which to base a decision for the final regulation.

As part of the expedited approach to this rulemaking, EPA has chosen not to gather data using the time consuming approach of a Clean Water Act Section 308 questionnaire. Rather, EPA is using data voluntarily submitted by industry, permitting authorities, vendors, academia, and others, along with data EPA can develop in a limited period of time. Because all of the facilities affected by this proposal are direct dischargers, EPA did not conduct an outreach survey to POTWs.

Throughout regulatory development, EPA has worked with representatives from the U.S. Office of Surface Mining Reclamation and Enforcement, the Interstate Mining Compact Commission, State regulatory authorities, the Western Interstate Energy Board (WIEB), the National Mining Association (NMA), the coal mining industry, and research organizations to submit data and develop effluent limitations guidelines and standards that represent the appropriate level of technology (e.g., BAT, BCT, BPT, and NSPS).

EPA plans to continue its data gathering efforts for support of the final rule. EPA may publish a subsequent document of data availability for data either generated by EPA or submitted after this proposal and used by EPA to develop the final rule.

Databases and reports containing the information and data provided and used by EPA in support of this rule proposal are available in the Rulemaking Record. The following summarizes the data EPA has collected in support of this proposal.

B. Coal Remining Data Collection Activities

Following promulgation of the final effluent limitation guidelines for the Coal Mining industry in 1985, EPA began working with the Pennsylvania Department of Environmental Resources (now the Pennsylvania Department of Environmental Protection or ''PADEP''), the Office of Surface Mining (now the Office of Surface Mining Reclamation and Enforcement or ''OSM'') and various stakeholders to address the remining issue.

In 1988, EPA, PADEP, Pennsylvania State University, and Kohlmann Ruggiero Engineers developed a computer software package (Coal Remining Best Professional Judgement Analysis, Record Section 3.2.6) to enable best professional judgement (BPJ) analyses for remining operations. The software includes a Surface Mine Materials Handling and Cost Module, a Baseline Pollution Load Statistics Module, and a Water Treatment Cost Calculation Module. It has been used by the Commonwealths of Pennsylvania and Virginia to prepare NPDES Coal Remining Permits. The software is designed to:

- Input and revise pre-existing pollution discharge data;
- Calculate baseline pollution loads and perform additional statistical analyses on pre- and post-mining discharge data;
- Calculate capital and annual wastewater treatment cost;
- Input and revise mining plans;
- Simulate mining operations for a production rate and the associated mining costs;
- Compare mining plans and costs with and without abatement plans and evaluate abatement procedures; and
- Calculate relative mining costs with and without wastewater treatment costs added.

Pennsylvania DEP provided EPA with 41 remining permit application modules submitted by Pennsylvania remining operations. These modules are included in the Record at Section 3.2.4, and are titled Module 26: Remining of Areas with Pre-existing Pollutional Discharges. The modules follow the BPJ analyses provided in the EPA and PADEP Coal Remining—Best Professional Judgement Analysis (''REMINE'') User's Manual and Software Package. Eleven of these modules were submitted to EPA as part of data packages demonstrating BMP implementation at remining sites. The remaining 30 modules (ten modules from each of three Bureau Mining Offices) were submitted to EPA as representative of approximately 10 percent of Pennsylvania's Rahall permit operations to date. The modules include the following information:

- Abandoned mine land and mine drainage quantities and descriptions;
- Baseline pollution load summaries;
- Detailed descriptions of BMP abatement plans and descriptions of how they are expected to reduce baseline pollution loadings and improve environmental conditions;
- Detailed calculations including materials costs and handling costs for each step of the abatement plan;
- Detailed calculations of construction, operation, and maintenance costs for treatment of pre-existing discharges to current effluent limits; and
- Anticipated pollution reduction benefit resulting from implementation of the abatement plan, including impacts on discharge quality and quantity.

EPA reviewed information provided in these permit modules that compared the cost of treating pre-existing discharges to existing effluent limitations verses the implementation of site-specific BMP plans with the potential to improve baseline pollution loading. This cost comparison portion of Module 26 was completed in 40 of 41 respondents. In all 40 cases, remining was considered not economically feasible if treatment of pre-existing discharges to current effluent limits was required. In the same 40 cases, remining was economically feasible if the abatement plan was implemented as proposed.

In 1996, IMCC, EPA, and OSM formed a Remining Task Force and expanded investigations of opportunities to encourage remining of abandoned coal mines consistent with the requirements of SMCRA and the CWA. In February 1998, IMCC, EPA and OSM released a discussion paper entitled ''Water Quality Issues Related to Coal Remining'' that is included in the Rulemaking Record at Section 8.1. The paper provided an overview of current discussions between State and Federal agencies regarding water quality issues and concerns pertaining to coal remining operations. The paper focused on opportunities to encourage remining through adjustments to the current regulatory regime while assuring adequate protection of surface and ground water quality. The paper also presented several approaches for providing remining incentives, including the use of effluent limits set at baseline discharge levels for pre-existing discharges. IMCC collected written comments from environmental groups, industry, Federal agencies, and State agencies. The comments generally supported and recognized the value of remining, although commenters expressed some differences of opinion regarding regulatory approaches.

As discussed in Section VI, the discussion paper also presented an alternative BMP-based remining permit approach in which the permit focuses on implementation of BMPs, and does not include numerical limits for pre-existing discharges. Some commenters were concerned that reliance on the implementation of BMPs in lieu of numeric limitations could result in backsliding from existing requirements.

The Remining Task Force believes that BMPs can result in improved water quality and, in certain cases, can qualify as BAT for achieving standards required by the Clean Water Act.

To support this rulemaking, the IMCC submitted data and information specific to abandoned mine lands on pre-existing discharge water quality, BMP implementation, and remining activities in the eastern coal regions. IMCC member States and State regulatory authorities provided sixty-one data packages from Alabama, Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia that include the following data and information:

- Remining permit applications and approved remining permits;
- Abandoned mine land reclamation project plans and results;
- Descriptions of abandoned mine conditions and extent of abandoned mine land;
- BMP implementation plans targeting pre-existing discharges and abandoned mine land;
- Site geology and overburden analysis data;
- Water quality data (surface water, ground water, and pre-existing discharges);
- Best professional judgement analysis of treatment and BMP implementation plans;
- Topographic maps indicating permit areas, active mining areas, pre-existing conditions, and water quality monitoring points;
- Mining operation plans; and
- Unit costs of best management practices.

EPA assessed portions of these data to determine the types and effectiveness of remining operations, abandoned mine land reclamation projects, and BMP implementation procedures that have occurred throughout the affected coal regions. EPA evaluated data packages from closed remining operations as case studies of the effectiveness of BMPs and of remining in terms of improving pre-existing water quality and non-water quality environmental conditions. Detailed case studies are provided in each section of the Coal Remining Best Management Practices Guidance Manual. Information and data provided in these data packages were compiled into a Coal Remining Database that is included in the Rulemaking Record at Section 3.5.1.

On September 3, 1998, IMCC distributed a Solicitation Sheet to States to collect information regarding the extent of existing abandoned mine land, characteristics of current remining operations, type and extent of BMP implementation, remining industry production and employment statistics, and potential for remining operations. Twenty States responded and IMCC submitted the responses to EPA. EPA used this information to develop a profile of the remining industry, estimate the potential for remining activity, and provide an indication of the types and efficiencies of BMPs currently being implemented during remining operations. State responses are included in the Rulemaking Record at Section 3.2.2. A detailed summary of these responses is provided in the Coal Remining BMP Guidance Manual, Appendix C.

In support of BMP implementation evaluation, PADEP provided EPA with a database containing summary pre- and post-mining water quality data and the associated BMPs for 112 closed remining sites throughout the bituminous coal regions of Pennsylvania (Record Section 3.2.3). EPA believes these are the most extensive data currently available for assessment of the water quality impacts of BMP implementation at remining operations. Data from 231 pre-existing discharges affected by BMPs at these closed sites were used to assess the efficiencies of remining BMPs in terms of water quality improvement. The data often demonstrate improvement in, or elimination of, the pollution loadings of acidity, iron, manganese, sulfate, and aluminum, and are presented in Appendix B of the Coal Remining BMP Guidance Manual. Detailed results of this assessment are presented in Section 6 of the Coal Remining BMP Guidance Manual.

C. Western Alkaline Coal Mining Data Collection Activities

In developing the portion of this proposal related to western mines, EPA has worked with a Western Coal Mining Work Group composed of representatives from OSM, the Western Interstate Energy Board (WIEB), State regulatory authorities, the National Mining Association (NMA), and other industry stakeholders to identify, compile and analyze existing information and data.

This work group has supplied EPA with data and information to support the development of new sediment control requirements relying on BMPs for surface reclamation activities in Western Alkaline coal mines. NMA supplied EPA with a number of reports supporting the need for, and feasibility of, establishing a separate Western Alkaline Coal Mining Subcategory. The reports include the following information and supporting data:

- Performance evaluation studies to determine the effectiveness of sediment control BMPs implemented at sites with environmental conditions similar to those of the arid and semiarid western coal region;
- In-stream monitoring programs evaluating background sediment;
- Site-specific sediment control plans targeting arid and semiarid western watersheds;
- Cost evaluations of BMP implementation and treatment requirements; and
- Case studies of mine sites in Arizona, New Mexico, and Wyoming.

The work group also supplied EPA with a mine modeling study sponsored by the National Mining Association and reviewed by OSM. The study compared the predicted performance, costs and benefits of current 40 CFR part 434 Guidelines to the requirements proposed for this rulemaking for a representative model mine in the arid western coal region. Characterization of background water quality, soil loss rates, and sediment yield were predicted using computer models for both pre-mining (undisturbed) and post-mining (reclamation) conditions. The study estimated that the cost of compliance with the proposed subcategory requirements for a typical western surface coal mine will be less than the cost of meeting the existing 40 CFR part 434 guidelines. Details of this study are included in Section 3.3 of the Rulemaking Record and are summarized in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory.

EPA identified, compiled, and analyzed additional sources of existing information and data during the development of this proposed rule including:

- Final NPDES Storm Water Multi-Sector General Permit for Industrial Activities, 60 FR 50804, September 29, 1995. This document includes a section on storm water discharges from inactive coal mines and selected areas within active coal mines, and presents an overview and descriptions of applicable BMPs;
- Sediment control guidelines from State regulatory programs (Wyoming DEQ, Land Quality Division, Guideline No. 15; New Mexico's 19 NMAC 8.2 Subpart 20, Section 2009);
- Performance evaluations demonstrating effectiveness of BMPs (Water Engineering & Technology Studies); and
- Computer-based, predictive soil loss models developed by government,

academia, and industry to model and assess erosion, soil loss, and sediment yields from disturbed lands; capable of determining effectiveness of BMPs on erosion control and sediment production prior to field use (SEDCAD 4.0; Revised Universal Soil Loss Equation (RUSLE); Erosion and Sediment Impacts (EASI) Model).

This information is included in Section 4.3 of the rulemaking record, and is discussed in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory.

VI. Development of Proposed Effluent Limitations Guidelines

A. Coal Remining Subcategory

The effluent limitations and standards proposed for the Coal Remining Subcategory would apply to pre-existing discharges located in areas of a coal remining operation that are not commingled with waste streams from active mining areas.

As noted previously in Section III, coal remining is the mining of surface mine lands, underground mine lands, and coal refuse piles that were abandoned prior to the enactment of the Surface Mining Control and Reclamation Act on August 3, 1977. Acid mine drainage from abandoned coal mines is damaging a significant number of waterways in the Appalachian and mid-continent Coal Regions of the Eastern United States. Information gathered from the Interstate Mining Compact Commission (IMCC) and OSM's Abandoned Mine Land Inventory System (AMLIS) indicates there are over 1.1 million acres of abandoned coal mine lands and over 9,709 miles of streams polluted by acid mine drainage in Appalachia alone.

Acid mine drainage can result from abandoned surface and underground coal mines and coal refuse piles. If acid-forming minerals are present in significant quantities, exposure to air and water can result in the formation of acid mine drainage. At abandoned underground mines, large reservoirs of acid mine drainage can continue to be replenished by ground water movement through the mineral-bearing rocks, creating more acid mine drainage. Water from these ''mine pools'' seeps through the hillsides or flows freely from abandoned mine entries, enters streams, and deposits metal-rich precipitates downstream.

In 1977, Congress included a provision in SMCRA to establish a fund (the Abandoned Mine Land Program) to address abandoned mine lands, with the highest priority given to cleaning up sites that pose a threat to the health, safety, and general welfare of people. Of the $3.6 billion of high priority (Priority 1 and 2) coal related abandoned mine land (AML) problems in the AML Program inventory, $2.5 billion, or 69 percent, have yet to be funded and reclaimed. Current estimates indicate that ninety percent of the $1.9 billion coal related environmental (Priority 3) problems in the AML inventory have not been funded and reclaimed (OSM Abandoned Mine Land Program, 1999). Although progress has been made in cleaning up abandoned sites, the funds released have not been sufficient to correct the majority of the environmental and safety problems associated with the large numbers of abandoned mine land sites.

EPA recognizes that one of the most successful means for improvement of abandoned mine land is for coal mining companies to remine abandoned areas and extract the coal reserves that remain. EPA also recognizes that if abandoned mine lands are ignored during coal mining of adjacent areas, a time-critical opportunity for reclaiming the abandoned mine land is lost. Once coal mining operations have ceased on the adjacent areas, there is little incentive for operators to return.

During remining operations, acid-forming materials are removed with the extraction of the coal, pollution abatement BMPs are implemented under applicable regulatory requirements, and the abandoned mine land is reclaimed. During remining, many of the problems associated with abandoned mine land, such as dangerous highwalls, vertical openings, and abandoned coal refuse piles can be corrected at no cost to OSM's Abandoned Mine Land Program. Furthermore, implementation of appropriate BMPs during remining operations can be effective at improving the water quality of pre-existing discharges. For example, implementation of appropriate BMPs during 112 remining operations in Pennsylvania was effective in improving or eliminating acidity loading in 45 percent of the pre-existing discharges, total iron loading in 44 percent of the discharges, and total manganese in 42 percent of the discharges. This improvement resulted in reduced annual pollutant loadings of up to 5.8 million pounds of acidity, 189,000 pounds of iron, 11,400 pounds of manganese, and 4.8 million pounds of sulfate. The environmental benefits associated with reclamation of abandoned mine lands are discussed further in Section IX of this document.

The current regulations at 40 CFR part 434 create a disincentive for remining because of their high compliance costs. Moreover, the potential of the statutory exemption contained in the Rahall Amendment to overcome this disincentive and derive the maximum environmental benefits from remining operations has not been fully realized in the absence of implementing regulations. If mining companies face substantial potential liability or economic loss from remining, they will continue to focus on mining virgin areas and ignore abandoned mine lands that may contain significant coal resources. Based on information collected in support of this proposal, EPA believes that remining operations are environmentally preferable to ignoring the coal resources in abandoned mine lands. EPA is soliciting comment on this conclusion, and on potential options that may be environmentally preferable to the new subcategory being proposed today.

As described in Section II of this document, Congress attempted to address the problems associated with acid mine drainage at abandoned mine lands by passing the Rahall Amendment to provide incentives to encourage coal remining. The Rahall Amendment (section 301(p)) allows permit writers to issue NPDES permits for remining sites with requirements less stringent than those in the existing regulations for some pollutant limits. Specifically, section 301(p) allows permit writers to use best professional judgement (BPJ) to set site-specific BAT limits determined for pre-existing discharges. These limits may not exceed baseline levels of iron, manganese, and pH. The operator must also demonstrate that the remining operation will result in the potential for improved water quality. The statute does not specify how to determine site-specific BAT, baseline pollutant discharge levels, or the potential for improved water quality and has left these up to each permitting authority to determine.

The statute does not allow site-specific limits for TSS. EPA also is not proposing alternative limitations for total suspended solids (TSS) or settleable solids (SS) in pre-existing discharges. EPA believes the current level of sediment control is necessary during surface disturbance operations to avoid sedimentation and erosion that can clog streams, increase the risk of flooding, impair land stability, and destroy aquatic habitats. Except for the alternate SS effluent limitations for 10-year, 24-hour precipitation events provided in 40 CFR 434.63, existing effluent limits for TSS and SS will

continue to apply to pre-existing discharges.

Since passage of the Rahall Amendment, seven States have established formal remining programs that have issued approximately 330 Rahall permits with numerical limits for pre-existing discharges that are less stringent than those in the existing regulations. Of these 330 Rahall Remining permits, approximately 300 were issued by the Commonwealth of Pennsylvania. Of the remaining thirty Rahall permits, ten were issued by Alabama, eight by West Virginia, four by Kentucky, three by Virginia, three by Ohio, and two by Maryland. Under these Rahall permits, remining operations must meet the alternate numeric limits specified in the permits and must implement site-specific BMPs. These BMPs include special handling of acid-producing materials, daylighting of abandoned underground mines, control of surface water and ground water, control of sediment, addition of alkaline material, and passive treatment. Remining operations currently underway have proven to be a viable means of remediating the environmental conditions associated with these abandoned mine lands without imposing a significant cost burden on industry (Skousen, Water Quality Changes and Costs of Remining in Pennsylvania and West Virginia, 1997).

A discussion paper released by IMCC, EPA and OSM in February 1998 (Discussion Paper on Water Quality Issues Related to Remining) and discussed further in Section V of this document, presented an alternative BMP-based remining permit approach where implementation of BMPs is the central focus of permitting. This alternative would not impose any numerical limits for pre-existing discharges, but only would require implementation of selected BMPs. The IMCC Remining Task Force believes that BMPs can result in improved water quality and, in certain cases, can qualify as BAT for achieving standards required by the Clean Water Act. EPA is considering conditions under which remining permits based solely on BMP implementation in lieu of numerical effluent limits may be appropriate. In addition, EPA recently accepted a Coal Remining and Reclamation Project XL proposal from the Pennsylvania Department of Environmental Protection. Once finalized, this pilot project is expected to provide a substantial amount of data about the feasibility of using the BMP-based remining permit approach in eight different watersheds throughout Pennsylvania. EPA does not currently have sufficient information on the environmental effectiveness and potential regulatory structure for such an approach, and is not including permits based solely on BMPs in today's proposal. EPA is soliciting additional comments and data supporting BMP-based remining permits and situations for which they may be appropriate.

Despite the statutory authority provided by the Rahall Amendment, coal mining companies and most States remain hesitant to pursue remining without formal EPA approval and guidelines. The Rahall Amendment requires application of the best available technology economically achievable on a case-by-case basis, using best professional judgment to set specific numerical effluent limitations in each permit. However, it does not provide guidelines for how to determine baseline pollutant loadings in pre-existing discharges. It also does not provide guidance on how to determine site-specific BAT requirements for a remining operation, or how to demonstrate the potential for environmental improvement from a remining operation. Without standardized procedures for developing effluent limits for pre-existing discharges, many States with extensive abandoned mine lands have not initiated formal remining programs.

EPA is today proposing a new remining subcategory with effluent limitation guidelines based on a combination of numeric limits and non-numeric BMP requirements. EPA is proposing a standardized procedure for determining pollutant loadings for baseline and compliance monitoring. This procedure is described in Appendix B of this proposed regulation. Example calculations using these procedures and further discussion of EPA's determination of these procedures are provied in the Coal Remining Statistical Support Document. EPA intends these proposed regulations to control pre-existing discharges at remining operations in a manner consistent with requirements under the Rahall Amendment. In effect, these proposed requirements are effluent limitation guidelines authorized under section 304(b) of the CWA, but are also implementing regulations for section 301(p), providing EPA's interpretation of unspecified aspects of that provision. Section 301(p) requires the permit to establish BAT on a case-by-case basis, using best professional judgment to set specific numerical effluent limitations for pH, iron, and manganese in each permit. The operator must demonstrate that the coal remining operation will result in the potential for improved water quality, and in no event may pH, iron, or manganese discharges exceed the levels discharged prior to the remining operation. No discharge from, or affected by, the remining operation may exceed State water quality standards. EPA solicits comments on the consistency of the proposal with the Rahall Amendment and existing State remining programs.

Under the proposed regulations, the permit would contain specific numeric and non-numeric requirements, constituting BPT and BAT. The numeric requirements would be established on a case-by-case basis in compliance with standardized requirements for statistical procedures and monitoring to establish baseline. The numeric effluent limitations set at baseline levels would ensure that in no event will the pollutant discharges exceed the discharges prior to remining, as required by section 301(p)(2). The stringency of the non-numeric permit provisions would be established using best professional judgement to evaluate the adequacy of the selected BMPs contained in a pollution abatement plan. The pollution abatement plan would demonstrate that the remining operation will result in the potential for improved water quality, as also required by section 301(p)(2). Together, the numeric and non-numeric requirements would constitute BPT and BAT.

EPA is proposing to require operators to use BMPs by proposing that remining operators must develop and implement a site-specific pollution abatement plan for each remining site. EPA is proposing that the pollution abatement plan must identify the characteristics of the remining area and the pre-existing discharges at the site; identify design specifications for selected best management practices; and include periodic inspection and maintenance schedules. The pollution abatement plan must demonstrate that there is a potential for water quality improvement, as required by the Rahall Amendment.

EPA is also proposing that this pollution abatement plan must be developed for the entire ''pollution abatement area.'' By applying the pollution abatement plan to the entire pollution abatement area, the proposed Remining Subcategory effluent limitations would cover all pre-existing discharges that are hydrologically connected to the active mining area, but that are not commingled with active mining discharges. EPA is proposing to define the ''pollution abatement area'' as the part of the permit area that is causing or contributing to the baseline pollution load, including areas that

would need to be affected to reduce the pollution load. This is similar to the definition used by Pennsylvania's remining program in Pennsylvania's Chapter 87, Subchapter F Surface Mining Regulations (Record Section 1.3). The success of the abatement plan is premised on a hydrological connection between the pollution abatement area and the baseline pollutant load. If there is no hydrologic connection between the pre-existing discharge and the operator's remining and reclamation efforts, there can be no water quality improvement. For further information on this rationale see The Preliminary Engineering Cost Manual for Development of BPJ Analysis, 1986, Kohlmann Ruggiero for PA DER and EPA. EPA is providing a supporting document, the Coal Remining Best Management Practices Guidance Manual to assist industry and permit writers in the development and implementation of the pollution abatement plan.

EPA is soliciting comment on the definition of pollution abatement area. EPA is also soliciting comment on any additional requirements for the pollution abatement plan that would ensure the proper use, design and implementation of BMPs.

In many cases, EPA believes that the requirements for the pollution abatement plan will be satisfied by an approved SMCRA plan. However, EPA or the State NPDES permitting authority will review the plan and will retain the authority to recommend additional or incremental BMPs as necessary to ensure that implementation of the identified BMPs is consistent with Clean Water Act requirements.

EPA is proposing regulatory text to make it clear that the requirements of this subcategory apply only to pre-existing discharges that are not commingled with waste streams from active mining areas. This will ensure that all mine drainage produced by the active mining operation is treated to meet existing part 434 guidelines. Any wastewater that is commingled with active mining wastewater would be subject to the most stringent limitations applicable to any component of the wastestream. This maintains the current regulatory approach expressed in section 434.61, that in cases where wastestreams subject to two different effluent limits are commingled, the combined discharge is subject to the more stringent limitation.

During remining, it may be necessary or even preferable for an operator to intercept and/or commingle a pre-existing discharge with active mining wastewater. This wastewater would then be required to meet the more stringent applicable limitations for active coal mining operations and would not be covered by the conditions of the proposed Coal Remining Subcategory. However, that pre-existing discharge may not be eliminated by the remining activity and may remain after remining in the area has been completed. In this instance the pre-existing discharge would no longer be commingled with active mining wastewater. EPA is proposing that a discharge that is no longer being commingled would become subject to the Coal Remining Subcategory requirements which bar an increase in pollutant loadings from baseline conditions.

EPA does not believe that a pre-existing discharge that has been intercepted or commingled should have to continue to meet the more stringent effluent limitations applicable to active mining operations after this activity has been completed. If EPA were to require that pre-existing discharges that are commingled with wastewater remain subject to effluent limitations designed for active mining operations once interception or commingling has ceased, EPA believes it would create a significant disincentive for remining activities. Based on anecdotal and historical evidence of current mining activities, mining companies may try to avoid intercepting pre-existing discharges because they do not want to assume the liability for future treatment of discharges that were not the result of their mining operations. This can result in a ''donut hole'' in the permitted area, to which BMPs are not applied and from which pre-existing acid mine drainage continues to be discharged. In many cases, EPA believes that the most environmentally beneficial approach would be for the coal operation to physically intercept this pre-existing discharge, treat the discharge to current standards during active mining and reclamation, implement BMPs, and then allow the pre-existing discharge to continue discharging at or below baseline pollutant levels. This approach is consistent with the way Pennsylvania has been implementing the Rahall provisions. Another option for a remining operator would be to divert the discharge stream away from the active mining area. In this case, the pre-existing discharge that has been diverted would be subject to the proposed subcategory effluent limitations, and the mine operator would have to implement BMPs and demonstrate that the pollutant loadings of the diverted discharge stream have not been increased.

These proposed limitations and standards would apply to coal remining operators under new remining permits. EPA is considering coverage of existing remining operations with Rahall-type permits and established BPJ limitations. EPA is also considering situations where coal remining operations seek reissuance of an existing remining permit. In both cases, EPA believes that it may not be feasible for a remining operator to re-establish baseline pollutant levels during active remining. Therefore, EPA is considering an alternative where pre-existing discharges at these operations would remain subject to baseline pollutant levels established during the original permit application. EPA is soliciting comment on the applicability of the proposed Coal Remining Subcategory in regard to both cases.

EPA expects this new subcategory to provide further incentives for industry to remine abandoned mine lands, which will result in reclamation of abandoned mine lands that would otherwise remain unreclaimed and hazardous. EPA solicits comment on the potential for improving hazardous conditions and improving acid mine drainage based on implementation of this subcategory. EPA also solicits comment on the proposed applicability of the remining subcategory as it relates to intercepted pre-existing discharges.

1. BPT for the Coal Remining Subcategory

EPA today proposes BPT effluent limitations for the Coal Remining Subcategory to control identified conventional, toxic, and non-conventional pollutants. For further information on the basis for the limitations and technologies selected, see the Coal Remining BMP Guidance Manual.

As previously described in Section II, section 304(b)(1)(A) of the CWA requires EPA to identify effluent reductions attainable through the application of ''best practicable control technology currently available for classes and categories of point sources.'' Generally, EPA determines BPT effluent levels based upon the average of the best existing performance by facilities of various sizes, ages, and unit processes within each industrial category or subcategory. In establishing BPT, EPA considers the cost of achieving pollution reductions in relation to the pollution reduction benefits, the age of equipment and facilities, the processes employed, process changes required, engineering aspects of the control technologies, non-

water quality environmental impacts, and other factors the Administrator deems appropriate.

EPA is proposing that BPT for the Coal Remining Subcategory be defined through a combination of numeric and non-numeric standards. Specifically, EPA is proposing that the best practicable control technology currently available for remining operations is implementation of a pollution abatement plan that incorporates BMPs designed to improve pH and reduce pollutant loadings of iron and manganese, and a requirement that such pollutant levels are not increased over baseline conditions. This is essentially the level of treatment currently required under permits issued in accordance with the Rahall Amendment, which has been demonstrated to be currently available by remining facilities included in EPA's Coal Remining database (Record Section 3.5.1) and in Pennsylvania's study of 112 closed remining sites (Record Section 3.5.3).

In order to evaluate available technologies to determine BPT, EPA relied on data from 41 remining operations in Pennsylvania. This data is contained in Section 3.2.4 of the regulatory record. All of these facilities used various combinations of BMPs as their pollutant control technology. EPA reviewed the expected performance, cost, and design of the BMPs used by these remining operations. EPA determined that the facilities were able to show potential for significant removals of loading as compared to pre-existing discharge conditions. EPA also determined that design and implementation of a BMP plan should, in most cases, achieve reductions below baseline discharge levels.

This same data from Pennsylvania supports a conclusion that the proposed pollution abatement plan requiring use of BMPs also represents the best available technology economically achievable (BAT) levels of control. Section 301(p) allows permit writers to use best professional judgement (BPJ) to set site-specific BAT limits determined for pre-existing discharges. Pennsylvania completed this BAT determination for 40 of 41 respondents. Pennsylvania's remining permit modules indicated that the only more stringent technology available included chemical addition, precipitation, and settling. In all 40 cases, remining was considered not economically feasible if treatment of pre-existing discharges to current effluent limits was required. In the same 40 cases, remining was economically feasible if the abatement plan was implemented as proposed. Thus, the Pennsylvania remining permits issued under Rahall were issued as BAT permits. This conclusion is supported by the adoption of the Rahall Amendment by Congress in 1987. At that time, Congress recognized that remining was not being conducted on abandoned mine lands because of the cost and liability of requiring treatment to meet existing regulations and authorized less stringent requirements for remining operations.

Therefore, EPA is proposing that the implementation of a pollution abatement plan represents BAT level of control. Furthermore, EPA is aware that permits containing these BMPs are in place and are being implemented by a large number of operators. Thus, EPA is proposing that pollution abatement plans also represent the average of the best technology currently available.

The problem with setting numeric effluent limitations representing the reductions achieved through implementation of a pollution abatement plan is that it is difficult to project the results, in terms of measured improvements in pollutant discharges, that will be produced through the application of any given BMP or group of BMPs at a particular site. EPA believes that the Coal Remining BMP Guidance Manual compiles the best information available on appropriate application and projected performance of all currently identified BMPs applicable to coal remining operations. However, the Coal Remining BMP Guidance Manual provides only reasonable estimates of ranges of projected performance and efficiency. There are numerous variables associated with the design and application of a particular BMP at a particular site, let alone multiple BMPs at a site. Additionally, all of these estimates are subject to substantial uncertainties. In some cases, despite appropriate design and implementation of a BMP plan, there may be little or no improvement over baseline discharges. Thus, it is simply not practicable to project the expected numeric improvements that will occur for a specific pre-existing discharge through application of a particular BMP plan. As a consequence, EPA is proposing to establish a non-numeric requirement to implement a pollution abatement plan incorporating implementation of BMPs designed to reduce the pollutant levels of pH, iron and manganese in pre-existing discharges.

EPA interprets the CWA as authorizing the Agency to establish non-numeric effluent limitations where it is infeasible to establish numeric effluent limitations. Section 502 of the Act defines ''effluent limitation'' as ''*any* restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources.'' (Emphasis added.) This language does not restrict the form of effluent limitations to only numeric limits. The courts have held, in the context of permits, that the CWA does not require EPA to set numeric limits where such limits are infeasible. ''When numerical effluent limitations are infeasible, EPA may issue permits with conditions designed to reduce the level of effluent discharges to acceptable levels. This may well mean opting for a gross reduction in pollutant discharge rather than the fine-tuning suggested by numerical limitations. But this ambitious statute is not hospitable to the concept that the appropriate response to a difficult pollution problem is not to try at all.'' *Natural Resources Defense Council* v. *Costle,* 568 F.2d 1369, 1380 (D.C. Cir. 1977). EPA's NPDES permit regulations reflect this longstanding interpretation in 40 CFR 122.44(k), which provides that permits may include BMPs to supplement, or in lieu of, numeric effluent limitations when ''numeric effluent limitations are infeasible'' or ''the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of [the] CWA.'' Sections 402(a)(2) and 501 further authorize EPA to prescribe as wide a range of permit conditions as the Agency deems appropriate to assure compliance with applicable effluent limits. EPA believes that the same considerations underlying the court's statutory interpretation with respect to non-numeric effluent limitations in permits also support an interpretation that the Agency may establish non-numeric effluent limitation regulations where numeric limitations are infeasible. Because it is infeasible here to express the expected performance of the identified best practicable control technology in numeric terms, EPA believes that establishment of non-numeric effluent limitations is authorized under, and is necessary to carry out, the purposes and intent of the CWA.

Although it is not feasible to establish numeric limits predicting pollutant reductions, it is possible to calculate baseline pollutant levels in pre-existing discharges. Moreover, the record indicates that application of appropriately designed BMPs should be able to prevent any increase in pollutant loadings for pre-existing discharges. Accordingly, it is feasible to set a

minimum numeric requirement based on baseline pollutant levels. Therefore, EPA is today proposing to establish numeric effluent limitations that require that the pollutant levels for pH, iron and manganese do not increase over baseline levels. EPA is proposing a uniform methodology to use for this calculation. Baseline level determination and monitoring procedures are presented in the Coal Remining Statistical Support Document.

EPA requests comment on how to describe and structure the requirement to design and implement a pollution abatement plan to reduce pollutant loadings from pre-existing discharges. EPA has proposed a fairly general qualitative description of the requirement, which leaves it up to the permit writer to determine whether in a particular case BPT or BAT would require additional or more intensive BMPs than identified in an applicant's proposed plan. The proposed regulation would require that an operator identify the characteristics of the remining area and the pre-existing discharges at the site, identify design specifications for selected BMPs, and include periodic inspection and maintenance schedules. These requirements are intended to help the permit writer evaluate the likely cost and efficacy of the proposed plan in relation to the conditions existing at the site. EPA requests comment on whether there are additional criteria that EPA could establish to provide applicants and permit writers further guidance in determining whether a particular BMP plan meets the regulatory criteria. For example, the requirement to develop and implement a pollution abatement plan to maintain or reduce pollution in pre-existing discharges is a fairly general directive for what the plan should achieve. EPA requests comment on how the regulations could better define the type of plan that would constitute BPT and BAT.

The primary alternative control technology that EPA could determine to be BPT would be to require remining operations to treat pre-existing discharges to meet the effluent guideline limitations for active mining discharges. As discussed above, EPA does not believe that this is a practical option for remining operations, given cost and liability concerns. EPA is requesting comment and data for any other treatment technologies that would be economically feasible and available for control of pre-existing discharges to meet more stringent limitations.

EPA projects that the annual compliance cost for this new subcategory will be approximately $330,000 to $759,000.

2. BCT for the Coal Remining Subcategory

In July 1986, EPA promulgated a methodology for establishing BCT effluent limitations. EPA evaluates the reasonableness of BCT candidate technologies—those that are technologically feasible—by applying a two-part cost test: (1) a POTW test; and (2) an industry cost-effectiveness test.

EPA first calculates the cost per pound of conventional pollutant removed by industrial dischargers in upgrading from BPT to a BCT candidate technology and then compares this cost to the cost per pound of conventional pollutants removed in upgrading POTWs from secondary treatment. The upgrade cost to industry must be less than the POTW benchmark of $0.25 per pound (in 1976 dollars).

In the industry cost-effectiveness test, the ratio of the incremental BPT to BCT cost divided by the BCT cost for the industry must be less than 1.29 (i.e., the cost increase must be less than 29 percent).

In today's proposal, EPA is proposing to establish BCT effluent limitations guidelines equivalent to the BPT guidelines for the Coal Remining Subcategory. In developing BCT limits, EPA considered whether there are technologies that achieve greater removals of conventional pollutants than proposed for BPT, and whether those technologies are cost-reasonable according to the BCT Cost Test. EPA identified no technologies that can achieve greater removals of conventional pollutants than proposed for BPT that are also cost-reasonable under the BCT Cost Test, and accordingly EPA proposes BCT effluent limitations equal to the proposed BPT effluent limitations guidelines.

3. BAT for the Coal Remining Subcategory

As discussed above, EPA concluded that the requirement to design and implement a pollution abatement plan represents BAT and that there are no more stringent technologies that are economically achievable. The pollution abatement plan is required to be designed to control conventional, toxic and non-conventional pollutants, and the plan must reflect levels of control consistent with BAT for toxic and non-conventional pollutants. Of course, EPA expects that a facility will have a single plan to control all pollutants. In addition, EPA would expect that the permit writer would determine the adequacy of the plan based on the Coal Remining BMP Guidance Manual. As discussed above, EPA concluded that it is infeasible to express BAT as a numeric limit. EPA is proposing to set a combination of site-specific numeric and non-numeric effluent limitation guidelines for BAT identical to those for BPT for iron and manganese.

4. NSPS for the Coal Remining Subcategory

In today's proposal, EPA did not consider any regulatory options for new sources for the Coal Remining Subcategory. By definition, pre-existing discharges at abandoned mine lands covered by this proposal were in existence prior to passage of SMCRA in 1977. Therefore, EPA is designating pre-existing discharges existing sources. EPA is proposing that pre-existing discharges are subject to requirements proposed for BPT, BCT, and BAT. NSPS effluent limitations are not applicable to this subcategory. A new discharge from remining operations that is not designated as a pre-existing discharge must meet applicable effluent limitations at sections 434.35, 434.45, or 434.55, as appropriate.

B. Western Alkaline Coal Mining Subcategory

The effluent limitations and performance standards for the Western Alkaline Coal Mining Subcategory apply to alkaline mine drainage from reclamation areas associated with western coal mining operations.

Alkaline mine drainage is defined in the existing regulations as ''mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.'' Reclamation area is defined in the existing regulation as ''the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has been commenced.'' EPA is not proposing to make any changes to these existing definitions.

EPA is proposing to define a western coal mining operation in arid or semiarid areas as a surface or underground coal mining operation located in the interior western United States, west of the 100th meridian west longitude, in an arid or semiarid environment with an average annual precipitation of 26.0 inches or less. This definition is consistent with the definition for western coal mining currently used by OSM (30 CFR 701.5 and 30 CFR 816.116).

The existing effluent guidelines for reclamation areas establish BPT, BAT, and NSPS numeric effluent limits based on the use of sedimentation pond technology. The discharge from

reclamation areas must meet effluent limitations for settleable solids and pH. The existing guidelines apply to all reclamation areas throughout the United States, regardless of climate, topography, or type of drainage (i.e., acid or alkaline). The existing guidelines do not take into consideration the dramatic differences in naturally occurring sedimentation that can result from the different environmental conditions in the arid and semiarid coal regions compared to the eastern United States.

The existing guidelines establish relatively stringent controls on the amount of sediment that can be discharged into waterways from post-mined areas. In the arid west, data have shown that the use of sedimentation ponds becomes necessary for compliance. Although sedimentation ponds are proven to be effective at reducing sediment discharge, EPA believes that there are numerous non-water quality impacts that may harm the environment when sedimentation ponds are necessary to meet discharge requirements for reclamation areas in the arid and semiarid west. Sedimentation ponds in reclamation areas are designed to capture and store water from a precipitation event and then slowly release the water in a continuous, low-velocity discharge. EPA believes that the slow release of water containing low amounts of sediment has caused negative environmental impacts in arid regions. The negative impacts caused by the predominant use of sedimentation ponds include disruption of the natural hydrologic and sediment balance, stream channel instability, and water loss due to evaporation.

EPA is proposing a new subcategory for reclamation areas of western alkaline coal mines primarily because of negative impacts caused by the predominant use of sedimentation ponds in arid regions as is necessary to meet the current guidelines.

In arid and semiarid western coal mine regions, climate, topography, soils, vegetation, and hydrologic components all combine to form a hydrologic balance that is naturally sediment rich. Sediment is defined as all undissolved organic and inorganic material transported or deposited by water. In arid regions, the natural vegetative cover is sparse and rainfall is commonly received during localized, high-intensity, short-duration thunderstorms. These conditions contribute to flash-floods and turbulent flows that readily transport large amounts of sediment. Runoff from natural, undisturbed arid lands may contain up to several hundred thousand milligrams per liter TSS.

Fluvial areas and receiving channels in the arid west have developed according to the natural conditions present in arid regions. The receiving channels are primarily ephemeral arroyos that transport large volumes of flow and sediment. The natural conditions of these channels may be affected by the alteration of sediment concentration and flow volume as a result of constructed sedimentation ponds. Discharge of sediment-free water from a sedimentation pond may actually accelerate channel erosion because the sediment-free water will entrain sediment from the channel immediately below the pond. Later, when the sedimentation pond is removed, drainage from the reclaimed area will flow uninterrupted into the downstream watershed. This return to natural flow volumes and sediment concentrations essentially ''shocks'' the drainage channel and may be extremely disruptive to the fluvial and hydrologic balance that has developed based on the sedimentation pond discharge. Severe channel reconfiguration can occur at this stage, making the area more susceptible to instability and erosion than the pre-mining undisturbed conditions. EPA is soliciting comment on the environmental impacts and benefits associated with the predominant use of sedimentation ponds in the arid west for control of sediment from post-mining areas.

For arid and semiarid western coal mines, EPA believes that the most environmentally responsible goal is to reclaim the land such that the natural sediment loadings and hydrologic balance of undisturbed conditions is maintained at post-mined lands. EPA solicits comment on this conclusion, and on the problems that are associated with disturbing the hydrologic balance in arid regions.

Following the 1985 promulgation of the current regulations, new and more accurate sediment control modeling, designs and plans have been developed and evaluated for use with drainage from reclamation areas at coal mines in the western United States. The States of Wyoming and New Mexico have developed regulations to allow the use of sediment control BMPs to prevent environmental problems associated with predominant use of sedimentation ponds. These State program BMP applications are considered to meet the sediment control provisions of SMCRA and are sanctioned by the delegated Clean Water Act regulatory authority in each State. These regulations include specific provisions to allow the use of BMPs and avoid the unique environmental problems that are associated with the predominant use of sedimentation ponds on coal mine reclamation areas. Provisions under SMCRA related to sediment control require coal mining operations to be conducted so as to prevent, to the extent possible, using the best technology currently available, additional contributions of suspended solids to streamflow, or run-off outside the permit area. Corresponding regulations are found at 30 CFR 816.45 which include the above language and also require the permittee to minimize erosion and meet the more stringent of applicable State and Federal effluent standards. The standards contained in this Western Alkaline Coal Mining Subcategory will be the framework for designing, installing, and maintaining sediment control measures that are expected to function as designed in a manner to meet the statutory and regulatory provisions for sediment control and modeling predictions.

Under Wyoming's Coal Rules and Regulations, Chapter IV, alternative sediment control measures may be used when it can be demonstrated that drainage will either meet effluent limitation standards or will not degrade receiving waters. Wyoming's regulations and accompanying guidance (Wyoming Department of Environmental Quality, Land Quality Division, Guideline No. 15, Alternative Sediment Control Measures) state that appropriate sediment control measures shall be designed, constructed, and maintained using best technology currently available to prevent additional contributions of sediment to streams or to runoff outside the affected area.

Under New Mexico's ''ASC Windows Program'' (19 NMAC 8.2 Subpart 20, Section 2009), SMCRA requirements to pass all disturbed area runoff through sedimentation ponds can be waived if the operator demonstrates that erosion is sufficiently controlled and that the quality of area runoff is as good as, or better than, that of water entering the permit area. The operator's plan for alternative sediment control must demonstrate that there will be no increase in the sediment load to receiving streams. Several mine operations in New Mexico have applied for and received reclamation liability bond releases for lands where sediment control BMP plans were implemented. These sites demonstrated that there was no additional annual contribution of suspended solids to the hydrologic regime of the area and that runoff from regraded areas had characteristics

similar to runoff from undisturbed areas.

In order to maintain natural conditions on reclamation areas, EPA is proposing that non-numeric effluent limits be based on the design, implementation, and maintenance of BMPs. Sediment control BMP technologies for the coal mining industry are well known and established. Common BMPs used at post-mining coal areas include regrading, revegetation, mulching, check dams, vegetated channels, and contour terracing as well as sedimentation ponds. The range and implementation of available BMPs are summarized in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory. All of these BMPs are designed to stabilize the soil and control the amount of sediment released into the environment.

Erosion and sediment control plans and technology application have evolved since the passage of SMCRA and the promulgation of the current 40 CFR part 434 effluent limitations guidelines. Extensive monitoring and case studies have been performed on arid and semiarid lands to characterize the nature and extent of erosion occurring within these areas. Computer sediment modeling of arid and semiarid fluvial systems has advanced significantly, evolving into site-specific models that are able to account for local environmental factors found within the region. Under this proposed subcategory, prediction models will be used to design site-specific BMP plans that are effective in the arid and semiarid western coal regions. Sedimentation ponds may be used in conjunction with other BMPs to prevent additional contributions of sediment to streamflow or to runoff outside reclamation areas.

Specifically, EPA is proposing a requirement to develop and implement site-specific sediment control plans that would apply in lieu of numeric limits for pH and settleable solids applicable under current guidelines for reclamation areas. EPA is proposing that a mine operator must develop a site-specific sediment control plan for surface reclamation areas. The sediment control plan must identify BMPs and present design, construction, and maintenance specifications for the BMPs, and their expected effectiveness. The goal of the site-specific sediment control plan would be to specify BMPs sufficient to control sediment discharges from the reclamation area so that they do not exceed natural background levels. The proposed regulations would require the operator to demonstrate, using watershed models accepted by the regulatory authority, that implementation of the selected BMPs would meet this goal. The permit would then incorporate the site-specific sediment control plan and would require the operator to implement the plan.

EPA is proposing to establish requirements for site-specific sediment control plans based on computer modeling in lieu of nationally applicable numerical effluent limitations. As discussed above in Section VI.A.1, such requirements are authorized as non-numeric effluent limitations where it is infeasible to establish numeric effluent limitations.

EPA believes that determining compliance based on numerical standards for runoff from BMPs is infeasible due to the environmental conditions present in Western coal mine reclamation areas. As mentioned previously, precipitation events are often localized, high-intensity, short-duration thunderstorms. Rain may fall in one area of a watershed while other areas remain dry. This makes it extremely difficult to evaluate overall performance of the BMPs. Additionally, watersheds and reclaimed mine lands often cover vast and isolated areas. These factors combine to make it burdensome for a CWA permit authority to extract periodic, meaningful samples on a timely basis to determine if a facility is meeting effluent limitations for settleable solids. The difficulty of sample collection is described in the Phase I Report: Technical Information Package provided by the Western Coal Mining Work Group (Record Section 3.3.1).

Requirements based on BMP plans would ease the implementation burden of the rule and allow a permit authority to determine compliance on a regular basis. A permit authority would be able to visit the site and determine if BMPs have been implemented according to the site's sediment control plan. The permit authority would not have to wait for a significant precipitation event to determine compliance, and the facility would have the opportunity to improve BMP implementation prior to a precipitation event. EPA believes a key factor in using BMPs is the opportunity for continual inspection and maintenance by coal mine personnel to ensure that sediment control measures will continue to function as designed. Under SMCRA, inspections of the coal mining operations are conducted monthly. EPA is soliciting comments on the appropriateness of BMP inspection to determine compliance with the requirements of this subcategory and on recommended procedures for, and frequency of, such inspections. Because it is infeasible here to determine compliance and performance of the BMPs in numeric terms, EPA believes that establishment of non-numeric effluent limitations for this subcategory is authorized under and is necessary to carry out the purposes and intent of the CWA.

In addition, EPA believes that there are several advantages to establishing requirements for site-specific sediment control plans based on computer modeling in lieu of nationally applicable numerical effluent limitations. First, according to the applicability of the proposed subcategory, the discharge associated with this subcategory is alkaline, not acidic. Therefore, EPA does not believe that pH monitoring is necessary for reclamation areas associated with alkaline coal mines.

Also, existing regulations (40 CFR part 434.63) allow for alternative limitations during precipitation events of the specified magnitudes, which may generate a significant amount of sediment, especially in the arid West. Under the proposed subcategory, the BMP plan requirement would not allow for alternative (i.e., less stringent) limits because computer models are able to account for precipitation events that typically occur in the arid west. The BMP plan requirement would be based on a demonstration that the average yearly sediment yield will not increase over undisturbed conditions, and would consider precipitation events. NMA's model mine study Draft Western Alkaline Mining Subcategory—Mine Modeling and Performance Cost-Benefit Analysis (Record Section 3.3.6) conducted in support of this proposal predicted sediment yield and BMP effectiveness based on a 24-hour, 10-year storm event. Under the proposed requirements, the coal mine operator would have to design and construct sediment controls that are adequate for high precipitation events rather than meeting the existing alternative limitations during these events. Sediment control measures under BMP plans would be designed to control annual sediment yield, not only the 10-year, 24-hour storm. This would result in retaining more soil on the slopes, rather than collecting it in a sedimentation pond. At the same time, sediment control measures under BMP plans would no longer allow the exemptions provided during high intensity flows exceeding a 10-year, 24-hour storm event in which only pH

limits apply under the current regulations (434.63(a)(2)).

The Western Coal Mining Work Group has suggested that EPA consider applying the new subcategory to all non-process water. Non-process water would include runoff from pre-stripping areas (i.e., development areas where brushing, topsoil salvage, and other types of general construction earthwork are being conducted). EPA has considered including non-process water from other areas, but does not believe there is sufficient data to expand the applicability of the proposed Western Alkaline Coal Mining Subcategory at this time. EPA solicits comment on the appropriateness of expanding the applicability of this proposed subcategory to include the control of non-process water from other coal mining related areas.

EPA expects that, in general, the sediment control plan will largely consist of materials generated as part of the SMCRA permit application. The SMCRA permit application process requires a coal mining operator to submit an extensive reclamation plan, documentation, and analysis to OSM or the permitting authority for approval. The requirements of the reclamation plan are specified in 30 CFR 780.18 *Reclamation plan: General requirements.*

In brief summary, some of the OSM requirements that also directly relate to this proposal include requirements for coal mining operators to provide: A description of coal mining operations; a plan for regrading mined lands; a plan for revegetating mined lands; a description of baseline ground water and surface water characteristics; and an analysis of the hydrologic and geologic impacts caused by the reclamation activity.

Specifically, the plan requires a ''probable hydrologic consequences (PHC) determination.'' 30 CFR 780.21 (f)(3) states:

The PHC determination shall include findings on: (i) Whether adverse impacts may occur to the hydrologic balance; (ii) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies; (iii) Whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial or other legitimate purpose; and (iv) What impact the proposed operation will have on: (A) Sediment yields from the disturbed area; (B) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact; (C) flooding or streamflow alteration; (D) ground water and surface water availability; and (E) other characteristics as required by the regulatory authority.

Additional OSM requirements relevant to the proposed sediment control plan are given in Section 780.2 (h) ''Hydrologic reclamation plan.''

The application shall include a plan, with maps and descriptions, indicating how the relevant requirements of part 816, including Secs. 816.41 to 816.43, will be met. The plan shall be specific to the local hydrologic conditions. It shall contain the steps to be taken during mining and reclamation through bond release to minimize disturbances to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; to meet applicable Federal and State water quality laws and regulations; and to protect the rights of present water users. The plan shall include the measures to be taken to: Avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water-treatment facilities when needed; control drainage; restore approximate premining recharge capacity and protect or replace rights of present water users. The plan shall specifically address any potential adverse hydrologic consequences identified in the PHC determination prepared under paragraph (f) of this section and shall include preventive and remedial measures.

Based on these requirements, EPA believes that plans developed to comply with SMCRA requirements will usually fulfill the requirements proposed by EPA for sediment control plans. The requirement to use modeling techniques also is consistent with OSM reclamation plans, and mining facilities already submit a watershed model as part of their SMCRA reclamation plan. EPA believes modeling is particularly valuable in arid and semiarid areas where the infrequency of precipitation makes it difficult to gather data. While EPA is not proposing to require that operators use a specific model, the operator would have to use the same model as was, or will be, used to acquire the SMCRA permit. This would ensure that the model used will be consistent with OSM requirements and reclamation plans. While EPA is proposing that an appropriate sediment control plan will depend on the sediment yield calculation, these models also typically calculate additional parameters for undisturbed areas and reclamation areas for expected storm events including: total runoff volume, peak sediment yield, peak sediment concentration, average annual sediment yield and average annual peak water discharge. A guidance manual entitled ''Guidelines for the Use of the Revised Universal Soil Loss Equation (RUSLE) Version 1.06 on Mined Lands, Construction Sites, and Reclaimed Lands'' published in August, 1998 describes the use of RUSLE for watershed modeling. Additionally, SEDCAD™ 4.0 is a widely accepted model for predicting BMP performance and is currently being used by many mine sites. NMA describes use of RUSLE 1.06 and SEDCAD 4.0 models in the Mine Modeling and Performance Cost-Benefit Analysis (Record Section 3.3.6) to determine the costs and loadings for a representative model mine associated with this proposed subcategory.

EPA is proposing to define the term ''sediment yield'' to mean the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope. This definition is consistent with the definition established for the RUSLE modeling program. EPA solicits comment on this definition of sediment yield and on the appropriateness of using this parameter as the basis for determining sediment loadings.

EPA is soliciting comment on establishing non-numeric effluent limits in the form of a requirement to develop and implement a BMP-based sediment control plan rather than setting numeric effluent limitations.

1. BPT for the Western Alkaline Coal Mining Subcategory

EPA today proposes BPT effluent limitations for the Western Alkaline Coal Mining Subcategory to control sediment discharge from reclamation areas. For further information on the basis for the limitations and technologies selected see the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory.

As previously described in Section II, section 304(b)(1)(A) of the CWA requires EPA to identify effluent reductions attainable through the application of ''best practicable control technology currently available for classes and categories of point sources.'' Generally, EPA determines BPT effluent levels based upon the average of the best existing performance by facilities of various sizes, ages, and unit processes within each industrial category or subcategory. In establishing BPT, EPA considers the cost of achieving pollution reductions in relation to the pollution reduction benefits, the age of equipment and facilities, the processes employed, process changes required, engineering aspects of the control technologies, non-water quality environmental impacts,

and other factors the Administrator deems appropriate.

EPA is proposing that BPT for the Western Coal Mining Subcategory consist of designing and implementing BMPs to maintain the average annual sediment yield equal to or below pre-mined, undisturbed conditions. EPA is proposing this new subcategory primarily because of the negative non-water quality environmental impacts created by the current requirements.

Current requirements for reclamation areas (40 CFR part 434, subpart E) establish BPT, BAT, and NSPS based on the use of sedimentation pond technology, and set effluent limitations for settleable solids and pH. The existing guidelines apply to all reclamation areas throughout the United States, regardless of climate, topography, or type of mine drainage (i.e., acid or alkaline).

Existing effluent limitation guidelines establish relatively stringent controls on the amount of settleable solids that can be discharged into waterways from reclamation areas. Although sedimentation ponds are proven to be effective at reducing sediment discharge, EPA believes that there are numerous non-water quality impacts that may harm the environment when sedimentation ponds are required to meet current effluent limits. The negative non-water quality impacts associated with existing regulations include: disturbing the natural hydrologic balance of arid western drainage areas; accelerating erosion; reducing groundwater recharge; reducing water availability; and impacting large areas of land for pond construction. A further discussion of these impacts can be found in Sections IV and IX of this document.

EPA believes that the current requirements are not appropriate for arid and semiarid western reclamation areas because of the negative non-water quality impacts associated with the predominant use of sedimentation ponds, as discussed above. The appropriate goal for reclamation and discharges from post-mined lands should be to mimic the natural conditions of the area that were present prior to mining activities. In order to do this, it is necessary to maintain the hydrologic balance and sediment loadings of natural, undisturbed conditions on post-mined lands. EPA believes that use of BMPs to control sediment discharges is the only effective alternative control technology to sedimentation ponds. Therefore, EPA is proposing that BPT consist of designing and implementing BMPs projected to maintain the average annual sediment yield equal to or below pre-mined, undisturbed conditions. This would ensure that natural conditions are maintained. In order to achieve these results, EPA would require that the coal mining operator develop a sediment control plan and run models. Requirements are further described in the proposed regulatory text.

As discussed in Section X of this document, EPA estimates that today's proposal will result in a net cost savings to all affected surface mine operators, and will be at worst cost-neutral for affected underground operators (although EPA believes that most will also incur cost savings). Therefore, implementing these standards will result in no facility closures or negative economic impact to the industry. EPA projects that the proposed subcategory will result in annualized monetized benefits of $43,000 to $769,000.

2. BCT for the Western Alkaline Coal Mining Subcategory

In today's proposal, EPA is not proposing effluent limitations for any conventional pollutant and hence need not propose to establish BCT limitations for this subcategory at this time.

3. BAT for the Western Alkaline Coal Mining Subcategory

EPA is proposing that BAT be equivalent to BPT for this subcategory to control sediment discharge for reclamation areas. Existing effluent limitations guidelines established BAT based upon sedimentation pond technology. However, as previously noted, non-water quality impacts can occur that may harm the environment when sedimentation ponds are required to comply with current effluent limits for settleable solids. EPA is proposing that BAT consist of designing and implementing BMPs projected to maintain the average annual sediment yield equal to or below pre-mined, undisturbed conditions, which is equivalent to proposed BPT.

EPA has not identified any more stringent treatment technology that could represent BAT level of control for maintaining discharge levels of settleable solids consistent with natural, undisturbed conditions on post-mined land in the arid west. EPA is therefore proposing that BAT standards be established equivalent to BPT. Further, as discussed in Section X of this document, EPA estimates that today's proposal will result in a net cost savings to all affected surface mine operators, and will be at worst cost-neutral for affected underground operators. Therefore, implementing BAT standards will result in no facility closures or negative economic impact to the industry.

4. NSPS for the Western Alkaline Coal Mining Subcategory

As discussed for BAT, EPA has not identified any more stringent treatment technology option that it considers to represent NSPS level of control for discharges from post-mined land. Further, EPA estimates that today's proposal will result in a net cost savings to all affected surface mine operators, and will be at worst cost-neutral to affected underground operators. Therefore, implementing of NSPS standards will result in no barrier to entry based upon the establishment of this level of control for new sources. EPA is therefore proposing that NSPS standards be established equivalent to BAT.

VII. Statistical and Monitoring Procedures for the Coal Remining Subcategory

A. Statistical Procedures for the Coal Remining Subcategory

EPA's proposed statistical procedures are presented in Appendix B of the proposed regulation and described in detail in the Coal Remining Statistical Support Document. These procedures apply to the Coal Remining Subcategory.

The objective of these statistical procedures is to provide a method for deciding when the pollutant levels of a discharge exceed baseline pollutant levels. These procedures are intended to provide a good chance of detecting a substantial, continuing state of exceedance, while reducing the likelihood of a ''false alarm.'' To do this, it is essential to a have an adequate duration and frequency of sample collection to determine baseline and to determine compliance.

In developing these procedures, EPA considered the statistical distribution and characteristics of discharge loadings from pre-existing discharges, the suitability of parametric and non-parametric statistical procedures for such data, the number of samples required for these procedures to perform adequately and reliably, and the balance between false positive and false negative decision error rates. EPA also considered the cost involved with sample collection as well as delays in permit approval during the establishment of baseline, and is concerned that increased sampling could potentially discourage remining. In order to sufficiently characterize pollutant levels during baseline determination and during each annual

monitoring period, EPA is requiring that at least one sample result be obtained per month for a period of 12 months.

It is possible that one year of sampling may not accurately characterize baseline levels, because discharge flows can vary among years in response to inter-year variations in rainfall and ground water flow. There is some risk that the particular year chosen to characterize baseline flows and loadings will be a year of atypically high or low flow or loadings. There may be a need to evaluate differences among baseline years in loadings and flows, based on further analysis of data. Using such information, EPA may provide optional statistical procedures in a final rulemaking and in the final version of the Coal Remining Statistical Support Document that could be used to account for the uncertainty in characterizing baseline from a one-year sample duration, or that could be used to account for the unrepresentative character of a baseline sampling year. Such procedures could employ modifications of the proposed statistical procedures that use estimates of the variance among baseline years in loadings, developed from long-term datasets. Such procedures could employ adjustments to the baseline sample statistics to account for a baseline sampling year that was atypical in rainfall or discharge flow; such an adjustment could be a factor (multiplier) or a statistical equation estimated by regression.

The proposed statistical procedures are intended to provide environmental protection and to ensure compliance with the effluent limitation guidelines for BPT, BAT, and BCT. EPA has not yet evaluated quantitatively the error rates of these decision procedures. EPA intends to evaluate the decision error rates of each procedure by computer simulations. EPA solicits comments on the proposed statistical procedures presented in Appendix B of the proposed regulation for calculating limits and warning levels using baseline and post-baseline data: Baseline Determination and Compliance Monitoring for Pre-existing Discharges at Remining Operations. Development of these procedures is described in the Coal Remining Statistical Support Document. In particular, EPA solicits comments on (1) the details of the proposed statistical methodologies, (2) the relative merits of Procedures A and B, (3) the merits of other statistical procedures that commenters may propose, (4) the advantages and disadvantages of the use of accelerated monitoring and decision rules based upon accelerated monitoring, and (5) the effectiveness of the proposed statistical procedures in correctly indicating when baseline conditions have been exceeded and in providing reasonable protection from incorrectly deciding that baseline conditions have been exceeded. Depending upon comments and associated evidence, and depending upon EPA's further evaluations, EPA may modify or reject these procedures, or may change the recommended sample amount, to provide suitable decision error rates.

B. Monitoring To Establish Baseline Conditions and To Demonstrate Compliance for the Coal Remining Subcategory

EPA evaluated the duration and frequency of sampling necessary to apply the proposed statistical procedures. Those procedures are used to compare the levels of baseline loadings to the levels of loadings during remining or the period when the discharge is permitted. Without an adequate duration and frequency of sampling, the statistical procedures would often fail to detect genuine exceedance of baseline conditions.

Based on the considerations described below, EPA is proposing that the smallest acceptable number and frequency of samples is 12 monthly samples, taken consecutively over the course of one year. EPA believes this number represents the absolute minimum.

EPA considered an adequate number of samples per year to be that number that would allow an appropriate statistical procedure to detect a difference, between a baseline year and a remining year, in the mean or median loading, of one standard deviation (determined for the baseline loadings), with a probability (power) of at least 0.75.

The t-test is an appropriate statistical procedure for a yearly comparison because loadings from mine discharges appear to be approximately distributed log-normally, and thus logarithms of loadings are expected to be approximately distributed normally. The (non-parametric) Wilcoxon-Mann-Whitney test is also appropriate for yearly comparisons and has a power nearly equal to that of the t-test when applied to normally distributed data. EPA determined that annual comparisons of baseline to remining years based upon 12 samples in each year were expected to have a power 0.75 to detect a difference of one standard deviation.

An increase of one standard deviation can represent a large increase in loading, given the large variability of flows and loadings observed in mine discharges. The coefficient of variation (CV) is the ratio of standard deviation to mean. Sample CVs for iron loadings range approximately from 0.25 to 4.00, and commonly exceed 1.00. Sample CVs for manganese loadings range approximately from 0.24 to 5.00. When the CV equals 1.00, an increase of the average loading by one standard deviation above baseline implies a doubling of the loading.

The duration, frequency, and seasonal distribution of sampling are important aspects of a sampling plan, and can affect the precision and accuracy of statistical estimates as much as can the number of samples. To avoid systematic bias, sampling, during and after baseline determination, should systematically cover all periods of the year during which substantial discharge flows can be expected.

Unequal sampling of months could bias the baseline mean or median toward high or low loadings by over-sampling of high-flow or low-flow months. However, unequal sampling of different time periods can be accounted for using statistical estimation procedures appropriate to stratified sampling. Stratified seasonal sampling, possibly with unequal sampling of different time periods, is a suitable alternative to regular monthly sampling, provided that correct statistical estimation procedures for stratified sampling are applied to estimate the mean, median, variance, interquartile range, and other quantities used in the proposed statistical procedures.

There may be acceptable alternatives to the proposed minimum duration and frequency of one sample per month for twelve months. EPA has not thoroughly evaluated the merits of alternative sampling plans. Alternative plans could be based upon subdivision of the year into distinct time periods that might be sampled with different intensities, or could be based on other types of stratified sampling plans that attempt to account for seasonal variations. Seasonal stratification has the potential to provide a basis for more precise estimates of baseline characteristics, if the sampling plan is designed and executed correctly and if results are calculated using appropriate statistical estimators.

EPA solicits comments on the requirements for the number of samples to determine and monitor baseline, the sampling duration and frequency, and the plan of sampling over time. In particular, EPA solicits comments on (1) the adequacy of a sampling plan consisting of twelve monthly observations of concentration and flow

to calculate a monthly loading, (2) the advantages and disadvantages of seasonally-stratified sampling or other plans for sampling over time, (3) the adequacy of a baseline characterization based upon one year of sampling and the likelihood and consequences of the baseline year being atypical of long-term baseline conditions, and (4) the effectiveness of the proposed sampling requirements in correctly indicating when baseline conditions have been exceeded and in providing reasonable protection from incorrectly deciding that baseline conditions have been exceeded.

C. Additional Pollutant Parameters in Pre-existing Discharges

Although EPA is proposing to regulate iron, manganese, and pH, which is a subset of the parameters regulated under the current guidelines and which are the parameters addressed by the Rahall Amendment, EPA is considering establishing limitations or monitoring requirements for additional parameters that may also be indicators that a discharge is the result of coal mine operations. Acidity has been selected in Pennsylvania preferentially to pH because a baseline load can be calculated for acidity, whereas pH does not readily lend itself to calculation of load. In addition, pH is a measurement of effective hydrogen ion concentration and does not measure potential hydrogen ions that are generated during neutralization by the hydrolysis of metals such as iron, manganese and aluminum. Typically, the (passive) treatment systems and chemical addition used for acid mine drainage are designed with regards to acidity or net alkalinity (i.e., alkalinity minus acidity) and not pH. EPA is soliciting comments and data regarding the merits of acidity, net alkalinity, and pH as regulated parameters, or as parameters required to be monitored but not regulated.

Many mining operations also routinely monitor sulfate, which, in the temperate climate of the Appalachian Basin, is considered the most stable and reliable indicator of coal mine drainage (Lovell, 1985, The Chemistry of Mine Drainage, and McCurry, 1986, Characterization of Ground Water Contamination Associated with Coal Mines in West Virginia). Under most conditions associated with mining and mine drainage in the Appalachian Region and the Interior Basin, sulfate does not easily leave solution and is a direct indicator of pyrite oxidation (acid mine drainage production). EPA is soliciting comments and data regarding the merits of using sulfate as a parameter for assessment of pollution loading from pre-existing discharges as an unregulated requirement for monitoring.

VIII. Non-Water Quality Environmental Impacts of Proposed Regulations

The elimination or reduction of pollution has the potential to aggravate other environmental problems. Under sections 304(b) and 306 of the CWA, EPA is required to consider these non-water quality environmental impacts (including energy requirements) in developing effluent limitations guidelines and NSPS. In compliance with these provisions, EPA has evaluated the effect of this proposed regulation on air pollution, solid waste, energy requirements, and safety.

Today's proposed rule does not require the implementation of treatment technologies that result in any increase in air emissions, in solid waste generation or in energy consumption over present industry activities.

Non-water quality environmental impacts are a major consideration for this rule because the rule is intended to improve or eliminate a number of existing non-water quality environmental and safety problems. Remining operations have improved or eliminated adverse non-water quality environmental conditions such as abandoned and dangerous highwalls, dangerous spoil piles and embankments, dangerous impoundments, subsidence, mine openings, and clogged streams that pose a threat to health, safety, and the general welfare of people. EPA expects this proposed rule to improve or eliminate these hazardous conditions at abandoned mine sites and believes that remining has the potential to eliminate nearly three million feet of dangerous highwall in the Appalachian and mid-Continent coal regions.

EPA also does not expect this proposed rule to have an adverse impact on health, safety, and the general welfare of people in the arid and semiarid western coal region. The intent of the rule is to allow runoff to flow naturally from disturbed and reclaimed areas. EPA believes this is preferable to retention in sedimentation ponds that is accompanied by periodic releases of runoff containing sediment imbalances potentially disruptive to land stability. Alternate sediment control technologies in these regions address and alleviate adverse non-water quality environmental conditions such as: quickly eroding stream banks, water loss through evaporation, soil and slope instability, and lack of vegetation.

Based on this evaluation, EPA prefers the options proposed under these new subcategories over existing AML conditions in the eastern United States and over the hydrologic imbalances produced by application of current regulations in the western arid United States.

IX. Environmental Benefits Analysis

This section presents EPA's estimates of the environmental benefits that would occur under the proposed regulatory options. EPA's complete benefits assessment can be found in Benefits Assessment of Proposed Effluent Limitations Guidelines and Standards for the Coal Mining Industry: Remining and Western Alkaline Subcategories (hereafter referred to as the ''Benefits Assessment''; Record Section 5.0). A detailed summary is also contained in Economic and Environmental Impact Analysis of Proposed Effluent Limitations Guidelines and Standards for the Coal Mining Industry: Remining and Western Alkaline Subcategories (hereafter referred to as the ''EA'').

A. Coal Remining Subcategory

The water quality improvements associated with the proposed rule for remining depend on (1) changes in annual permitting rates for remining; (2) characteristics of sites selected for remining; and (3) the type and magnitude of the environmental improvements expected from remining. The subcategory is designed to standardize and facilitate the remining permitting process to increase future permitting rates. Remining permits in Pennsylvania increased by an estimated factor of three to eight following State implementation of a regulation that is similar to today's proposed remining rule. EPA believes that implementing today's proposed rule is likely to have a similar effect on other States with remineable coal reserves and similar acid mine drainage problems. The type and magnitude of site-specific water quality improvements under the proposed rule are not expected to be dramatically different than those that have occurred under existing requirements in Pennsylvania.

Of approximately 9,500 miles of acid mine drainage impacted streams in States where coal mining has previously occurred (Record Section 3.2.2), EPA estimates that 2,900 to 4,800 miles may be improved by remining, with a predicted 1,100 to 2,100 miles improved significantly. Based on the range of expected stream mile improvements per 1,000 acres of Abandoned Mine Land (AML) reclaimed (one to six) and an average of 38 acres of AML reclamation per permit, EPA estimates

approximately 0.04 to 0.2 miles of stream improvement per remining project. EPA estimates that AML sites affected by the proposed rule have an average of 70 highwall feet per acre. EPA also estimates that an additional 216,000 to 307,000 feet of highwall (41 to 58 miles) will be targeted for removal each year as a result of the proposed rule. EPA solicits comments on additional or alternative sources of data for estimating the extent of AML affected by the proposed rule.

EPA assessed the potential impacts of remining BMPs on water quality using pollutant loadings data from pre-existing discharges at 13 mines included in EPA's Coal Remining Database (Record Section 3.5.1). Approximately 58 percent of the post-baseline observations showed a decrease in mean pollutant loadings. Approximately half of these sites (27 percent of the post-baseline observations) showed a statistically significant decrease in loadings. The 13 mines examined by EPA are active remining operations; decreases in pollutant loads are expected to become more significant with time. In comparison, Pennsylvania's Remining Site Study of 112 closed remining sites (Record Section 3.5.3) found significant decreases or elimination of loadings for acidity, total iron and total manganese in 44 percent, 42 percent, and 41 percent respectively, of the pre-existing discharges monitored. The Pennsylvania Remining Site Study focused on sites reclaimed to at least Stage II bond release standards, so that the mitigating impacts of BMPs had ample time to take effect. EPA solicits comments on alternative or additional data sources for assessing the impacts of remining BMPs.

Remining generates human health benefits by reducing the risk of injury at AML sites and reducing discharge of acid mine drainage to waterways that are drinking water sources. However, the human health benefits associated with consumption of water and organisms are not likely to be significant because (1) acid mine drainage constituents are not bioaccumulative, and adverse health effects associated with fish consumption are therefore not expected; and (2) public drinking water sources are treated for most acid mine drainage constituents associated with adverse health effects. Eliminating safety hazards by closing abandoned mine openings, regrading highwalls, stabilizing unstable spoils, and removing hazardous waterbodies potentially prevents injuries and saves lives.

EPA evaluated the potential impacts to human and aquatic life by comparing the number of water quality criteria exceedances in receiving water bodies in the baseline (pre-remining) and post-baseline sampling periods for 11 remining sites in the Coal Remining Database for which relevant data exist. Exceedances of the human health criterion for pH (water plus organism consumption, field pH) were eliminated at two sites while exceedances of chronic aquatic life criteria were eliminated for pH (field pH) at two sites and iron at two sites. Exceedances of the acute aquatic life criterion for manganese were eliminated at two sites. Although surface water quality data examined indicate changes in the number of water quality exceedances due to remining, nine of the 11 sites consist of active remining operations where the full environmental impacts of BMPs have yet to be realized. Correlations between pre-existing discharge loads and pollutant concentrations in receiving water can be used to determine the extent to which remining BMPs are responsible for changes in surface water quality. However, the lack of sufficient data on relevant sources of acid mine drainage upstream from pre-existing discharges at the selected mine sites made it difficult to estimate these correlations.

Remining and the associated reclamation of AML is expected to generate ecological and recreational benefits by (1) improving terrestrial wildlife habitat, (2) reducing pollutant concentrations below levels that adversely affect aquatic biota, and (3) improving the aesthetic quality of land and water resources. EPA was able to quantify and monetize some of the benefits expected from increased remining using a benefits transfer approach. The benefits transfer approach relies on information from existing benefit studies applicable to assessing the benefits of improved environmental conditions at remining sites. Benefits are estimated by multiplying relevant values from the literature by the additional acreage reclaimed under the remining subcategory.

EPA used the following assumptions to estimate annual benefit values for ecological improvements: (1) 3,100 to 4,400 acres will be permitted for reclamation under the proposed subcategory; (2) 57 percent of the acres permitted will actually be reclaimed (1,800 to 2,500 acres) ; (3) 38 percent to 44 percent of acres reclaimed per year are expected to be associated with significant decreases in AMD pollutant loads to surface water bodies; and (4) annualized benefits from remining begin to occur five years after permit issuance and are calculated for a five year period. EPA assumed that 57 percent of the acres permitted would actually be reclaimed based on a study of 105 remining permits in Pennsylvania (Hawkins, 1995, Characterization and Effectiveness of Remining Abandoned Coal Mines in Pennsylvania). The study found that on average, a remining site had 67 AML acres, of which 38 acres (or 57 percent), were actually reclaimed. The assumption that 38 to 44 percent of acres reclaimed would be associated with significant decreases in AMD pollutant loads was based on the results of Pennsylvania's study of 112 closed remining sites, which showed significant decreases in loads of acidity (44 percent), manganese (41 percent), iron (42 percent), and aluminum (38 percent) of the associated pre-existing discharges. A detailed explanation of all assumptions is provided in the Benefits Assessment document.

EPA estimated water-related ecological benefits using the benefits transfer approach with values taken from a benefit-cost study of surface mine reclamation in central Appalachia by Randall et al. (1978, Reclaiming Coal Surface Mines in Central Appalachia: A Case Study of the Benefits and Costs). EPA's analysis is based on two values from the study: (1) Degradation of life-support systems for aquatic and terrestrial wildlife and recreation resources, valued at $37 per acre per year (1998$); and (2) aesthetic damages, valued at $140 per acre per year (1998$). EPA estimated nonuse benefits using a widely accepted approach developed by Fisher and Raucher (1984, Intrinsic Benefits of Improved Water Quality: Conceptual and Empirical Perspectives), where nonuse benefits are estimated as one-half of the estimated water-related recreational use benefits. The estimated water-related benefits range from $0.53 to $0.89 million per year.

Reclaiming the surface area at AML sites will enhance the sites' appearance and improve wildlife habitats, positively affecting populations of various wildlife species, including game birds. This is likely to have a positive effect on wildlife-oriented recreation, including hunting and wildlife viewing. EPA estimated land-related ecological benefits using the benefits transfer approach with values taken from a study of improved opportunities for hunting and wildlife viewing resulting from open space preservation by Feather et al. (1999, Economic Valuation of Environmental Benefits and the Targeting Conservation Programs). EPA's analysis is based on two values from the study: (1) The average wildlife viewing value, $21 per acre per year;

and (2) the improved pheasant hunting value, $7 per acre per year. Based on an aggregate value of $28 per acre per year, EPA estimates land-related benefits of $0.20 to $0.29 million per year.

The sum of the estimated monetary values of the different benefit categories results in total annual benefits of $0.73 to $1.17 million from implementing the proposed remining subcategory. This estimate does not include benefit categories that EPA was unable to quantify and/or monetize, which include human health and safety impacts. A more detailed discussion of the benefits analysis is contained in both the EA and the Benefits Assessment.

B. Western Alkaline Coal Mining Subcategory

Only a small percentage of potentially affected western coal mines discharge to permanent or perennial water bodies. Information about receiving waters is available for 39 of the existing western surface coal mines, and 30 of these discharge to intermittent or ephemeral creeks, washes, or arroyos. Only two of the mines list a permanent water drainage feature as the primary receiving water. It is therefore difficult to describe the benefits of the Western subcategory in terms of the use designations referenced in the section 101(a) goals of the Clean Water Act.

The environmental conditions and naturally high sediment yields in arid and semiarid coal regions are discussed in Section IV. The potential impacts of the predominant use of sedimentation ponds to control settleable solids in these regions include reduced sediment loads to natural drainage features, reduced downstream flood peaks and runoff volumes, and downstream channel bed and bank changes. The environmental and water quality effects of these hydrologic impacts include: (1) Reducing ground water recharge, (2) shrinking biological communities consisting of and reliant upon riparian and hydrophytic vegetation, (3) degrading downstream channel beds from ''clean'' water releases, and (4) accelerating erosion.

Site-specific alternative sediment control plans incorporating BMPs designed and implemented to control sediment and erosion have the potential to provide both land and water-related benefits. Land-related benefits include decreased surface area disturbance, increased soil conservation, and improved vegetation. Surface disturbance is estimated to decrease by approximately 1,700 acres per year across all existing potentially affected surface mine sites in the western region. Vegetative cover may increase by five percent when BMPs are used.

EPA was only able to monetize land-related benefits associated with decreased surface area disturbance. Hunting benefits from increased availability of undisturbed open space were estimated to be between $0.37 and $2.46 per acre per year based on Feather et al. (1999) and Scott et al. (1998). Annual land-related benefits of the proposed subcategory range from $5,500 to $36,500 per year, based on the value of enhanced hunting opportunities. However, this estimate does not account for a number of benefit categories, including nonuse ecological benefits that may account for the major portion of land-related benefits in relatively unpopulated areas such as those affected by the proposed rule.

Water-related benefits include improved hydrologic and fluvial stability in the watersheds affected by western mining operations. These benefits will be site-specific and depend upon the nature of environmental quality changes; the current in-stream water uses, if any, and; the population expected to benefit from increased water quantity. EPA estimated water-related benefits using the estimated mean ''willingness to pay'' (WTP) values for preservation of perennial stream flows adequate to support abundant stream side plants, animals and fish from Crandall et al. (1992, Valuing Riparian Areas: A Southwestern Case Study). The WTP value is applied to water-based recreation consumers residing in counties affected by western mining operations discharging to, or affecting, water bodies with perennial flow. EPA identified seven perennial streams located in six counties that are likely to be affected by the proposed rule. The estimated monetary value of recreational water-related benefits for these streams ranges from $25,000 to $488,000. As noted above, EPA estimates that nonuse benefits are equal to one-half of the water-related recreational benefits, or $12,500 to $244,000 per year.

Total estimated annualized benefits from implementing the proposed subcategory range from $43,000 to $768,500. This estimate does not include benefit categories that EPA was unable to quantify and/or monetize, which include increased vegetative cover and some additional recreational and non-use benefits associated with western alkaline coal mine reclamation areas. A more detailed discussion of the benefits analysis is contained in both the EA and the Benefits Assessment.

X. Economic Analysis

A. Introduction, Overview, and Sources of Data

This section presents EPA's estimates of the economic impacts that would occur under the proposed regulatory options. The economic impacts are evaluated for each subcategory for BPT, BCT, BAT, and NSPS as applicable. The description of each proposed option and the rationale for selection are given in Section VI of today's document. EPA's detailed economic impact assessment can be found in Economic and Environmental Impact Analysis of Proposed Effluent Limitations Guidelines and Standards for the Coal Mining Industry: Remining and Western Alkaline Subcategories (referred to as the ''EA''). EPA also prepared the Coal Remining and Western Alkaline Mining: Economic and Environmental Profile (Record Section 5.0) in support of today's proposal.

This section of today's document describes the segment of the coal industry that would be impacted by the rule (i.e., the number of firms and number of mines that would incur costs or realize savings under the proposed rule), the financial condition of the potentially affected firms, the aggregate cost or cost savings to that segment, and economic impacts attributed to the proposed rule. The section also discusses impacts on small entities and presents a cost-benefit analysis. This discussion will form the basis for EPA's findings on regulatory flexibility, presented in Section XI.B. All costs are reported in 1998 dollars unless otherwise noted. As described in Section V of this document, EPA developed this proposal using an expedited rulemaking procedure. Therefore, EPA's economic analysis relied on industry profile information voluntarily provided by stakeholders, on data compiled from individual mining permits, and on data from publicly available sources. For the Coal Remining Subcategory, EPA obtained information on abandoned mine lands from the Abandoned Mine Lands Information System (AMLIS) maintained by the Office of Surface Mining (Record Section 3.5.2), the National Abandoned Lands Inventory System (NALIS) database maintained by the Pennsylvania Department of Environmental Protection (Record Section 3.5.5), and a survey of states conducted by the Interstate Mining Compact Commission (Record Section 3.2.2). For Western Alkaline mines, EPA relied on industry profile data developed and submitted to EPA by the Western Coal Mining Work Group as

described in Section V. Specifically, the work group provided data on: coal mine operator, mine location, annual production, reclamation permit numbers, acres of land reclaimed, and reclamation bond amounts. This information is included in Section 3.3 of the Record.

Data on the coal industry as a whole, including coal production, employment, and prices, as well as information on individual western alkaline underground mines, were obtained from various Energy Information Administration (EIA) sources, including the 1997 Coal Industry Annual, the 1998 Annual Energy Outlook, and the 1992 Census of Mineral Industries. EPA used the Security and Exchange Commission's (SEC's) Edgar database, which provides access to various filings by publicly held firms, such as 8Ks and 10Ks, for financial data and information on corporate structures. EPA also used a database maintained by Dun & Bradstreet, which provides estimates of employment and revenue for many privately held firms, and obtained industry financial performance data from Leo Troy's Almanac of Business and Industrial Financial Ratios.

B. Method for Estimating Compliance Costs

The costs and savings of today's proposal are associated with modeling requirements, BMP implementation, baseline monitoring, and performance monitoring. For each option and geographic area, EPA estimated economic baseline conditions based on existing State and Federal regulations and current industry practices. For remining, EPA assumed as economic baseline conditions remining under a Rahall permit, pursuant to section 301(p), rather than comparing to compliance with current Part 434 regulations. Following this, EPA estimated the incremental compliance costs for each option proposed.

1. Coal Remining Subcategory

EPA projected costs for each remining site by calculating the cost of increased monitoring requirements for determining baseline, the cost of potential increases in compliance monitoring requirements, and the potential costs associated with implementing the required pollution abatement plan. To assess the increased monitoring requirements of the proposal, EPA evaluated current State requirements for operations permitted under the Rahall provision and calculated the proposed monitoring costs that exceed the current State requirements. Current State sample collection requirements for determining and monitoring baseline are included in the Record at Section 3.4.

Although EPA estimated that the Remining Subcategory would be applicable to 64 to 91 remining sites and 3,810 to 5,400 acres annually, EPA projects that fewer sites would realize costs or benefits from this proposal. As noted throughout this proposal, the Commonwealth of Pennsylvania has an advanced remining program and EPA does not believe that the proposal will have a measurable impact on Pennsylvania's remining activities. Therefore, EPA did not include Pennsylvania's remining sites in the estimation of costs or benefits. EPA's cost and benefit analysis were calculated for a total of 43 to 61 sites representing 3,100 to 4,400 permitted acres each year. EPA estimates that approximately 1,800 to 2,500 of these acres would actually be reclaimed each year. Table X. B.1 shows the various estimates EPA used in the estimation of costs and benefits.

TABLE X. B.1.—ANNUAL ESTIMATES OF AFFECTED REMINING SITES USED IN THE ECONOMIC ANALYSES

Additional sites permitted	Number of sites	Acres	Used in analysis of:
All types, all states (initial estimate)	64–91	3,812–5,401	
All types, excluding PA	43–61	3,111–4,407	Monitoring costs for selected states; NPDES permitting authority costs.
10% of surface & under-ground sites only (no coal refuse piles), excluding PA.	3.9–5.6	309–438	Costs of additional BMPs.
Additional acres reclaimed: (57% of acres permitted, all types excluding PA).		1,773–2,512	Benefits from recreational use of reclaimed land.
Additional acres reclaimed expected to have significant decreases in AMD pollutant loads (37.6–44.4% of additional reclaimed acres).		667–1,115	Benefits from recreational use of improved water bodies; Aesthetic improvements in water bodies; Non-use benefits.

2. Western Alkaline Coal Mining Subcategory

The proposed subcategory will include alkaline drainage from reclamation areas at surface and underground coal mines located west of the 100th meridian in arid or semiarid environments with average annual precipitation of 26 inches or less. EPA's Coal Remining and Western Alkaline Mining: Economic and Environmental Profile provides profile information on the 47 surface coal mines and 24 underground coal mines EPA initially believed to be in the scope of the proposed subcategory. However, EPA determined that one of the surface mines profiled was already in the final reclamation stage and would not be affected by today's proposal; hence only the remaining 46 surface mines were included in the analyses of costs and benefits.

The only incremental cost attributed to the proposed subcategory is associated with the watershed modeling requirements discussed in Section VI. Information provided by OSM (Record Section 7.2) indicates that most coal mine operators already perform modeling (to support their SMCRA permit applications) that is sufficient to meet today's proposed requirements. The information also indicates that a typical underground operator would not incur any additional modeling costs as a result of today's proposed rule due to the small acreage and lack of complexity associated with surface reclamation areas at underground mines.

Although EPA believes that compliance with the proposed rule would result in operational savings for both surface mine operators and many underground producers, EPA did not estimate the savings for underground producers due to data limitations. The industry profile submitted by the Western Coal Mining Work Group did not provide information on disturbance acreage, mine life, or bond amounts for the underground mines, and the model mine analysis addressed conditions typical of surface mines rather than underground mines. It was therefore not possible to estimate cost savings associated with the proposed

subcategory for reclamation of surface areas at underground mines. However, any savings are likely to be small given the limited acreage and lack of complexity associated with these reclamation areas. Hence, EPA assumes that today's proposal would be cost-neutral for underground operators. EPA solicits any data or comments regarding these assumptions. The remainder of this section considers only the 46 active existing surface mines in its discussion.

C. Costs and Cost Savings of the Regulatory Options

1. Coal Remining Subcategory

Under the proposed rule, EPA is requiring that operators conduct one year of monthly sampling to characterize the baseline pollutant levels for pH, iron (total), and manganese (total). Although most states with remining activities have similar requirements, remining sites in Alabama and Kentucky will be required to add six samples annually. EPA did not have data for Illinois, Indiana, or Tennessee because the remining operations that occur in these States do not incorporate Rahall provisions for pre-existing discharges. EPA has conservatively assumed monitoring costs for 12 additional samples annually for these states. Information representing current State sampling requirements is included in the Record at Section 5.

Although EPA is not requiring a specific monitoring frequency to demonstrate compliance, EPA has assumed monthly compliance monitoring for costing purposes. Most states already have similar requirements, with the exception of Ohio, which currently requires quarterly modeling. Again, EPA did not have data for Illinois, Indiana, or Tennessee because these states do not incorporate Rahall provisions in their remining permits. For these states, EPA has conservatively assumed that an additional 12 compliance monitoring samples per year would be required for five years.

Because each remining site will typically have more than one pre-existing discharge, EPA reviewed Pennsylvania remining sites to estimate the average number of pre-existing discharges per site. EPA used this calculated average of four pre-existing discharges per site for estimating baseline determination and compliance monitoring costs (Record Section 3.3.1). Additionally, EPA assumed that remining operators would have to purchase and install flow weirs to comply with the baseline monitoring requirements in the States that do not incorporate Rahall provisions in their remining permits. These assumptions result in an upper bound estimate of additional monitoring costs for the 43 to 61 potentially affected sites per year.

EPA estimates the total annual incremental monitoring costs to be in the range of $133,500 to $193,500. Of this, between $83,000 and $120,000 is associated with incremental baseline monitoring requirements and between $50,500 and $73,500 results from incremental compliance monitoring during the five year mining period. Detailed assumptions and calculations are presented in the EA.

In addition to monitoring, remining operators must develop and implement a site-specific pollution abatement plan for each remining site. In many cases, EPA believes that the requirements for the pollution abatement plan will be satisfied by an approved SMCRA plan. However, EPA recognizes that some operators may be required to implement additional or more intensive BMPs under the proposed rule beyond what is included in a SMCRA-approved pollution abatement plan.

EPA developed a general estimate of the potential costs of additional BMPs based on review of the existing remining permits contained in the Coal Remining Database (Record Section 3.5.1), and on information provided in the Coal Remining BMP Guidance Manual. EPA determined that the most likely additional BMP that NPDES permit writers might require would be a one-time increase in the amount of alkaline material used as a soil amendment to prevent the formation of acid mine drainage. EPA assumed that an average mine facility requiring additional BMPs would need to increase its alkaline addition by a rate of 50 to 100 tons per acre to meet the additional NPDES permit review requirements. EPA estimated an average cost for alkaline addition of $12.90/ton, and assumed that 10 percent of surface and underground remining sites would be required to incur these additional BMP costs. Because the typical BMP for coal refuse piles is simply removal of the pile, no incremental BMP costs would be incurred for these sites. Based on EPA's estimate that between 309 and 438 acres could be required to implement additional or more intensive BMPs each year, the estimated annual cost of additional BMP requirements would range from $199,500 to $565,000.

Based on the above assumptions, the total estimated incremental costs associated with the proposed rule range from $333,000 to $758,500 per year. These costs are based on EPA's estimates of what is likely to happen in the future, and they would be incurred by new remining operations. Table X. C.1 summarizes the incremental costs associated with the proposed subcategory.

TABLE X. C.1.—ANNUAL COSTS FOR THE REMINING SUBCATEGORY

Monitoring Costs	$133,500–$193,500
Additional BMPs	$199,500–565,000
Total Compliance Costs	$333,000–758,500

2. Western Alkaline Coal Mining Subcategory

The cost impacts of the proposed subcategory will vary, depending on site-specific conditions at each eligible coal mine. However, based on data and information gathered to date, EPA believes that the costs of reclamation under today's proposal will be less than or equal to reclamation costs under the existing effluent guidelines for each individual operator, and thus to the subcategory as a whole.

EPA expects that, in general, the sediment control plan will largely consist of materials generated as part of the SMCRA permit application. The SMCRA permit application process requires that a coal mining operator submit an extensive reclamation plan, documentation and analysis to OSM or the permitting authority for approval. Based on these requirements, EPA believes that plans developed to comply with SMCRA requirements will usually fulfill the requirements proposed by EPA for sediment control plans.

EPA believes that the only incremental cost attributed to the proposed subcategory is associated with the watershed modeling requirements discussed in Section VI of today's document. The requirement to use modeling techniques is also consistent with OSM reclamation plans. While

OSM does not specifically require modeling, most coal mine operators already perform watershed modeling to support their SMCRA permit applications that is sufficient to meet today's proposed requirements. However, some incremental costs may occur in cases where the rule increases model complexity. Information provided by OSM indicates that a typical surface mine operator may incur a one-time additional cost of zero to $50,000 to meet the modeling requirements in today's proposal. These figures represent the additional modeling effort attributed to today's proposed requirements; they do not represent the total cost associated with watershed modeling. Although most sites would not incur additional modeling costs, EPA conservatively assumes that all 46 existing surface operators would incur additional modeling costs of $50,000. This assumption results in a total cost estimate of $327,500 on an annualized basis. These costs would be offset by cost savings discussed below.

EPA projects that cost savings for this subcategory would result from lower capital and operating costs associated with implementing the proposed BMP plans, and from an expected reduction in the reclamation bonding period. The cost savings for controls based on BMPs were calculated for a representative model mine and were submitted by the Western Coal Mining Work Group. The cost model is discussed in detail in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory and is included in the Record at Section 3.3.2. The cost estimates of the model mine relied on data taken from case study mine permit applications, mine records, technical resources and industry experience. The study estimated capital costs (design, construction and removal of ponds and BMPs) and operating costs (inspection, maintenance, and operation) over the anticipated bonding period.

Cost savings for reclamation at existing surface mines were calculated by extrapolating the cost savings from the model mine. The present value of savings over a 10-year period for the model mine was calculated to be $672,000 (annualized at seven percent) or $1,764 saving per acre. EPA used the projected disturbance acreage divided by the remaining mine life to estimate the annual acres reclaimed at each existing mine site. This information was available for 26 mines and totaled 9,880 acres per year, or an average of 380 annual acres per mine. EPA assumed that the remaining 20 mines with incomplete data would each reclaim the average 380 acres per year, resulting in a total of 17,480 acres. Based on an average savings of $1,764 per acre, EPA projects that the proposed subcategory will result in annual savings of $30.8 million. EPA solicits comment on this approach for estimating reclamation cost savings.

EPA has also calculated cost savings that may result from earlier Phase II bond release. The OSM hydrology requirements to release performance bonds at Phase II at 30 CFR part 800.40(c)(1), requires compliance with the existing 0.5 ml/L effluent standard. The Western Coal Mining Work Group, in its draft Mine Modeling and Performance Cost Report (Record Section 3.3.2) estimates that the typical post-mining Phase II bonding period can be ten years or more under the current effluent guidelines. Reclamation areas must achieve considerable maturity before they are capable of meeting the existing standard. The BMP-based approach in today's proposal uses the inspection of BMP design, construction, operation and maintenance to demonstrate compliance instead of the current sampling and analysis of surface water drainage for reclamation success evaluations. The report estimates that the BMP-based approach would reduce the time it takes reclaimed lands to qualify for Phase II bond release to about five years.

EPA used the following assumptions to estimate cost savings due to earlier Phase II bond release: (1) a Post-mining Phase II bonding period of ten years under the current effluent guidelines and five years under the proposed subcategory; (2) twenty-five percent of the reported bond amount would be released at the end of Phase II; and (3) surety bonds were used, with annual fees between $3.75 and $5.50 per thousand. Twenty-six mines provided information necessary to calculate associated bond savings. The total estimated savings for these mines range from $197,000 to $289,000 when annualized at seven percent over the five year permit period. EPA assumes that the remaining 20 mines for which savings could not be calculated would achieve the average savings per mine ($7,600 to $11,100) resulting in total annualized savings between $349,000 and $511,500. Detailed assumptions and calculations are contained in the EA.

The estimated net savings in compliance costs associated with the proposed subcategory, considering additional modeling costs and the savings to mining operations in sediment control and bonding costs, is estimated to be approximately $31 million, as shown in Table X. C.2.

TABLE X. C.2.—ANNUAL COSTS AND COST SAVINGS FOR THE WESTERN ALKALINE SUBCATEGORY

[Discounted at 7%]

Incremental Modeling Costs	$327,500
Sediment Control Costs (Savings)	($30,835,000)
Earlier Phase 2 Bond Release (Savings)	($349,000–$511,500)
Total Compliance Costs (Savings)	($30,857,000–$31,019,000)

D. Economic Impacts of Proposed Options

1. Economic Impacts of Proposed Coal Remining Subcategory

As discussed in Section VI, EPA is proposing BPT, BCT, and BAT that have an equivalent technical basis and is not proposing NSPS limitations for the Remining Subcategory. EPA believes that the proposed option will not impact existing remining permits. For new permits, remining operators will have the ability to choose among potential remining sites, and will only select sites that they believe are economically achievable to remine. Furthermore, any additional BMPs required by the NPDES authority under the proposed rule will be site-specific, with economic achievability considered in making a BPJ determination. The proposed requirements will not create any barriers to entry in coal remining, but instead are specifically designed to encourage new remining operations. Hence, the Agency finds no significant negative impacts to the industry associated with the proposed subcategory.

The implementation of a pollution abatement plan containing BMPs may impose additional costs beyond what is included in a SMCRA-approved

pollution abatement plan. At the same time, the proposed subcategory may increase profits at remining sites by providing an incentive to mine coal from abandoned mine land areas that may have been avoided in the absence of implementing regulations. The proposed subcategory will also affect the relative profitability of remining different types of sites, with the potential to encourage remining of the sites with the worst environmental impacts. An analysis by the Department of Energy (DOE) of potential remining sites estimated an average coal recovery of between 2,300 and 3,300 tons per acre of remined land (1993, Coal Remining: Overview and Analysis). At these coal recovery rates, the estimated steady state annual increase in acres being remined would produce between 7.1 and 14.5 million tons of coal per year. This represents only 1.5 to 3.1 percent of total 1997 Appalachian coal production of 468 million tons. The same DOE report noted that, given the general excess capacity in the coal market, it is likely that coal produced from new remining sites will simply displace coal produced elsewhere, with no net increase in production overall. The proposed remining subcategory is therefore not expected to have a significant impact on overall coal production or prices.

2. Economic Impacts of Proposed Western Alkaline Coal Mining Subcategory

As discussed in Section VI, EPA is proposing BPT, BAT, and NSPS limitations that have an equivalent technical basis for the Western Alkaline Coal Mining Subcategory. EPA concludes that nearly all economic impacts are positive for the proposed option and finds the preferred option to be a cost savings to the industry and thus, economically achievable. Because reclamation costs under today's proposal will be less than or equal to those under the existing effluent guidelines for all individual operators, and thus, to the subcategory as a whole, no facility closures or direct job losses associated with post-compliance closure are expected. However, EPA estimated changes in labor requirements attributed to the proposed subcategory by extrapolating from the model mine results, which calculated changes in labor hours associated with those erosion and sediment control structures that were used, or no longer used, under either the existing guidelines or the proposed subcategory for the model mine. The results indicated that the proposed subcategory would reduce annual labor requirements by approximately 0.2 work years for the model mine. EPA assumed that each of the 46 western alkaline surface mines would experience the same employment impact as predicted by the model mine study (Record Section 3.3.6), resulting in the loss of 9.2 full-time employees (FTEs) per year. This represents 0.1 percent of the total 1997 coal mine employment (6,862 FTEs) in the western alkaline region States.

The cost savings associated with the proposed subcategory are not expected to have a substantial impact on the industry average cost of mining per ton of coal, and therefore are not expected to have major impacts on coal prices. While the savings are substantial in the aggregate and for some individual mine operators, on average they represent a small portion of the total value of coal produced from the affected mines. As described in the EA, the estimated savings from the proposed subcategory are equivalent to only 0.6 percent of the value of production at 25 mines for which enough information was available to make site-specific estimates of savings. As with the Coal Remining Subcategory, the proposed Western Alkaline Coal Mining Subcategory is not expected to result in significant industry-level changes in coal production or prices.

EPA is proposing NSPS limitations equivalent to the limitations that are proposed for BPT and BAT for the Western Alkaline Coal Mining Subcategory. In general, EPA believes that new sources will be able to comply at costs that are similar to or less than the costs for existing sources, because new sources can apply control technologies more efficiently than sources that need to retrofit for those technologies. Specifically, here, to the extent that existing sources have already incurred costs associated with installing sedimentation ponds, new sources would be able to avoid such costs. There is nothing about today's proposal that would give existing operators a cost advantage over new mine operators; therefore, NSPS limitations will not present a barrier to entry for new facilities.

E. Additional Impacts

1. Costs to the NPDES Permitting Authority

Additional costs will be incurred by the NPDES permitting authority to review new permit applications and issue revised permits based on the proposed rule. Under the proposed rule, NPDES permitting authorities will review baseline pollutant levels and proposed pollution abatement plans for the Coal Remining Subcategory and watershed modeling results and sediment control plans for the Western Alkaline Coal Mining Subcategory.

EPA estimates that permit review will require an average of 35 hours of a permit writer's time per site and that permit writers receive an hourly wage of $31.68. Based on these assumptions, total annual costs to the NPDES permitting authorities range from $47,500 to $67,500 for the 43 to 61 additional sites that can be expected to be permitted under the proposed subcategory. An upper bound estimate of costs associated with implementing the proposed western subcategory assumes that all 46 existing surface mine permits are renewed. The total incremental annual cost would be $12,500 per year when annualized over the 5-year permit life (using a seven percent discount rate). Total additional permit review costs for the proposed rule are therefore estimated to be between $60,000 and $80,000 per year. A detailed analysis is contained in the EA.

2. Community Impacts

The proposed rule could have community-level and regional impacts if it significantly altered the competitive position of coal produced in different regions of the country, or led to growth or reductions in employment in different regions and communities. As described in the EA, the proposed rule is not likely to have significant impacts on relative coal production in the West versus the East. The proposed Remining Subcategory is likely to shift the location of production and employment toward eligible abandoned mine lands, but not to increase national coal production and employment or affect coal prices significantly overall.

EPA projects that impacts of the proposed Western Alkaline Coal Mine Subcategory on mine employment will also be minor. As discussed above, EPA estimated a reduction in labor requirements of 9.2 FTEs per year by extrapolating from the model mine results. This represents 0.1 percent of the total 1997 coal mine employment in the western alkaline region States. Regional multipliers relating total direct and indirect employment to coal industry employment range from 2.6 to 3.2 for the western alkaline region states (U.S. Bureau of Economic Analysis, Regional Input-Output Modeling Systems, ''RIMSII''). Therefore, the total impact on employment, direct and indirect, that may result from the proposed western alkaline subcategory is a reduction of between 24 and 29 FTEs per year. This reduction in

employment might be offset if lower costs under the proposed subcategory encourage growth in coal mining in the western alkaline region.

3. Foreign Trade Impacts

EPA does not project any foreign trade impacts as a result of the proposed effluent limitations guidelines and standards. U.S. coal exports consist primarily of Appalachian bituminous coal, especially from West Virginia, Virginia and Kentucky (U.S. DOE/EIA, Coal Data: A Reference; U.S. DOE/EIA Coal Industry Annual 1997). Coal imports to the U.S. are insignificant. Impacts are difficult to predict, since coal exports are determined by economic conditions in foreign markets and changes in the international exchange rate for the U.S. dollar. However, no foreign trade impacts are expected given the relatively small projected increase in production and projected lack of impact on costs of production or prices.

F. Cost-effectiveness Analysis

Cost-effectiveness calculations are used during the development of effluent limitations guidelines and standards to compare the efficiency of regulatory options in removing toxic and non-conventional pollutants. Cost-effectiveness is calculated as the incremental annual cost of a pollution control option per incremental pollutant removal. The increments are considered relative to another option or to a benchmark, such as existing treatment. In cost-effectiveness analysis, pollutant removals are measured in toxicity normalized units called ''pounds-equivalent.'' The cost-effectiveness value, therefore, represents the unit cost of removing an additional pound-equivalent of pollutants. In general, the lower the cost-effectiveness value, the more cost-efficient the regulation will be in removing pollutants, taking into account their toxicity. While not required by the Clean Water Act, cost-effectiveness analysis is a useful tool for evaluating regulatory options for the removal of toxic pollutants.

While cost-effectiveness results are usually reported in the Notice of Proposed Rulemaking for effluent guidelines, such results are not presented in today's document because of the nature of the two subcategories. For the Coal Remining Subcategory, EPA is unable to predict pollutant reductions that would be achieved at future remining operations. As described in Section VI, it is difficult to project the results, in terms of measured improvements in pollutant discharges, that will be produced through the application of any given BMP or group of BMPs at a particular site. EPA is therefore unable to calculate cost-effectiveness. For the Western Alkaline Coal Mining Subcategory, cost-effectiveness was not calculated because there are no incremental costs attributed to the proposed option.

G. Cost Benefit Analysis

EPA estimated and compared the costs and benefits for each of the proposed subcategories. EPA concludes that both subcategories have the potential to create significant environmental benefits at little or no additional cost to the industry. The cost and benefit categories that the Agency was able to quantify and monetize for the proposed Coal Remining Subcategory are shown in Table X. G.1. The monetized annual benefit estimates ($734,000 to $1,175,500) substantially outweigh the projected annual costs ($380,500 to $825,500).

TABLE X. G.1.—ANNUALIZED SOCIAL COSTS AND BENEFITS OF PROPOSED REMINING SUBCATEGORY

Social Costs (Discounted at 7%):	
Industry Compliance Costs	$330,000–$758,500
NPDES Permitting Costs	$47,500–$67,500
Total Social Costs	$380,500–$865,000
Monetized Social Benefits (Discounted at 3%):	
Recreational use of improved water bodies	$100,500–$168,000
Aesthetic improvements to water bodies	$380,000–$635,500
Non-use (related to improved water bodies)	$51,500–$86,000
Total Water-Related Benefits	$532,000–$889,500
Recreational use of reclaimed land	$202,000–$286,000
Total Monetized Benefits	$734,000–$1,175,500

In addition to the monetized benefits shown in Table X. G.1, the increase in remining is projected to result in the removal of some 216,000 to 307,000 feet of highwall each year, with benefits in increased public safety. The increased remining also has the potential to recover an estimated 7.1 to 14.5 million tons of coal per year that might otherwise remain unrecovered, with a value of approximately $188.5 to $ 385.0 million (based on an average 1997 value per ton of coal in Appalachia of $26.55).

The proposed Western Alkaline Coal Mining Subcategory is projected to result in net cost savings to society while increasing environmental benefits to society. The industry compliance costs consist of watershed modeling costs and are offset by cost savings associated with the proposal, specifically reduced costs for sediment control and earlier Phase II bond release. Total annual cost savings to society are expected to be approximately $31 million. The proposed subcategory is also expected to result in annual environmental benefits valued between $43,000 and $768,500—with the majority of benefits resulting from recreational use of waters with improved water flow. Table X. G.2 summarizes the social costs and benefits of the proposed Western Alkaline Coal Mining Subcategory.

TABLE X. G.2.—ANNUAL SOCIAL COSTS/SAVINGS AND BENEFITS OF THE PROPOSED WESTERN SUBCATEGORY

Social Costs and Cost Savings (Discounted at 7%):	
Associated Industry Cost Savings	($31,183,000–$31,346,000)
Industry Compliance Costs	$327,500
NPDES Permitting Costs	$12,500
Total Social Cost Savings	($30,845,000–$31,007,000)
Monetized Benefits (Discounted at 3%):	
Avoided surface disturbance	$5,500–$36,500
Recreational benefits from improved water flow	$25,000–$488,000
Non-use benefits	$12,500–$244,000
Total Monetized Benefits	$43,000–$768,500

XI. Administrative Requirements

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

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

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

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

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

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

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that has 500 or fewer employees (based on SBA size standards); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of today's proposed rule on small entities, I certify that this action will not have significant economic impact on a substantial number of small entities. In determining whether a rule has significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analysis is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. EPA projects that the proposed subcategory for Western alkaline mines results in cost savings for all small surface mine operators. For all small underground mine operators, EPA projects no incremental costs, and the Agency believes that many are likely to experience some cost savings. Section X of this document discusses the likely cost savings associated with the subcategory in more detail. As described in Section III of this document, the current regulations at 40 CFR part 434 create a disincentive for remining by imposing limitations on pre-existing discharges for which compliance is cost prohibitive. Despite the statutory authority for exemptions from these limitations provided by the Rahall Amendment, coal mining companies and States remain hesitant to pursue remining without formal EPA guidelines. The proposed remining subcategory provides standardized procedures for developing effluent limits for pre-existing discharges, thereby eliminating the uncertainty involved in interpreting and implementing current Rahall requirements. The proposed subcategory for remining is intended to remove barriers to the permitting of remining sites with pre-existing discharges, and is therefore expected to encourage remining activities by small entities. Thus, we have concluded that today's proposed rule will relieve regulatory burden for all small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-

effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that the proposed rule, if promulgated, would not contain a Federal mandate that will result in expenditures of $100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year. Although the proposed rule will impose some permit review and approval requirements on regulatory authorities, EPA has determined that this cost burden will be less than $80,000 annually. Accordingly, today's proposal is not subject to the requirements of sections 202 and 205 of UMRA. EPA has determined that this proposal contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, is not subject to the requirements of section 203 of the UMRA. The proposal, if promulgated, would not establish requirements that would apply to small governments.

D. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No.1944.01) and a copy may be obtained from Sandy Farmer by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460, by email at farmer.sandy@epamail.epa.gov, or by calling (202) 260–2740. A copy may also be downloaded off the internet at http://www.epa.gov/icr.

Today's proposed rule requires an applicant to submit baseline monitoring and a pollution abatement plan for coal mining operations involved in remediation of abandoned mine lands and the associated acid mine drainage during extraction of remaining coal resources. In addition, today's proposed rule requires an applicant involved in reclamation of coal mining areas in arid regions to submit a sediment control plan for sediment control activities. Information collection is needed to determine whether these plans will achieve the reclamation and environmental protection pursuant to the Surface Mining Control and Reclamation Act and the Clean Water Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests. Data collection and reporting requirements associated with these activities are substantively covered by the ''Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan—30 CFR part 780'' ICR, OMB Control Number 1029–0036. Data collection and reporting requirements from today's proposed rule that may not be included in the 30 CFR part 780 ICR are: some incremental baseline and annual monitoring and some sediment yield modeling.

The initial burden for coal mining and remining sites under the proposed rule is estimated at 74,478 hours and $2,614,538 for baseline determination monitoring at remining sites and additional sediment yield modeling at Western Alkaline mining sites. The initial burden associated with preparation of a site's pollution abatement plan or sediment control plan is already covered by an applicable SMCRA ICR. For the Western Alkaline Subcategory, EPA estimates that 46 sites per year will experience an initial reporting burden of 72,588 hours; or an average of 1,578 hours and $50,000 per facility. For the Remining Subcategory, EPA estimated that 78 sites per year will experience an initial reporting burden of 1,890 hours; or an average of 24 hours and $4,033 per facility. The annual burden for coal mining and remining sites under the proposed rule is estimated at 3,024 hours and $189,302 for annual monitoring at coal remining sites. There is no annual burden associated with the Western Alkaline Subcategory. For the Remining Subcategory, the duration of the ICR is three years. EPA estimated that 234 sites (78 sites × 3 years) will each experience an annual burden of 13 hours and $809. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW, Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after April 11, 2000, a comment to OMB is best assured of having its full effect if OMB receives it by May 11, 2000. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

E. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995, Pub L. No. 104–113 Sec. 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, business

practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget (OMB), explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Today's proposed rule requires dischargers to monitor for TSS, magnesium, iron, and pH. All of these analytes are required to be measured using consensus standards that are specified in the tables at 40 CFR part 136.3.

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

F. Executive Order 13132: Federalism

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

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

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The rule will not impose substantial costs on States and localities. The rule establishes effluent limitations imposing requirements that apply to coal mining facilities when they discharge wastewater. The rule does not apply directly to States and localities and will only affect State and local governments when they are administering CWA permitting programs. The proposed rule, at most, imposes minimal administrative costs on States that have an authorized NPDES program. (These States must incorporate the new limitations and standards in new and reissued NPDES permits). Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, EPA did consult extensively with State officials in developing this proposal, as discussed in Section V of this document.

In addition, in the spirit of this Executive Order and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The Executive Order ''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 E.O. 13045 because it is neither ''economically significant'' as defined under Executive Order 12866, nor does it concern an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, 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. Although EPA has identified sites in the western United States with existing coal mining operations that are located on Tribal lands, EPA projects that this proposal will generate a net cost savings for these mine sites. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

Nevertheless, EPA consulted with representatives of tribal governments. EPA has identified sites in the western United States with existing coal mining operations that are located on Tribal lands. With assistance from its American Indian Environmental Office, EPA has identified five Tribes as having lands in the western U.S. with, or having an interest in, coal mining activities. The Tribes are the Navajo Nation, the Hopi Tribe, the Crow Tribe, the Southern Ute Indian Tribe, and the Northern Cheyenne Tribe. EPA representatives met with Tribal officials from the Navajo Nation during coal mine site visits in New Mexico and Arizona in August 1998 to review environmental conditions and the applicability of the proposed regulation. In December 1999, EPA sent meeting invitations to Tribal Chairmen, Directors of Tribal Environmental Departments, and other representatives of the five Tribes with existing or potential interest in coal mining, and met with Tribal representatives from the Navajo Nation and Hopi Tribes in Albuquerque, NM on December 16, 1999 to consult on the proposed amendments to the existing effluent limitations guidelines, and to discuss plans for involvement at public

meetings in western locations. As a result of this consultation, EPA has agreed to a comment period on this Document of 90 days and has agreed to provide a copy of the relevant portions of the Rulemaking Record at the western location identified in the **ADDRESSES** section of this document. EPA has also agreed to hold public meetings in three locations that are convenient for attendance by Tribal representatives.

I. Plain Language Directive

Executive Order 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. We invite your comments on how to make this proposed rule easier to understand. For example, have we organized the material to suit your needs? Are the requirements in the rule clearly stated? Does the rule contain technical language or jargon that isn't clear? Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? Would more (but shorter) sections be better? Could we improve clarity by adding tables, lists, or diagrams? What else could we do to make the rule easier to understand?

XII. Solicitation of Data and Comments

A. Specific Data and Comment Solicitation

EPA has solicited comments and data on many individual topics throughout this preamble. EPA incorporates each and every such solicitation here, and reiterates its interest in receiving data and comments on the issues addressed by those solicitations. In addition, EPA particularly requests comments and data on the following issues:

1. Regulatory Proposal

a. EPA solicits comments on the data and methods used to determine the benefit and cost impact values supporting this proposed regulation. (Refer to Section IX and Section X)

b. EPA solicits comment on the belief that this proposed rule will provide better environmental results than the current requirements. (Refer to Section III, Section IV, and Section VI)

c. EPA is soliciting comments on the potential impact of the proposed rule on small entities and on issues related to such impacts. (Refer to Section XI.B)

2. Coal Remining Subcategory Proposal

a. EPA believes that encouraging remining operations through the proposed subcategory has the potential for improving hazardous conditions and improving acid mine drainage from abandoned mine lands. EPA is soliciting comment on this conclusion and on potential options that may be environmentally preferable to the proposed Remining subcategory. EPA is also soliciting comments and additional data on the extent of abandoned mine land that may be affected by the proposed rule. (Refer to Section VI.A and Section IX.A)

b. EPA is soliciting comments on the proposed statistical procedures presented in Appendix B of the proposed regulation for calculating baseline limits and determining compliance with baseline limits and on the requirements for the number of samples, the sampling duration and frequency, and the plan of sampling over time. EPA is also soliciting comments and data on the feasibility of using acidity, net alkalinity, pH, and sulfate as parameters for assessment of pollution loading from pre-existing discharges. (Refer to Section VII.B and Section VII.C)

c. EPA is soliciting comments on the consistency of the proposed Remining subcategory with the Rahall Amendment and with existing State remining programs. (Refer to Section VI.A)

d. EPA is soliciting comments on the definition for pollution abatement area and on any additional requirements of pollution abatement plans that would ensure the proper use, design and implementation of BMPs for compliance with the proposed regulations. EPA also is soliciting comments on how the proposed regulations could better define a pollution abatement plan that would constitute BPT and on other treatment technologies that would be economically feasible and available for control of pre-existing discharges. (Section VI.A)

e. EPA is soliciting comments on the proposed applicability of the coal remining subcategory as it relates to commingling pre-existing discharges with active mining wastewater. (Refer to Section VI.A)

f. EPA is soliciting comments on the legal basis and technical support for alternative permits incorporating only BMP-based requirements with no numeric limits and for information on conditions to determine a site's eligibility. (Refer to Section VI.A)

g. EPA requests comment on how to describe and structure the requirement to design and implement a pollution abatement plan to reduce pollutant loadings from pre-existing discharges. (Refer to Section VI.A)

h. EPA requests comment on how the regulations could better define the type of plan that would constitute BPT and BAT. (Refer to Section VI.A)

i. EPA is soliciting comment on the applicability of the proposed Coal Remining Subcategory in regard to permit reissuance and Rahall-type permits. (Refer to Section VI.A)

3. Western Alkaline Coal Mining Subcategory Proposal

a. EPA is soliciting comments and data on the appropriateness of expanding the applicability of this proposed subcategory to include the control of non-process water drainage from active mining areas in the arid and semiarid region. (Refer to Section VI.B)

b. EPA is soliciting comments on the environmental impacts and benefits associated with operating sedimentation ponds in the arid and semiarid west and on the problems that are associated with disturbing the hydrologic balance in arid regions. (Refer to Section VI.B)

c. EPA also is soliciting comment on the appropriateness of establishing effluent limitations requiring only BMP plans rather than setting numeric limitations based on treatment technologies for drainage from reclamation areas in these regions. (Refer to Section VI.B)

d. EPA is soliciting comment on the appropriateness of BMP inspection to determine compliance with requirements of this subcategory. EPA also is soliciting comment on recommended procedures for and frequency of such inspections. (Refer to Section VI.B)

e. As applies to the Western Alkaline Coal Mining Subcategory, EPA defines ''sediment yield'' to mean the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope. EPA is soliciting comments on the definition of sediment yield and on the appropriateness of using this parameter as the basis for determining sediment loadings. (Refer to Section VI.B)

f. EPA is soliciting comments on the approach used to estimate reclamation cost savings that EPA expects will result from the proposed Western Alkaline Subcategory and on EPA's assumption that today's proposed subcategory would be cost neutral for underground operators. (Refer to Section X)

B. General Solicitation

EPA encourages public participation in this rulemaking. EPA asks that comments address any perceived deficiencies in the record supporting this proposal and that suggested revisions or corrections be supported by data. In addition, EPA requests

comments on the various methods of handling supporting data and information and on the applicability of these proposed guidelines, as they relate to the definitions for coal remining and western alkaline coal mining.

EPA invites all parties to coordinate their data collection activities with EPA to facilitate mutually beneficial and cost-effective data submissions. Please refer to the **FOR FURTHER INFORMATION** section at the beginning of this preamble for technical contacts at EPA.

To ensure that EPA can properly respond to comments, EPA prefers that commenters cite, where possible, the paragraph(s) or sections in the document or supporting documents to which each comment refers. Please submit an original and two copies of your comments and enclosures (including references).

Appendix A to the Preamble: Definitions, Acronyms, and Abbreviations Used in This Document

Act—Clean Water Act
Agency—U.S. Environmental Protection Agency
Alkaline mine drainage—mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L
AML—Abandoned mine land
AMLIS—Abandoned Mine Land Inventory System
ASTM—American Society of Testing and Materials
BADCT—The best available demonstrated control technology, for new sources under section 306 of the Clean Water Act
Baseline—Pre-existing pollution loading. Baseline will be determined according to the protocol set forth by EPA in promulgation of this proposed rule
BAT—The best available technology economically achievable, under section 304(b)(2)(B) of the Clean Water Act
BCT—Best conventional pollutant control technology under section 304(b)(4)(B) of the Clean Water Act
BMP—Best management practices
BOD—Biochemical oxygen demand
BPJ—Best professional judgement
BPT—Best practicable control technology currently available, under section 304(b)(1) of the Clean Water Act
CBI—Confidential Business Information
CFR—Code of Federal Regulations
Clean Water Act—Federal Water Pollution Control Act Amendments (33 U.S.C. 1251 *et seq.*)
Conventional pollutants—Constituents of wastewater as determined by section 304(a)(4) of the Clean Water Act, including, but not limited to, pollutants classified as biochemical oxygen demanding, suspended solids, oil and grease, fecal coliform, and pH
CV—Coefficient of variation
CWA—Clean Water Act
CWAP—Clean Water Action Plan
Direct discharger—A facility that discharges or may discharge pollutants to waters of the United States
EPA—U.S. Environmental Protection Agency
FDF—Fundamentally different factors—Variance
FR—Federal Register
FTE—Full-time employees
ICR—Information Collection Request
IMCC—Interstate Mining Compact Commission
Indirect discharger—A facility that introduces wastewater into a publicly owned treatment works
IRFA—Initial Regulatory Flexibility Analysis
NAICS—North American Industry Classification System
NCA—National Coal Association
NMA—National Mining Association
NPDES—National Pollutant Discharge Elimination System
NRDC—Natural Resources Defense Council, Incorporated
NSPS—New source performance standards under section 306 of the Clean Water Act
NTTAA—National Technology Transfer and Advancement Act
OMB—Office of Management and Budget
OSM/OSMRE—Office of Surface Mining, Reclamation and Enforcement
PADEP—Pennsylvania Department of Environmental Protection
PRA—Paperwork Reduction Act
PHC—Probable Hydrologic Consequence
Pollution abatement area—The part of the permit area that is causing or contributing to the baseline pollution load, including areas that must be affected to bring about significant improvement of the baseline pollution load, and which may include the immediate location of the discharges.
POTW—Publicly-owned treatment works
PPA—Pollution Prevention Act of 1990
Pre-existing discharge—Any discharge resulting from mining activities conducted prior to August 3, 1977.
PSNS—Pretreatment standards for new sources
Reclamation area—the surface area of a coal mine that has been returned to required contour and on which revegetation (specifically, seeding or planting) work has been commenced.
Remining—Coal remining refers to a coal mining operation that began after February 4, 1987 at a site on which coal mining was conducted before August 3, 1977.
RFA—Regulatory Flexibility Act
RUSLE—Revised Universal Soil Loss Equation
SBA—Small Business Administration
SBREFA—Small Business Regulatory Enforcement Fairness Act
Sediment—All undissolved organic and inorganic material transported or deposited by water.
Sediment Yield—the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope.
SIC—Standard Industrial Classifications
SMCRA— Surface Mining Control and Reclamation Act
SS—Settleable Solids
TMDL—Total Maximum Daily Loads
Toxic Pollutants—The pollutants designated by EPA as toxic in 40 CFR 401.15.
TSS—Total Suspended Solids
UMRA—Unfunded Mandates Reform Act
U.S.C.—United States Code
WIEB—Western Interstate Energy Board
WTP—Willingness to pay

List of Subjects in 40 CFR Part 434

Environmental protection, Mines, Reporting and recordkeeping requirements, Water pollution control.

Dated: March 30, 2000.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 434 is proposed to be amended as follows:

PART 434—[AMENDED]

1. The authority citation for part 434 continues to read as follows:

Authority: 33 U.S.C. 1311 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361.

2. Amend § 434.11 by adding paragraphs (u), (v), (w), (x), (y), and (z) to read as follows:

§ 434.11 General definitions.

(u) The term ''coal remining operation'' means a coal mining operation at a site on which coal mining was conducted prior to August 3, 1977.

(v) The term ''pollution abatement area'' means the part of the permit area that is causing or contributing to the baseline pollution load, including areas that would need to be affected to reduce the pollution load.

(w) The term ''pre-existing discharge'' means any discharge resulting from mining activities conducted prior to August 3, 1977.

(x) The term ''sediment'' shall mean undissolved organic and inorganic material transported or deposited by water.

(y) The term ''sediment yield'' means the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope.

(z) The term ''western coal mining operation'' means a surface or underground coal mining operation located in the interior western United States, west of the 100th meridian west longitude, in an arid or semiarid environment with an average annual precipitation of 26.0 inches or less.

3. Revise § 434.50 to read as follows:

§ 434.50 Applicability.

The provisions of this subpart are applicable to discharges from post-mining areas, except as provided in § 434.80.

4. Add subpart G, consisting of §§ 434.70 through 434.74, to read as follows:

Subpart G—Coal Remining

Sec.
434.70 Applicability.
434.71 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
434.72 Effluent limitations attainable by application of the best available technology economically achievable (BAT).
434.73 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT).
434.74 New source performance standards (NSPS).

Subpart G—Coal Remining

§ 434.70 Applicability.

This subpart applies to pre-existing discharges that are located within pollution abatement areas of a coal remining operation and that are not commingled with waste streams from active mining areas. Pre-existing discharges that are commingled with waste streams from active mining areas are subject to the provisions of § 434.61. Pre-existing dischargers that have been, but are no longer commingled with waste streams from active mining areas, are subject to the provisions of this part. The effluent limitations in this subpart apply to pre-existing discharges until the appropriate SMCRA authority has authorized bond release.

§ 434.71 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32, the following effluent limits apply to pre-existing discharges:

EFFLUENT LIMITATIONS

Pollutant	Requirement
(1) Iron, total	May not exceed baseline loadings (as defined by Appendix B).
(2) Manganese, total	May not exceed baseline loadings (as defined by Appendix B).
(3) pH:	
(i) If all baseline observations are within the range of 6.0 to 9.0	Single observations must be in range of 6.0 to 9.0.
(ii) If any baseline observation is <6.0	Single observations must be ≥ lower limit (as defined by Appendix B) and ≤ 9.0.
(iii) If any baseline observation is > 9.0	Single observations must be ≤ upper limit (as defined in Appendix B) and ≥ 6.0.
(4) TSS	May not exceed 70.0 mg/L for any 1 day. Average of daily values for 30 consecutive days may not exceed 35.0 mg/L.[1]

[1] Except as provided in § 434.63

(b) Additionally, the operator must submit a pollution abatement plan for the pollution abatement area to the permit authority, that in the Best Professional Judgement (BPJ) of the permit writer, represents the Best Available Technology (BAT) currently available. The plan must be incorporated into the permit as an effluent limitation, and must be designed to reduce the pollution load from pre-existing discharges. The plan must identify characteristics of the pollution abatement area and the pre-existing discharges, and describe design specifications for selected best management practices (BMPs). The plan must include periodic inspection and maintenance schedules. The BMPs must be implemented as specified in the plan.

§ 434.72 Effluent limitations attainable by application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, pre-existing discharges must comply with the effluent limitations listed in § 434.71 for iron and manganese. The operator must also submit and implement a pollution abatement plan that, in the Best Professional Judgement (BPJ) of the permit writer, reflects BAT levels of control.

§ 434.73 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, pre-existing discharges must comply with the effluent limitations listed in § 434.71 for pH and total suspended solids. The operator must also submit and implement a pollution abatement plan as specified in § 434.71.

§ 434.74 New source performance standards (NSPS).

NSPS effluent limitations are not applicable to this subcategory. Pre-existing discharges that are located in pollution abatement areas of a coal remining operation and are not commingled with waste streams from active mining areas are considered existing sources and must meet BPT, BAT, and BCT effluent limitations at §§ 434.71 through 434.73.

5. Add subpart H, consisting of §§ 434.80 through 434.84, to read as follows:

Subpart H—Western Alkaline Coal Mining

Sec.
434.80 Applicability.
434.81 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).
434.82 Effluent limitations attainable by application of the best available technology economically achievable (BAT).
434.83 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT). [Reserved]
434.84 New source performance standards (NSPS).

Subpart H—Western Alkaline Coal Mining

§ 434.80 Applicability.

This subpart applies to alkaline mine drainage from reclamation areas associated with western coal mining operations. Reclamation areas not associated with western coal mining operations or that produce acid mine drainage are subject to the provisions established in Subpart E-Post-Mining Areas. The effluent limitations in this subpart apply until the appropriate SMCRA authority has authorized bond release.

§ 434.81 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, the following effluent

limitations apply to alkaline mine drainage from reclamation areas of western coal mining operations:

(a) A western coal mining operator must submit a site-specific sediment control plan for surface reclamation areas to the permitting authority. The sediment control plan must be incorporated into the permit as an effluent limitation. The sediment control plan must identify best management practices. It also must describe design specifications, construction specifications, maintenance schedules, criteria for inspection, as well as expected performance and longevity of the best management practices.

(b) A western coal mining operator must run a watershed model and submit results demonstrating that implementation of the sediment control plan will result in average annual sediment yields that will not be greater than background levels from pre-mined, undisturbed conditions. The operator must use the same watershed model that was or will be used to acquire the SMCRA permit.

(c) A western coal mining operator must design, implement, and maintain sediment control measures in the manner specified in the sediment control plan.

§ 434.82 Effluent limitations attainable by application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing western coal mining operation subject to this subpart must meet the effluent limitations listed in § 434.81.

§ 434.83 Effluent limitations attainable by application of the best conventional pollutant control technology (BCT). [Reserved]

§ 434.84 New source performance standards (NSPS).

Any new source western coal mining operation subject to this subpart must meet the effluent limitations listed in § 434.81.

6. Add appendix B to part 434 to read as follows:

Appendix B to Part 434—Baseline Determination and Compliance Monitoring for Pre-existing Discharges at Remining Operations

I. Summary

1. This appendix presents the procedures to be used for establishing effluent limitations for pre-existing discharges at coal remining operations, in accordance with the requirements set forth in this part, Coal Remining Subcategory. The requirements specify that pollutant levels of total iron, total manganese, and pH in pre-existing discharges shall not exceed baseline pollutant levels. The procedures described in this appendix shall be used for determining site-specific, baseline pollutant levels, and for determining discharge exceedances during coal remining operations. Procedures A and B are alternatives—either one may be selected by a permitting authority. Because pH data examined by EPA do not appear to be well-described by a log-normal distribution, EPA recommends the use of Procedure A for determining pH limits and exceedances.

2. Below are the steps for running Procedures A and B for determining baseline and compliance with baseline pollution loading. Examples of these procedures are provided in Appendix A of EPA's *Coal Remining Statistical Support Document.* In order to sufficiently characterize pollutant levels during baseline determination and during each annual monitoring period, it is required that at least one sample result be obtained per month for a period of 12 months.

3. In those cases where any baseline observation is above 9.0 standard pH units, an upper limit or trigger and compliance should be determined in the same way limits and compliance are determined for pollutant loadings. If the upper limit determined in this manner is less than 9.0, the limit may be set at 9.0. In cases where any baseline observation for pH is less than 6.0 standard pH units, lower limits or triggers and compliance determinations for pH should be determined using transformed data (Y = 14—pH). Once the lower limit or trigger is determined for Y, it should be transformed back (14—Limit for Y), to apply as standard pH units. If the lower limit determined in this manner is greater than 6.0, then the limit may be set at 6.0.

II. Procedure A for Comparing Baseline and Monitoring Loading Observations

Procedure A implements a single observation trigger, and a subtle trigger used for annual comparisons.

A. Calculation and Application of Single Observation Trigger (L)

Step 1. Count the number of baseline observations taken for the parameter of interest. Label this number n.

Step 2. Order all baseline loading observations from lowest to highest. Let the lowest number (minimum) be $x_{(1)}$, the next lowest be $x_{(2)}$, and so forth until the highest number (maximum) is $x_{(n)}$.

Step 3. If less than 17 baseline observations were obtained, then the single observation trigger (L) will equal the maximum of the baseline observations ($x_{(n)}$). Go to step 4.

If at least 17 baseline observations were obtained, calculate the median (M) of all baseline observations:

Instructions for calculation of M:

If n is odd, then M equals $x_{(n/2 + 1/2)}$.

For example, if there are 17 observations, then $M = X_{(17/2 + 1/2)} = x_{(9)}$, the 9th highest observation.

If n is even, then M equals $0.5^* (x_{(n/2)} + x_{(n/2 + 1)})$.

For example, if there are 18 observations, then M equals 0.5 multiplied by the sum of the 9th and 10th highest observations.

(a) Calculate M_1 as the median of the subset of observations that range from the calculated M to the maximum $x_{(n)}$

(b) Calculate M_2 as the median of the subset of observations that range from the calculated M_1 to $x_{(n)}$.

(c) Calculate M_3 as the median of the subset of observations that range from the calculated M_2 to $x_{(n)}$.

(d) Calculate the single observation trigger (L) as the median of the subset of observations that range from the calculated M_3 to $x_{(n)}$.

Note: When subsetting the data for each of steps 3a–3d, the subset should include all observations greater than or equal to the median calculated in the previous step. If the median calculated in the previous step is not an actual observation, it is not included in the new subset of observations. The new median value will then be calculated using the median procedure, based on whether the number of points in the subset is odd or even.

Step 4. If a monitoring observation exceeds L, immediately begin weekly monitoring for four weeks (four weekly samples).

Step 5. If any two observations exceed L during weekly monitoring, declare exceedance of the baseline pollution loading.

B. Calculation and Application of Subtle Trigger (T)

Step 1. Calculate M and M_1 of the baseline loading data as described in step 3 for the Single observation trigger above.

Step 2. Calculate M_{-1} as the median of the baseline data which are less than or equal to the sample median M.

Step 3. Calculate $R=(M_1–M_{-1})$.

Step 4. The subtle trigger (T) is calculated as:

$$T = M + \frac{1.58*[(1.25*R)]}{\left(1.35*\sqrt{n}\right)}$$

where n is the number of baseline loading observations.

Step 5. To compare baseline loading data to observations from the annual

monitoring period, repeat steps 1–3 for the set of monitoring observations. Label the results of the calculations M' and R'. Let m be the number of monitoring observations.

Step 6. The subtle trigger (T') of the monitoring data is calculated as:

$$T' = M' - \frac{1.58*[(1.25*R')]}{\left(1.35*\sqrt{m}\right)}$$

Step 7. If T' > T , conclude that the median loading of the monitoring observations has exceeded the median loading during the baseline period, and declare an exceedance of the baseline pollution loading.

III. Procedure B for Comparing Baseline and Monitoring Loading Observations

Procedure B implements a single observation limit and warning level, a Cumulative Sum limit and warning level, and the Wilcoxon-Mann-Whitney test for annual comparisons. The Cumulative Sum test is run each time a new observation is acquired during monitoring, to test for an increase in the mean of the loading observations.

A. Calculation and Application of Single Observation Limit

Step 1. Count the number of baseline loading observations taken for the parameter of interest. Label this number n.

Step 2. Take the natural logarithm of all baseline loading observations. Label the observations y_1, y_2, y_{31}, ..., y_n.

Step 3. Calculate the average of all the natural logarithms. Label the average E_y.

Step 4. Calculate A using the equation:

$$A = \frac{1}{1-\left(\frac{2}{n}*0.5\right)}$$

Step 5. Calculate s_y^2 using the equation:

$$s_y^2 = A*\sum\frac{\left[\left(y_i - E_y\right)^2\right]}{n-1}, \text{ with i ranging from 1 to n.}$$

Step 6. Calculate E_x using the equation:

$$E_x = \exp\left(E_y + 0.5\, s_y^2\right)$$

Step 7. Calculate the single observation limit as:

$$\exp\left[E_y + \left(2.3263*\sqrt{s_y^2}\right)\right]$$

If the single observation limit is exceeded by any monitoring observation, then declare an exceedance of the baseline pollution loading.

B. Single Observation Warning Level

Step 1. Calculate the warning level as:

$$\exp\left[E_y + \left(1.6449*\sqrt{s_y^2}\right)\right]$$

where E_y and s_y^2 are calculated in steps 3 and 5 of the single observation limit procedure. If the warning level, but not the single-observation limit, is reached, then an investigation and further action should be considered.

Step 2. Keep and report a graph showing the monitoring observations plotted against month or successive observation times, and also showing the single observation limit, warning level, and E_x.

C. Calculation and Application of Cumulative Sum (Cusum) Limit

This procedure is used to determine whether there is an increase in the mean of monitoring observations, and should be run after each new observation has been collected.

Step 1. Let n be the number of monitoring observations.

Step 2. Take the natural logarithm of all the monitoring loading observations.

Step 3. Order the log-transformed observations based on collection time, and label them so that Y_1 is the first observation taken, Y_2 is the second observation taken, and so forth. Y_n is the last observation taken.

Step 4. Calculate K using the equation:

$K = E_y + 0.25* s_y$,

where E_y is the baseline mean calculated in step 3 of the single observation limit procedure, and s_y is the square root of the baseline variance calculated in step 5 of the single observation limit procedure.

Step 5. Calculate C_1 using the equation:

$C_1 = Y_1 – K$.

Step 6. Calculate C_2 using the equation:

$C_2 = C_1 + (Y_2 - K)$

If C_2 is negative, then let $C_2 = 0$.

Step 7. Calculate C_3 using the equation:

$C_3 = C_2 + (Y_3 – K)$

If C_3 is negative, then let $C_3 = 0$.

Step 8. Repeat step 7 for each of the remaining times, using the general equation (let t be some time between 3 and n):

$C_t = C_{t-1} + (Y_t – K)$

If C_t is negative, then let $C_t = 0$.

Step 9. Calculate H using the equation:

$H = 8.0* s_y$

H is the Cusum limit, not to be exceeded by any C_t.

Step 10. If any C_t reaches or exceeds H, then declare an exceedance of the baseline pollution loading.

Step 11. Keep and report a graph showing C_t versus successive observation times and showing the Cusum limit H.

D. Cusum Warning Level

Step 1. Let W_1 be the Cumulative Sum warning level for the first observation collected, W_2 be the Cumulative Sum warning level for the second observation taken, and so forth.

Step 2. Calculate K_w and H_w using the equations:

$K_w = E_y + 0.5* s_y$,

$H_w = 3.5* s_y$

Step 3. Calculate W_t by using steps 5 through 8 of the Cusum limit procedure, replacing K with K_w.

Step 4. If any W_t reaches or exceeds H_w, then an investigation and further action should be considered.

Step 5. Keep and report a chart W_t vs. month or successive observation time, and showing the Cusum warning level H_w. Consider making an investigation and taking action when the warning level is reached.

E. Annual comparisons

Compare baseline year loadings with current annual loadings using the Wilcoxon-Mann-Whitney test. Instructions for running the test are below:

Step 1. Steps for running Wilcoxon-Mann-Whitney test:

(a) Let n be the number of baseline loading observations taken, and let m be the number of monitoring loading observations taken.

(b) Order the combined baseline and monitoring observations from smallest to largest (the observations do not need to be log-transformed for this test).

(c) Assign a rank to each observation based on the assigned order: the smallest observation will have rank 1, the next smallest will have rank 2, and

so forth, up to the highest observation, which will have rank n + m.

If two or more observations are tied (have the same value), then the average rank for those observations should be used. For example, suppose the following four values are being ranked: 3, 4, 6, 4.

Since 3 is the lowest of the four numbers, it would be assigned a rank of 1. The highest of the four numbers is 6, and would be assigned a rank of 4. The other two numbers are both 4. Rather than assign one a rank of 2 and the other a rank of 3, the average of 2 and 3 (i.e., 2.5) is given to both numbers.

(d) Sum all the assigned ranks of the n baseline observations, and let this sum be S_n.

(e) Obtain the critical value (C) from Table 1. For the case where 12 monthly samples were collected for both baseline and monitoring (i.e., n=12 and m=12), the critical value is 121.

(f) Compare C to S_n. If S_n is less than C, then the monitoring loadings have exceeded the baseline loadings. Alternatively, calculate S_m as the sum of ranks for the monitoring observations; if S_m exceeds $C' = [n(n+m+1) - C]$, then the monitoring loadings have exceeded the baseline loadings.

STEP 2.—EXAMPLE CALCULATIONS FOR WILCOXON-MANN-WHITNEY TEST

Baseline Data	8.0	9.0	9.0	10.0	12.0	15.0	17.0	18.0	21.0	23.0	28.0	30.0
Monitoring Data	9.0	10.0	11.0	12.0	13.0	14.0	16.0	18.0	20.0	24.0	29.0	31.0
Baseline Ranks	1.0	3.0	3.0	5.5	8.5	12.0	14.0	15.5	18.0	19.0	21.0	23.0
Monitoring Ranks	3.0	5.5	7.0	8.5	10.0	11.0	13.0	15.5	17.0	20.0	22.0	24.0

Note.—Sum of Ranks for Baseline is Sn = 143.5, critical value is Cn, m = 121.

TABLE 1 TO APPENDIX B.—CRITICAL VALUES (C) OF THE WILCOXON-MANN-WHITNEY TEST (FOR A ONE-SIDED TEST AT THE 95% LEVEL)

[In order to find the appropriate critical value, match column with correct n (number of baseline observations) to row with correct m (number of monitoring observations)]

m \ n	10	11	12	13	14	15	16	17	18	19	20
10	83	98	113	129	147	165	185	205	227	249	273
11	87	101	117	134	152	171	191	211	233	256	280
12	90	105	121	139	157	176	197	218	240	263	288
13	93	109	126	143	162	182	202	224	247	271	295
14	97	113	130	148	167	187	208	231	254	278	303
15	100	117	134	153	172	193	214	237	260	285	311
16	104	121	139	157	177	198	220	243	267	292	318
17	107	124	143	162	183	204	226	250	274	300	326
18	111	128	147	167	188	209	232	256	281	307	334
18	114	132	151	172	193	215	238	263	288	314	341
20	118	136	156	176	198	221	244	269	295	321	349

[FR Doc. 00–8533 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Tuesday,
April 11, 2000

Part III

Department of Transportation

Office of the Secretary

Privacy Act of 1974: Systems of Records; Notice

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: Systems of Records

AGENCY: Operating Administrations, DOT.

ACTION: Notice to amend and delete systems of records.

SUMMARY: The United States Department of Transportation is publishing its Privacy Act System of Records notices subject to the Privacy Act of 1974 (5 USC 552a) in their entirety. This notice incorporates a Purpose statement and makes any other minor changes or deletions to existing notices.

EFFECTIVE DATE: April 11, 2000.

ADDRESSES: Send comments to the Privacy Act Officer, United States Department of Transportation, 400 7th St., SW., Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Vanester M. Williams at (202) 366–1771.

SUPPLEMENTARY INFORMATION: These minor changes are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, which requires the submission of a new or altered systems report. In addition, several departmental systems of records are being deleted as they are either covered by another system of record or are no longer in use.

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DOT/ALL 7 Departmental Accounting and Financial Information System, DAFIS.
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DOT/CG 501 Auxiliary Management Information System, AUXMIS.
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DOT/CG 571 Disability Separation System.
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DOT/CG 573 United States Public Health Services, PHS, Commissioned Officer Corps Staffing and Recruitment Files.
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DOT/CG 577 USCG Federal Medical Care Recovery Act, FMCRA, Record System.
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DOT/CG 589 United States Merchant Seamen's Records.
DOT/CG 590 Vessel Identification System, VIS.
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DOT/CG 592 Registered/Applicant Pilot Eligibility Folder.
DOT/CG 611 Investigative Case System.
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DOT/MA 013 Cadet Files, State Maritime Academies.
DOT/MA 014 Citizenship Statements and Affidavits.
DOT/MA 015 General Agent's Protection and Indemnity and Second Seaman's Insurance; WSA and NSA.
DOT/MA 016 Marine Training School Registrants.
DOT/MA 017 Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at United States Merchant Marine Academy.
DOT/MA 018 National Defense Executive Reserve.
DOT/MA 020 Seamen's Awards for Service, Valor, etc.
DOT/MA 021 Seaman's Employment Analysis Records.
DOT/MA 022 Seaman's Unclaimed Wages (Vietnam Conflict).
DOT/MA 024 USMMA Non-Appropriated Fund Employees.
DOT/MA 025 USMMA Graduates.
DOT/MA 026 USMMA Midshipmen Deposit Account Records.
DOT/MA 027 USMMA Midshipman Grade Transcripts.
DOT/MA 028 USMMA Midshipman Medical Files.
DOT/MA 029 USMMA Midshipman Personnel Records.
DOT/NHTSA 401 Docket System.
DOT/NHTSA 402 Highway Safety Literature Personal Author File.
DOT/NHTSA 409 Federal Motor Vehicle Safety Standards, FMVSS, Compliance.
DOT/NHTSA 411 General Public Correspondence System.
DOT/NHTSA 413 Odometer Fraud Data Files System.
DOT/NHTSA 415 Office of Defects Investigation/Defects Information Management System, ODI/DIMS.
DOT/NHTSA 417 National Driver Register, NDR.
DOT/NHTSA 422 Temporary Exemption Petitions.
DOT/NHTSA 431 Civil Penalty Enforcement Files.
DOT/NHTSA 436 Contract Grievance Records.
DOT/NHTSA 463 Motor Vehicle and Motor Vehicle Equipment Import.
DOT/OST 003 Allegations of Infringement of United States Patents.
DOT/OST 004 Board for Correction of Military Records, BCMR.
DOT/OST 012 Files Relating to Personnel Hearings.
DOT/OST 016 General Investigations Record System.
DOT/OST 019 Individual Personal Interests in Intellectual Property.
DOT/OST 035 Personnel Security Record System.
DOT/OST 037 Records of Confirmation Proceeding Requirements for Proposed Executive Appointments to the Department of Transportation.
DOT/OST 041 Correspondence Control Mail, CCM.
DOT/OST 045 Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights.
DOT/OST 046 Visit Control Records System.
DOT/OST 056 Garnishment Files.
DOT/OST 057 Honors Attorney Recruitment Files.
DOT/OST 059 Files of the Board for Correction of Military Records, BCMR for The Coast Guard.
DOT/OST 100 Investigative Record System.
DOT/OST 101 Inspector General Reporting System, TIGR.
DOT/RSPA 02 National Defense Executive Reserve, NDER, File.
DOT/RSPA 04 Transportation Research Activities Information Service, TRAIS.
DOT/RSPA 05 Transportation Research Information Service on line, TRIS-On-Line.
DOT/RSPA 06 Emergency Alerting Schedules.
DOT/RSPA 08 Technical Pipeline Safety Standards Committee.
DOT/RSPA 09 Hazardous Materials Incident Telephonic Report System.
DOT/RSPA 10 Hazardous Materials Incident Written Report System.
DOT/RSPA 11 Hazardous Materials Information Requests System.
DOT/SLS 151 Claimants under Federal Tort Claims Act.
DOT/SLS 152 Data Automation Program Records.
DOT/TSC 700 Automated Management Information System.
DOT/TSC 702 Legal Counsel Information Files.
DOT/TSC 703 Occupational Safety & Health Reporting System.
DOT/TSC 704 Stand-By Personnel Information.
DOT/TSC 707 Automated Manpower Distribution System.
DOT/TSC 712 Automated Payroll/Personnel/Communications/Security System.
DOT/TSC 714 Health Unit Employee Medical Records.

Notice of Systems of Records

The identification of the operating unit or units within the Department to which the particular system of records pertains appears as 'DOT' followed by a designating abbreviation. The abbreviations and their meanings are as follows:

OST—Office of the Secretary of Transportation.
CG—United States Coast Guard.
FAA—Federal Aviation Administration.
FHWA—Federal Highway Administration.
FRA—Federal Railroad Administration.
MARAD—Maritime Administration.
NHTSA—National Highway Traffic Safety Administration.
RSPA—Research and Special Programs Administration.
SLS—Saint Lawrence Seaway Development Corporation.
TSC—Transportation Systems Center.
FTA—Federal Transit Administration.

General Routine Uses Under the Privacy Act of 1974

The following routine uses apply, except where otherwise noted or where obviously not appropriate, to each system of records maintained by the Department of Transportation, DOT.

1. In the event that a system of records maintained by DOT to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DOT decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4a. Routine Use for Disclosure for Use in Litigation. It shall be a routine use of the records in this system of records to disclose them to the Department of Justice or other Federal agency conducting litigation when

(a) DOT, or any agency thereof, or

(b) Any employee of DOT or any agency thereof (including a member of

the Coast Guard), in his/her official capacity, or

(c) Any employee of DOT or any agency thereof (including a member of the Coast Guard), in his/her individual capacity where the Department of Justice has agreed to represent the employee, or

(d) The United States or any agency thereof, where DOT determines that litigation is likely to affect the United States, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or other Federal agency conducting the litigation is deemed by DOT to be relevant and necessary in the litigation, provided, however, that in each case, DOT determines that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

4b. Routine Use for Agency Disclosure in Other Proceedings. It shall be a routine use of records in this system to disclose them in proceedings before any court or adjudicative or administrative body before which DOT or any agency thereof, appears, when

(a) DOT, or any agency thereof, or

(b) Any employee of DOT or any agency thereof (including a member of the Coast Guard) in his/her official capacity, or

(c) Any employee of DOT or any agency thereof (including a member of the Coast Guard) in his/her individual capacity where DOT has agreed to represent the employee, or (d) The United States or any agency thereof, where DOT determines that the proceeding is likely to affect the United States, is a party to the proceeding or has an interest in such proceeding, and DOT determines that use of such records is relevant and necessary in the proceeding, provided, however, that in each case, DOT determines that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

5. The information contained in this system of records will be disclosed to the Office of Management and Budget, OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater rights to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or actual information or other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 CFR 10.35(9).

7. One or more records from a system of records may be disclosed routinely to the National Archives and Records Administration in records management inspections being conducted under the authority of 44 USC 2904 and 2906.

8. [Reserved]

9. DOT may make available to another agency or instrumentality of any government jurisdiction, including State and local governments, listings of names from any system of records in DOT for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims, regardless of the stated purpose for the collection of the information in the system of records. These enforcement activities are generally referred to as matching programs because two lists of names are checked for match using automated assistance. This routine use is advisory in nature and does not offer unrestricted access to systems of records for such law enforcement and related antifraud activities. Each request will be considered on the basis of its purpose, merits, cost effectiveness and alternatives using Instructions on reporting computer matching programs to the Office of Management and Budget, OMB, Congress and the public, published by the Director, OMB, dated September 20, 1989.

10. It shall be a routine use of the information in any DOT system of records to provide to the Attorney General of the United States, or his/her designee, information indicating that a person meets any of the disqualifications for receipt, possession, shipment, or transport of a firearm under the Brady Handgun Violence Prevention Act. In case of a dispute concerning the validity of the information provided by DOT to the Attorney General, or his/her designee, it shall be a routine use of the information in any DOT system of records to make any disclosures of such information to the National Background Information Check System, established by the Brady Handgun Violence Prevention Act, as may be necessary to resolve such dispute.

Appendix I—Location of CG Districts and Headquarters Units

1. Commander, 1st Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110–3350.
2. Commander, 5th Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23704–5004.
3. Commander, 7th Coast Guard District, 909 SE First Ave., Brickell Plaza Federal Bldg., Miami, FL 33131–3050.
4. Commander, 8th Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130–3396.
5. Commander, 9th Coast Guard District, 1240 East 9th St., Cleveland, OH 44199–2060.
6. Commander, 11th Coast Guard District, Coast Guard Island, Alameda, CA 94501–5100.
7. Commander, 13th Coast Guard District, Jackson Federal Bldg, 915 Second Ave., Seattle, WA 98174–1067.
8. Commander, 14th Coast Guard District, Prince Kalanianaole, Federal Building, 300 Ala Moana Blvd., 9th Floor, Honolulu, HI 96580–4982.
9. Commander, 17th Coast Guard District, PO Box 25517, Juneau, Alaska 99802–5517.
10. Superintendent, United States Coast Guard Academy, 15 Mogehan Ave., New London, CT 06320–8100.
11. Commanding Officer, United States Coast Guard Yard, 2401 Hawkins Point Road, Bldg. 1, Baltimore, MD 21226–1797.
12. Commanding Officer, United States Coast Guard Training Center, 1 Munro Avenue, Cape May, NJ 08204.
13. Commanding Officer, United States Coast Guard Institute, 5900 SW 64th Street, Room 235, Oklahoma City, OK 73169–6990.
14. Commanding Officer, U.S Coast Guard, Aircraft Repair & Supply Center, Elizabeth City, NC 27909–5001.
15. Commanding Officer, United States Coast Guard Aviation, 8501 Tanner Williams Road, Mobile, AL 36608–8322.
16. Commanding Officer, United States Coast Guard, 7323 Telegraph Rd., Alexandria, VA 22315–3940.
17. Commanding Officer, United States Coast Guard Reserve, Training Center, Yorktown, VA 23690–5000.
18. Commanding Officer, United States Coast Guard, Training Center, 599 Tomales Road, Petaluma, CA 94952–5000.
19. Commanding Officer, United States Coast Guard Aviation, Technical Training Center, Elizabeth City, NC 27909–5003.
20. Commanding Officer, U.S. Coast Guard, Research and Development Center, 1082 Shennecossett Road, Groton, CT 06340–6096.
21. Commanding Officer, U.S. Coast Guard, Human Resources Services and Information Center, Federal Bldg., 444 SE Quincy St., Topeka, KS 66683–3591.

DOT/ALL 1

SYSTEM NAME:

DOT Grievance Records Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Records are maintained in the personnel office that services the aggrieved employee if the grievance was processed under Departmental Personnel Manual, DPM 771–1, Agency Administrative Grievance System, pursuant to 5 CFR part 771. If processed under a negotiated grievance procedure from an approved labor agreement on behalf of a member, of a group of members, of a recognized collective bargaining unit, or if processed by the union, the grievance record is maintained in the office of the official administering the labor agreement pertaining to the collective bargaining unit. Addresses of servicing personnel offices are as follows: USCG Civilian Personnel Office, CGPC–CPM, 2100 2nd Street SW., Room 6224, Washington, DC 20593–00001; Federal Highway Administration, Office of Human Resources, 400 7th Street, SW., Room 4317,Washington, DC 20590; Federal Railroad Administration, Office of Human Resources, 1120 Vermont Ave, NW, RAD–10, Stop 30, Washington, DC 20005; Federal Transit Administration, Office of Human Resources, TAD–30, Room 9113, Washington, DC 20590; Office of Inspector General, Office of Human Resources, JM–20, Room 7107, Washington, DC 20590; Maritime Administration, Office of Personnel, MAR–360, Room 8101, Washington, DC 20590; National Highway Traffic Safety Administration, Office of Human Resources, NAD–20, Room 5306, Washington, DC 20590; Departmental Office of Human Resource Management, Departmental Director, M–10, Room 7411,Washington, DC 20590; Transportation Administrative Service Center, Human Resource Services, SVC–190, Room 2225, Washington, DC 20590; Research and Special Programs Administration, Office of Human Resources Management, DMA–40, Room 7108, Washington, DC 20590; Research and Special Programs Administration, VOLPE National Transportation Systems Center, Human Resources Management Division, DTS–84, Room 2–122, 55 Broadway, Cambridge, MS 02142–1093; Saint Lawrence Seaway Development Corporation, Office of Administration, PO Box 520, 180 Andrews Street, Massena, NY 13662–0520; Surface Transportation Board, 1925 K Street, NW., Suite 880, Washington, DC 20423; Federal Aviation Administration, National Headquarters, Office of Personnel, AHP–1, Room 500E, 800 Independence Avenue, SW., Washington, DC 20591; Federal Aviation Administration, Alaskan Region, 222 West 7th Avenue, PO Box 14, Anchorage, AK 99513–7587; Federal Aviation Administration, Western Pacific Region, PO Box 92007, World Postal Center, Los Angeles, CA 90009; Federal Aviation Administration, Southern Region, PO Box 20636, Atlanta, GA 30320; Federal Aviation Administration, Great Lakes Region, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018; Federal Aviation Administration, New England Region; 12 New England Executive Park, Burlington, MA 01803; Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, MO 64106; Federal Aviation Administration, Eastern Region, Fitzgerald Federal Building, JFK International Airport, Jamaica, NY 11430; Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137–4298; Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055–4056; Federal Aviation Administration, William J. Hughes, Technical Center, Atlantic City Intl Airport, Atlantic City, NJ 08405; Federal Aviation Administration; Mike Monroney Aeronautical Center, PO Box 25082, Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees who have submitted grievances with their respective administrations under OPM Letter 771–1, or grievances pertaining to members of DOT Collective Bargaining Units which were submitted in accordance with negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by or on behalf of DOT: statements of employees, witnesses, reports of interviews and hearings, fact-finders and/or arbitrator's findings and recommendations, copies of decisions and correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7121; 5 CFR part 771.

PURPOSE(S):

Determine validity of grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties. Provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Names of the individuals on whom they are maintained, or by names and local identification of unions.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records may be disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Human Resource Management, M–10, United States Department of Transportation, 400 7th Street, SW., Room 7411, Washington, DC 20590

NOTIFICATION PROCEDURE:

Same as ''System Manager.''

RECORD ACCESS PROCEDURES:

Same as ''System Manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.''

RECORD SOURCE CATEGORIES:

Individual on whom the records is maintained. Testimony of witnesses. Agency officials. Related correspondence from organization or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 5

SYSTEM NAME:

Employee Counseling Services Program Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Employee Counseling Service, which provides counseling to the employee.

Other Federal, state, or local government, or private sector agency or institution providing counseling services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees who have been counseled or otherwise treated regarding alcohol or drug abuse or for personal or emotional health problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of visits to employee counselors (Federal, state, local government, or private) and the diagnosis, recommended treatment, results of treatment, and other notes or records of discussions held with the employee made by the counselor. Documentation of treatment by a private therapist or a therapist at a Federal, state, local government, or private institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301 and 7901, 21 U.S.C. 1101, 42 U.S.C. 4541 and 4561, and 44 U.S.C. 3101.

PURPOSE(S):

Document the nature of the individual's problem and progress made and to record an individual's participation in and the results of community or private sector treatment or rehabilitation programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclose information to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report or otherwise disclose patient identities in any manner (when such records are provided to qualified researchers employed by DOT, all patient identifying information shall be removed). Disclose information, when an individual to whom a record pertains is mentally incompetent or under legal disability, to any person who is responsible for the care of the individual. DOT's General Routine Uses do not apply to this system. Whenever possible, a partial disclosure will be made or a summary of the contents of the record will be disclosed.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the name or social security number of the individual on whom they are maintained or by a unique case file identifier.

SAFEGUARDS:

These records are maintained in locked file cabinets with regular access strictly limited to employees directly involved in the DOT's Employee Counseling Services Program.

RETENTION AND DISPOSAL:

Records are maintained for three to six years after the employee's last contact with DOT's Employee Counseling Services Program.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Office of the Secretary, M–10, Department of Transportation, Room 7411, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Contact the DOT Employee Counseling Services Program coordinator who arranged for counseling or treatment.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Individual to whom it applies, the supervisor of the individual if the individual was referred by the Supervisor, the Employee Counseling Service Program staff member who records the counseling session, and therapists or institutions providing treatment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 6

SYSTEM NAME:

Workers' Compensation Information System.

SECURITY CLASSIFICATION:

Sensitive, unclassified.

SYSTEM LOCATION:

These records are maintained at the Departmental Office of Human Resource Management, Office of the Secretary, in Washington, DC; at the operating administration human resource management offices in Washington, DC, and in their in regional offices and centers; and at the Departmental Personnel and Policy Division at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former DOT employees who file (d) claims for Federal Employees' Compensation, FEC, or report work-related injuries or occupational health-related illnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of information that is derived from DOT personnel and payroll records, and from Federal Employees' Compensation claims records maintained by the Department of Labor/Office of Workers' Compensation Programs, OWCP. OWCP records include information regarding claims filed by DOT employees, members of the US Coast Guard Auxiliary, and students at the US Merchant Marine Academy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 8101 *et seq.*, 20 CFR 1.1 *et seq.*, 5 U.S.C. 552a, and Department of Labor and DOT implementing regulations.

PURPOSE(S):

The purpose of this system of records is to establish and maintain an automated data/information base that is used to improve claims management of the Federal Employees Compensation program within the Department; develop policy guidance; and promote training programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained in accordance with law and regulation in order to ensure proper and efficient management of the Federal Employees Compensation program within DOT. These records are required to assure compliance with the law and regulations and for maintaining program cost analysis and comparison information. These records provide occupation-related data including personnel data for the purpose of determining patterns of injury or illness and determining case disposition information. They are a source of information for purposes of controverting claims when appropriate, monitoring recovery of injured employees and offering of light duty assignments. Records in this system

may also be integrated with other DOT program-related personnel information as required for the sound policy or fiscal management of the program and the agency's mission, or in response to legislative and/or administrative initiatives or requirements. These records may be used as a source of information for the development of policy guidance and/or training programs, for program review and evaluation purposes, and for the provision of management information on an as required or ad hoc basis. Users include DOT human resource management officials, safety and health officials, supervisors, and managers.

These records are to be held in confidence and no information shall be disclosed except:

a. To the Department of Labor, OWCP, OSHA, the DOT Office of Inspector General, and/or OPM for review of appropriate case and/or investigative actions in collaboration with them.

b. Also, see the Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, magnetic tape and disk. Storage is at the geographic location of the servicing human resource management offices, the Headquarters human resource management policy offices, and the Departmental Personnel and Payroll Division at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma.

RETRIEVABILITY:

Records are maintained by employee name, social security and FEC case numbers, and regional/location identifiers.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Direct access to the automated database must be authorized by the Departmental Manager, Department of Transportation Workers' Compensation Program.

RETENTION AND DISPOSAL:

These records are maintained and disposed of in accordance FPMR 101 0911.4, General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Departmental Manager, Department of Transportation Workers' Compensation Program, Office of the Secretary, Departmental Office of Human Resource Management, 400 Seventh Street SW., Washington, DC 20590.

Office of Labor and Employee Relations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

Chief, Office of Civilian Personnel, United States Coast Guard, 200 Second Street SW., Washington, DC 20593.

Director, Office of Human Resources, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Personnel, Federal Railroad Administration, 1120 Vermont Avenue NW, Washington, DC 20005.

Director, Office of Human Resources, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Human Resources, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Personnel, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Human Resource Management, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590.

Principal, Human Resource Services, Transportation Administrative Service Center, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Human Resources, Office of Inspector General, 400 Seventh Street SW., Washington, DC 20590.

Director, Office of Administration, Saint Lawrence Seaway Development Corporation, 180 Andrews Street, Massena, NY 13662–1763.

Department of Transportation, Regional Human Resource Management Officers.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or writing to the system manager.

RECORD ACCESS PROCEDURES:

Individuals who desire information about themselves contained in this system of records should contact or address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest records about themselves contained in this system should contact or address their inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Information contained in this system is received from DOT records or OWCP records received from and maintained on DOT and its employees, members of the US Coast Guard Auxiliary, and students at the US Merchant Marine Academy.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 7

SYSTEM NAME:

Departmental Accounting and Financial Information System, DAFIS.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

The system is located in Department of Transportation, DOT Accounting offices and selected program, policy, and budget Offices. These offices are located within the Office of the Secretary, OST, the Research and Special Programs Administration, RSPA, the Federal Aviation Administration, FAA, the United States Coast Guard, USCG, the Federal Highway Administration, FHWA, the National Highway Traffic Safety Administration, NHTSA, the Federal Transit Administration, FTA, the Maritime Administration, MARAD, and the Federal Railroad Administration, FRA. These offices exercise systems and operational control over applicable records within the system. The system software is centrally maintained by the Federal Aviation Administration's Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma. Some centralized reporting functions are performed at Oklahoma City.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will cover: All civilian employees of the FAA, USCG, NHTSA, FHWA, OST, RSPA, FRA, FTA, and MARAD; and, the military employees of USCG as their Operating Administrations are implemented on the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories include payment records for non-payroll related expenses, payment records for payroll made off-line, collection records for payroll offsets, and labor cost records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The purpose for collecting the data in the DAFIS System of Records is to control and facilitate the accounting and reporting of financial transactions for DOT.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accounting office personnel use these records to: Provide employees with off-line paychecks, travel advances, travel reimbursements, and other official reimbursements; Facilitate the distribution of labor charges for costing purposes; Track outstanding travel advances, receivables, and other non-payroll amounts paid to employees, etc; and, Clear advances that were made through the system in the form of off-line paychecks, payments for excess household goods made on behalf of the employee, garnishments, overdue travel advances, etc. See Prefatory Statement of General Routine Uses.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, magnetic disk, microforms, and in file folders. Storage of file folders and microforms is at the geographic location of the servicing accounting office. Magnetic tape and disk records are maintained at the central maintenance site in Oklahoma City.

RETRIEVABILITY:

Records are retrieved by employee social security number. Retrieval is accomplished by use of telecommunications.

SAFEGUARDS:

Access to magnetic tape and disk records is limited to authorized agency personnel through password security. Hardcopy files are accessible to authorized personnel and are kept in locked file cabinets during non-duty hours.

RETENTION AND DISPOSAL:

Original payment vouchers and supporting documentation are retained on site at the accounting office for a period of three years. Certain transportation documents are forwarded to the General Service Administration for audit during that period. After three years, records are sent to GSA's Records Centers for storage. Records are destroyed after ten years and three months.

SYSTEM MANAGER(S) AND ADDRESS:

DAFIS Accounting Manager (B–30), Office of the Secretary, Office of Financial Management, 400 Seventh Street SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the manager of the accounting Office supporting the employee's agency. Agency accounting Managers will contact the DAFIS System Managers listed above if any centralized support is required for responses.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Information is provided by the employee directly or through the DOT Consolidated Uniform Payroll System.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 8

SYSTEM NAME:

Employee Transportation Facilitation.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, Transportation Administrative Service Center, TASC, Facilities Service Center, Parking Management Office, 400 Seventh Street, SW., Room P2–0327, Washington, DC 20590. Field installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Holders of parking permits and members of carpools and vanpools. Applicants for ridesharing information. Recipients of match letters for carpooling. Applicants and recipients of fare subsidies issued by DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of holders of parking permits and records of carpool and vanpool members. Records and reports of status of rideshare applications. Copies of applications and match letters received by rideshare applicants. Applications and certifications of fare subsidy recipients. Records and reports of disbursements to fare subsidy recipients. Information on local public mass transit facilities and fare subsidy programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

Parking management and fare subsidy management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Carpool listing produced for use in creating or enlarging carpools or vanpools. Used for production of listings and reports. Used for periodic review or revalidation. Used as part of a program designed to ensure eligibility for, and receipt of, fare subsidy. See Prefatory Statement of General Routine Uses.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in hard copy or electronically, depending on the number of entries at each installation. Storage is at the geographic location of the servicing office.

RETRIEVABILITY:

Records can be retrieved by name or by ZIP code of residence.

SAFEGUARDS:

Except for carpool listings, access is accorded only to parking and fare subsidy management offices. Printout of carpool listing used in matching program has name, agency, DOT permit number, and work telephone number only and is available upon request.

RETENTION AND DISPOSAL:

Data are deleted and not retained on ADP once the individual leaves the system for any reason (*i.e.*, is no longer on the ridesharing listing, is no longer a member of a carpool or vanpool, or no longer receives a fare subsidy). Record copies of monthly reports and listings are retained at each installation, headquarters and field, for three years, forwarded to the Federal Records Center for two more years, and then destroyed. Consolidated reports of all installations are retained at headquarters for three years, forwarded to the Federal Records Center for two more years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Services Section, TASC Facilities Services Center, Department of Transportation, 400 Seventh Street, SW., Room P2–0327, Washington, DC 20590. Field installations.

NOTIFICATION PROCEDURES:

Same as System manager.

RECORD ACCESS PROCEDURES:

Same as System manager.

CONTESTING RECORD PROCEDURES:

Same as System manager.

RECORD SOURCE CATEGORIES:

Applications submitted by individuals for parking permits, carpool and vanpool membership, ridesharing information, and fare subsidies; from notifications from other Federal agencies in the program; and from periodic certifications and reports regarding fare subsidies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 9

SYSTEM NAME:

Identification Media Record Systems.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of Transportation, DOT.

a. TASC Security Operations, SVC–150, 400 7th Street, SW., Washington, DC 20590; (for OST and all DOT Operating Administrations except those below).

b. Commandant, G–CAS, United States Coast Guard Headquarters, G–0, Washington, DC 20591 and District and Area Offices.

c. Federal Aviation Administration, Office of Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591; and each FAA Regional and Center Civil Aviation Security Divisions/Staff.

d. Federal Highway Administration, Operations and Services Divisions, 400 7th Street, SW., Washington, DC 20590, and all FHWA Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees and contractor employees in the Office of the Secretary, United States Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, St. Lawrence Seaway Development Corporation, Research and Special Programs Administration, Bureau of Transportation Statistics, Maritime Administration, and Transportation Administrative Service Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, photographs, receipts for DOT identification cards and official credentials, temporary building passes, security badges, and applications for other identification needed for official duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

To provide a ready concentration of employee personal data to facilitate issuance, accountability, and recovery of required identification media issued to employees and contractors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained for control and accountability of DOT identification cards, credentials, and security badges issued to DOT employees, former employees, and contractors for identification purposes and admittance to the DOT facilities or for other official duties. See Preparatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks, magnetic tape, and paper forms in file folders.

RETRIEVABILITY:

Retrieval from the system is by name, social security number, date of birth, or identification card number and can be accessed by authorized individuals.

SAFEGUARDS:

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments are similarly controlled. Only those personnel with a need to have access to the system are given user names and passwords. Data are manually and/or electronically stored in a locked room with limited access.

RETENTION AND DISPOSAL:

Information including applications, photographs and identification media, will be destroyed within one year of termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

a. Principal, TASC Security Operations, SVC–150, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (address for OST and all DOT operating administrations except those below).

b. For USCG: Commandant, G–0, United States Coast Guard, Washington, DC 20593.

c. For FAA: Director, Civil Aviation Security, Federal Aviation Administration, and 800 Independence Avenue, SW., Washington, DC 20591.

d. For FHWA: Chief, Operations and Services Division, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager, except that for USCG, notification should be given to Commandant, G–TIS.

RECORD ACCESS PROCEDURES:

Same as Notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification procedure. Correspondence contesting records must include the full name and social security number of the individual concerned and documentation justifying the claim.

RECORDS SOURCE CATEGORIES:

Individuals on whom the record is maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 10

SYSTEM NAME:

Debt Collection File.

SECURITY CLASSIFICATION:

Sensitive, unclassified.

SYSTEM LOCATION:

Federal Aviation Administration, General Ledger Branch, Mike Monroney Aeronautical Center, and 6500 S. MacArthur Blvd., Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons currently or formerly associated with the Department of Transportation, DOT who are financially indebted to the United States Government under some particular service or program of the DOT other than under a contract. Individuals may include current, retired, or formerly employed DOT personnel or personnel from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies depending on the individual debtor, and includes the history of debt collection activity on the individual. Normally, the name, Social Security Number, SSN, address, amount of debt or delinquent amount, basis of the debt, date debt arose, office referring debt, collection efforts, credit reports, debt collection letters and correspondence to or from the debtor relating to the debt. Correspondence with employing agencies of debtors or Office of Personnel Management or Department of Defense, as appropriate, requesting that action begin to collect the delinquent debt through voluntary or involuntary offset procedures against the employee's salary or compensation due a retiree.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966 (Pub.L. 89–508), 31 U.S.C. Chapter 37, Subchapter I, General, and Subchapter II, Claims of the United States Government; Debt Collection Act of 1982, Pub.L. 97–365; 5 U.S.C. 5514, Installment Deduction for Indebtedness (salary offset); section 206 of Executive Order 11222; Executive Order 9397; and 49 CFR part 92, Salary Offset, DOT.

PURPOSE(S):

For the administrative management and collection of all delinquent debts, including past due loan payments, overpayments, fines, penalties, fees, damages, interest, leases, sales of real or personal property, etc., due to the DOT and debts due to other Federal departments and agencies that may be referred to the DOT for collection to the extent DOT controls funds due the debtor. This system provides for the implementation of the salary-offset provisions of 5 U.S.C. 5514, the administrative offset provisions of 31 U.S.C. 3716 and the provisions of the Federal Claims Collection Standards, FCCS. It applies to personal rather than contract debts. Guidance regarding contract debts is contained in the Federal Acquisition Regulation. Records in this record system are subject to use in authorized and approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the United States General Accounting Office, GAO, Department of Justice, United States Attorney, or other Federal agencies for further collection action on any delinquent account when circumstances warrant. To a debt collection agency for the purpose of collection administered by the DOT. Debtor's name, Social Security Number, the amount of debt, and the history of the debt may be disclosed to any Federal agency where the individual debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt owed the United States Government on DOT's behalf by counseling the debtor for voluntary repayment or by initiating administrative or salary offset procedures under the provisions services to recover monies owed to the United States Government under certain programs or services of the Debt Collection Act of 1982 (Pub.L. 97–365). To the Internal Revenue Service, IRS, by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by DOT against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3217, and 3718. Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOT purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose. Data base information consisting of debtor's name, Social Security Number, and amount owed may be disclosed to the Defense Manpower Data Center, DMDC, Department of Defense, the United States Postal Service or to any other Federal, state, or local agency for the purpose of conducting an authorized computer matching program in compliance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended, so as to identify and locate delinquent debtors in order to start a recoupment process on an individual basis of any debt owed DOT by the debtor arising out of any administrative or program activities or services administered by DOT. Disclosure of personal and financial information from this system on current, retired, or former employees of DOT or United States Coast Guard members may be made to any creditor Federal agency seeking assistance for the purpose of that agency requesting voluntary repayment or implementing administrative or salary offset procedures in the collection of unpaid financial obligations owed the United States Government from an individual affiliated with the DOT. An exception to this routine use is an individual's mailing address obtained from the IRS pursuant to 26 U.S.C. 6103(m)(2).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this record system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure, once determined to be valid and overdue, is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number, (Social Security Number; the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage for records on personal computers is kept on floppy disks. Storage on microcomputers is first downloaded onto a floppy disk and then locked in a file cabinet. Data kept in paper file folders are locked in file cabinets.

RETRIEVABILITY:

Records are retrieved by name or Social Security Number.

SAFEGUARDS:

Computers provide privacy and access limitation by requiring a user name and password match. These records are available only to those persons whose official duties require such access. Records are kept in limited access areas during duty hours and in locked cabinets at all other times.

RETENTION AND DISPOSAL:

Records are disposed of when ten years old except documents needed for an ongoing investigation in which case the record will be retained until no longer needed for the investigation. Data tracks on floppy disks are overwritten a minimum of three times.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Director, Office of Financial

Management, B–30, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the particular DOT operating administration or component in care of the System location above. Individual should furnish full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual, creditor agencies, Federal employing agency of debtor, collection agencies, Federal, state or local agencies furnishing identifying information and/or address of debtor, as well as other internal DOT records such as payroll information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 11

SYSTEM NAME:

Integrated Personnel and Payroll System, IPPS.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

United States Department of Transportation, DOT, Office of the Secretary, OST, 400 7th Street, SW., Washington, DC 20590. Working copies of certain records are held by OST, all DOT Operating Administrations, Office of the Inspector General, OIG, and the National Transportation Safety Board, NTSB. DOT provides personnel and payroll services to NTSB on a reimbursable basis, although NTSB is not a DOT entity. This is done for economy and convenience since both organizations' missions are transportation oriented and located in the same geographic areas.).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, present, and former employees in the Office of the Secretary of Transportation, OST, Bureau of Transportation Statistics, BTS, Federal Aviation Administration, FAA, Federal Highway Administration, FHWA, Federal Railroad Administration, FRA, Federal Transit Administration, FTA, Maritime Administration, MARAD, National Highway Traffic Safety Administration, NHTSA, Office of the Inspector General, OIG, Research and Special Programs Administration, RSPA, St. Lawrence Seaway Development Corporation, SLSDC, Transportation Administrative Service Center, TASC, National Transportation Safety Board, NTSB, and civilian employees of the United States Coast Guard, USCG.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains those records required to insure that an employee receives his or her pay and personnel benefits as required by law. It includes, as appropriate: Service Record, Employee Record, Position Identification Strip, Claim for 10-Point Veteran Preference, Request for Referral Eligibles, Request and Justification for Selective Factors and Quality Ranking Factors, Certification of Insured Employee's Retired Status, Federal Employees' Group Life Insurance, FEGLI, Notification of Personnel Action, Notice of Short-Term Employment, Request for Insurance, FEGLI, Designation of Beneficiary, FEGLI, Notice of Conversion Privilege, Agency Certification of Insurance Status, FEGLI, Request for Approval of Non-Competitive Action, Appointment Affidavits, Declaration of Appointee, Agency Request to Pass Over a Preference Eligible or Object to an Eligible, Official Personnel Folder, Official Personnel Folder Tab Insert, Incentive Awards Program Annual Report, Application for Leave, Monthly Report of Federal Civilian Employment, Payroll Report of Federal Civilian Employment, Semi-annual Report of Federal Participation in Enrollee Programs, Request for Official Personnel Folder (Separated Employee), Statement of Prior Federal Civilian and Military Service, Personal Qualifications Statement, Continuation Sheet for Standard Form 171 ''Personal Qualifications Statement'', amendment to Personal Qualifications Statement, Job Qualifications Statement, Statement of Physical Ability for Light Duty Work, Request, Authorization, Agreement and Certification for Training, United States Government Payroll Savings Plan-Consolidated Quarterly Report, financial Disclosure Report, Information Sheet Financial Disclosure-Report, Payroll for Personal Services, Pay Receipt for Cash Payment to Transferable, Payroll Change Slip, Payroll for Personal Service payroll Certification and Summary—Memorandum, Record of Leave Data, Designation of Beneficiary—Unpaid Compensation of Deceased Civilian Employee, United States Savings Bond Issue File Action Request, Subscriber List for Issuance of United States Savings Bonds, Request for Payroll Deductions for Labor Organization Dues, Revocation of Voluntary Authorization for Allotment of Compensation for Payment of Labor Organization dues, Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial Organization, Designation of Beneficiary— Unpaid Compensation of Deceased Civilian Employee, United States Savings Bond Issue File Action Request, Authorization for Purchase and Request for Change: United States Series EE Savings Bond, Request by Employee for Allotment of Pay for Credit to Savings Accounts with a Financial Organization, Application for Death Benefits—Civil Service Retirement System, Application for Retirement—Civil Service Retirement System, Superior Officer's Statement in Connection with Disability Retirement, Physician's Statement for Employee Disability Retirement Purposes, Transmittal of Medical and Related Documents for Employee Disability Retirement, Request for Medical Records (To Hospital or Institution) in Connection with Disability Retirement, Application for Refund of Retirement Deductions, Application to Make Deposit or Redeposit, Application to Make Voluntary Contribution, Request for Recovery of Debt Due the United States (Civil Service Retirement System), Register of Separations and Transfers—Civil Service Retirement System, Register of Adjustments—Civil Service Retirement System, Annual Summary Retirement Fund Transactions, Designation of Beneficiary Civil Service Retirement System, Health Benefits Registration Form—Federal Employees Health Benefits Program, Notice of Change in Health Benefits Enrollment, Transmittal and Summary Report to Carrier Federal Employees Health Benefits Program, Report of Withholding and Contributions for Health Benefits, Group Life Insurance, and Civil Service Retirement, Report of Withholdings and Contributions, Employee Service Statement, Election of Coverage and Benefits, Designation of Beneficiary, Position Description, Inquiry for United States Government Use Only, Application for Retirement—Foreign Service Retire System, Designation of Beneficiary, Application for Refund of Retirement Contributions (Foreign Service Retirement System), Election to Receive Extra Service Credit Towards Retirement (or Revocation Thereof), Application for Service Credit,

Employee Suggestion Form, Meritorious Service Increase Certificate, Foreign Service Emergency Locator Information, Labor Distribution Data, Leave Record, Leave Summary, Individual Pay Card, Time and Attendance Report, Time and Attendance Report (For Use Abroad).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 322.

PURPOSE(S):

The purpose for collecting the data in the IPPS System of Records is to control and facilitate payment of salaries to DOT civilian employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Records are maintained for control and accountability of: Pay and allowances; permanent and temporary pay changes; pay adjustments; travel advances and allowances; leave balances for employees; earnings and deductions by pay periods, and pay and earning statements for employees; management information as required on an ad hoc basis; payroll checks and bond history; union dues; withholdings to financial institutions, charitable organizations and professional associations; summary of earnings and deductions; claims for reimbursement sent to the General Accounting Office, GAO; federal, state, and local taxes withholdings; and list of FICA employees for management reporting. 2. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System, FPLS and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action. 3. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement. 4. To Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage is on magnetic disks, magnetic tape, microforms, and paper forms in file folders.

RETRIEVABILITY:

Retrieval from the system is by social security number, employee number, organization code, or home address; these can be accessed only by individuals authorized such access.

SAFEGUARDS:

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments is similarly controlled. Only those personnel with a need to have access to the system are given user names and passwords. Data are manually and/or electronically stored in locked rooms with limited access.

RETENTION AND DISPOSAL:

The IPPS records are retained and disposed in compliance with the General Records Schedules, National Archives and Records Administration, Washington, DC 20408. The following schedules apply: General Records Schedule 1, Civilian Personnel Records, Pages 1 thru 22, Items 1 through 39; and General Records Schedule 2, Payrolling and Pay Administration Records, Pages 1 thru 6, Items 1 thru 28.

SYSTEM MANAGER(S) AND ADDRESS:

Contact Chief, Financial Management IT Deployment Staff (B–35) at the United States Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.'' Correspondence contesting records must include the full name and social security number of the individual concerned and documentation justifying the claims.

RECORD SOURCE CATEGORIES:

Data are collected from the individual employees, time and attendance clerks, supervisors, official personnel records, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from the Departmental Accounting and Financial Information system of records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/ALL 12

SYSTEM NAME:

DOT Mentoring Records System.

SECURITY CLASSIFICATION:

Sensitive.

System location:

Department of Transportation, DOT TASC Computer Center, 400 7th Street, SW., Washington, DC 20590–0001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. All DOT personnel registering to become mentors.

b. All DOT personnel registering to be mentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records are electronic and/or paper, and may include identifying information, such as name, office routing symbol, office phone and fax numbers, e-mail address, last four digits of the social security number, grade, and employing administration. All records reflect:

a. Name.
b. Operating Administration.
c. Last four digits of social security number.
d. Routing Symbol.
e. State employed.
f. Age range.
g. Pay plan.
h. Series.
i. Civilian or Military grade.
j Work phone.
k. Work Fax.
l. Work e-mail address.
m. Work skills (Optional narrative).
n. Interests (Optional narrative).
o. Hobbies (Optional narrative).

Records for employees of the United States Coast Guard, both military and civilian may also include:

1. Collateral duties.
2. Coast Guard training Received.
3. Coast Guard qualification codes.
4. Commissioning source.
5. Education level/Type of degree.
6. Ethnicity.
7. Marital status.
8. Current OPFAC.

This information is optional for USCG employees only.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 4103.

PURPOSE(S):

This system will be used to match prospective DOT mentors with employees interested in becoming mentees. The system will also be used to monitor the number of employees participating in the DOT Mentoring Program, store participants pass words, contact participants for survey purposes, provide mentor names to senior departmental and human resource management officials, and measure the success of cross modal mentoring.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To DOT HRM personnel to evaluate interest in the program.

b. To DOT HRM personnel to transmit survey instruments to participants.

c. To DOT HRM personnel to determine the amount of cross modal participation.

d. To Senior Management Officials for review.

Also, see the prefatory statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on a DOT server, with restricted access.

RETRIEVABILITY:

Retrieval from the system is by category (mentor/mentee), and can be accessed by the administrators of the DOT mentoring program database.

SAFEGUARDS:

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments is similarly controlled. Only those personnel administering the DOT Mentoring Program database are given user names and passwords.

RETENTION AND DISPOSAL:

Records disposition schedule as developed by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Jan B. Karicher, Departmental Office of Human Resources Management, M–13, Department of Transportation 400 Seventh Street, SW., Washington, DC, 20590–0001.

NOTIFICATION PROCEDURE:

Inquiries should be directed to: United States Department of Transportation, Departmental Director of Human Resource Management (M–10), 400 7th Street, SW., Washington, DC 20590–001.

RECORD ACCESS PROCEDURES:

Individuals may access their own data through Internet, to the DOT HRM Home Page.

CONTESTING RECORD PROCEDURES:

NA.

RECORD SOURCE CATEGORIES:

Individual registrants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 501

SYSTEM NAME:

Auxiliary Management Information System, AUXMIS.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

U.S. Coast Guard Operations System Center, G–OPB, 600 Coast Guard Dr., Kearneysville, WV 25430.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present Coast Guard Auxiliarists. All Auxiliarists disenrolled since 1996.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information (name, address, birth date, Social Security Number, SSN, phone number). Auxiliary qualifications information (Instructor, Examiner, Specialty). Auxiliary activities information (patrols conducted, classes taught). Information on facilities—boats, radio stations or aircraft—owned by Auxiliarists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 830, 831; 49 CFR 1.45, 1.46; COMDTINST M16790.1E.

PURPOSE(S):

Primary management tool for the Coast Guard Auxiliary program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cumulative unit and individual activity summaries for use as a management tool by Coast Guard District, Area and Headquarters program managers, Coast Guard field units, Coast Guard District Directors of Auxiliary, DIRAUX all Auxiliary units. Identification of all Auxiliary members. Alphabetical nationwide cross-reference listing for use by headquarters and district office staffs. Mailing labels for national, district and program specific mailings to auxiliary membership. An annual summary of all member specific information is mailed directly to respective members. Used by: Chief, Office of Auxiliary and staff; Coast Guard Groups and commands; District Directors of Auxiliary, DIRAUX and staff; Various elected and appointed office holders of the Auxiliary. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

AUXMIS II master records contain personal and activity information concerning USCG Auxiliary members. The approximately 40,000 records presently in the system are stored in a Progress Relation Database Management System on DLT tapes using Net Backup and are stored off-site.

RETRIEVABILITY:

The current AUXMIS II master file resides on a HP–755 hardware suite with a Unix 10.2 operating system. Information is retrieved by number and name of the individual and can be accessed by those DIRAUX and other designated users with access to the database through CGDN or modem connection at anytime.

SAFEGUARDS:

The master files cannot be accessed without the proper user identification and password. Eight user access levels have delimiters to restrict the domains in which a user can view and/or change member information.

RETENTION AND DISPOSAL:

Retention of weekly tape files is 180 days, then erased. Retention of disk files is 1 week, and then updated. Retention of the year-end tape file is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

United States Coast Guard, Office of Command and Control Architecture, Commandant, G–OCC, U.S. Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001. U.S. Coast Guard, Office of Auxiliary, Commandant, G–OCX, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII–2, United States Coast Guard Headquarters, Office of Information Management, 2100 2nd

Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Individual Auxiliary members can view their AUXMIS II record through a designated person with restricted domain user access from their Flotilla or Division. At any time, members of the Auxiliary can request access to their personal, hardcopy ''member jacket'' file located at their respective DIRAUX office.

CONTESTING RECORD PROCEDURES:

Record content can be contested at any time and, if error is found, all DIRAUX level users have the access to correct individual records. Restricted domain user access provides members the means to correct their own address, name and phone numbers.

RECORD SOURCE CATEGORIES:

All records pertaining to Auxiliary members are derived from forms filled out by the individuals involved on a voluntary basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 503

SYSTEM NAME:

Motorboat Registration.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant, G–OPB, United States Coast Guard, CG, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Boat owner registering for the issuance of boat identification numbers for boats recorded in the State of Alaska.

CATEGORIES OF RECORDS IN THE SYSTEM:

Boat owner name, address, and boat information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 46 U.S.C. 2301; 49 CFR 145, 146

PURPOSE(S):

Administer the Coast Guard's boating safety program.

ROUTINE USES OF RECORDS MAINTAINED THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained in file cabinets.

RETRIEVABILITY:

By name/number.

SAFEGUARDS:

Only authorized office personnel have access to subject files. All personnel screened prior to allowing access. Building secured and guarded after duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, United States Coast Guard, Office of Boating Safety, G–OPB, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant, G–SII, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Department of Transportation, United States Coast Guard Headquarters, Commandant, G–SII–2, 2100 2nd Street, SW., Washington, DC 20593–0001.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures''

RECORD SOURCE CATEGORIES:

Individual applicant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 505

SYSTEM NAME:

Recreational Boating Law Enforcement Case Files.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, United States Coast Guard,CG, Coast Guard District Offices and Headquarters unit offices for records of incidents in their localities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners/operators of vessels found in violation of Federal recreational boating laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing names of violators, their addresses and social security numbers, together with descriptions of boats and notations of the alleged violations of Federal boating laws, and copies of correspondence relating to the disposition of any penalty involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(5 U.S.C. 301; 14 U.S.C. 89a, 93(a)&(c), 632; 16 U.S.C. 1431; 49 CFR 1.45, 1.46)

PURPOSE(S):

Determine enforcement action to be taken by the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552(b)(12). Disclosures may be made from this system to consumer reporting agencies (collecting on behalf of the U. S. Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards, logbooks, and file folders.

RETRIEVABILITY:

Name of individual in alphabetical file, or by civil penalty case number.

SAFEGUARDS:

Information available only to authorized personnel. Files maintained in office in building that is secured during non-working hours and has a roving guard patrol.

RETENTION AND DISPOSAL:

Records in system maintained for three years before disposal by mutilation or burning. Records on reported warnings are destroyed after 1 year (paper files).

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–OPB, Chief, Office of Boating Safety, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant,G–SII, United States Coast

Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting the local Coast Guard District or Unit where incident occurred. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Reports of Coast Guard boarding officers and marine safety investigations as well as from reports by.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt from disclosure under the provisions of 5 U.S.C. 552a (k)(2) which provide in part, that investigatory material complied for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or prior to December 31, 1974, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 507

SYSTEM NAME:

Coast Guard Supplement to the Manual of Courts Martial Investigations.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant, G–L United States Coast, CG, Office of the Chief Counsel, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles. Incidents involving, explosions, for loss or destruction of classified material. Circumstances involving equipment failures and property damage, loss or destruction. Circumstances involving violation of standards of conduct personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(5 U.S.C. 301; 14 U.S.C. 93(e), 632; 49 CFR 1.45, 1.46).

PURPOSE(S):

Resolution of claims against the Coast Guard as well as claims asserted by the government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage cabinets.

RETRIEVABILITY:

Name of person, vessel or other facility involved in investigation.

SAFEGUARDS:

Authorized personnel are granted access to these records in connection with the performance of their official duties.

RETENTION AND DISPOSAL:

Records are maintained in division files for three years and then forwarded to Federal Records Depository.

SYSTEMS MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant,G–L, U.S. Coast Guard, Office of the Chief Counsel, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant, G–SII–2 United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Coast Guard investigating officers, military and civilian personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 508

SYSTEM NAME:

Claims and Litigation.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant (G–L), United States Coast Guard (CG), 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in litigation with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

SUITS AND CLAIMS FOR AND AGAINST THE COAST GUARD.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(5 U.S.C. 301; 5 U.S.C. 3301; 14 U.S.C. 1.45, 33 U.S.C. 2712(e); 33 CFR 133.21; 49 CFR 1.45, 1.46; E. O. 12777; COMDTINST M5890.9)

PURPOSE(S):

Determination of claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Two card index files, one alphabetic and one numeric, maintained for cross reference.

SAFEGUARDS:

Access is regularly limited to Coast Guard and civilian employees of the Claims and Litigation Division granted in connection with official duties.

RETENTION AND DISPOSAL:

Maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–L, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant, G-SII–2, United States

Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure''.

RECORD SOURCE CATEGORIES:

Coast Guard military and civilian personnel, members of the public, and Coast Guard investigating officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 509

SYSTEM NAME:

Non-Judicial Punishment Report.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant, G–L, United States Coast Guard, CG, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard military personnel who have been subject to non-judicial punishment proceedings under Article 15, Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of Proceedings under Article 15, Uniform Code of Military Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(5 U.S.C. 301, 10 U.S.C. 815; 14 U.S.C. 632; 49 CFR 1.45, 1.46.)

PURPOSE(S):

Military justice administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records provide statistical data concerning the number of proceedings held, units holding proceedings, offenses committed, punishments imposed, and background data of individuals concerned. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are made available to authorized personnel. Records are maintained in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Disposal procedures not as yet established. Back-up material disposed of after introduction into system.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–L, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, Commandant, G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Individual service records and from proceedings conducted.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 510

SYSTEM NAME:

Records of trial: Special, General and Summary Courts Martial.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant, G–L, United States Coast Guard, CG, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is tried by court martial in the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 865; 14 U.S.C. 632; 49 CFR 1.45, 1.46; E.O. 11835 (January 27, 1975, paragraph 94b).

PURPOSE(S):

Documentation of Coast Guard courts martial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file cabinets.

RETRIEVABILITY:

Alphabetically by name of individual.

SAFEGUARDS:

Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retained permanently. Maintained for two years, reviewed by System Manager and then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Commandant, G–L, Office of the Chief Counsel, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant, G–SII, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Trial proceedings and subsequent statutory reviews—Court of Military Review, Court of Appeals for the Armed Services, and Chief Counsel of the Coast Guard.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 511

SYSTEM NAME:

Legal Assistance Case File System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, Commandant, G–L, United States Coast Guard, CG, 2100 2nd Street, SW.,

Washington, DC 20593–0001. United States Coast Guard District Legal Offices and Legal Offices of Coast Guard Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard military members seeking personal legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the matters handled by these officers for clients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 1044, 1054; 14 U.S.C. 632, 44 U.S.C. 3101; 49 CFR 1.45, 1.46

PURPOSE(S):

Provide legal assistance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are also used to prepare statistical reports concerning a legal officer's time utilization.

The Prefatory Statement of Routine Uses applies to records in this system only to the extent that their disclosure would not constitute a violation of the judicially recognized privilege attaching to attorney-client communications and of the ethical and professional responsibilities of lawyers under the American Bar Association's Code of Professional Responsibility.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Normally, written records kept in file folders.

RETRIEVABILITY:

Alphabetical indexes by name of member.

SAFEGUARDS:

Kept in office space or filing cabinets, which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

RETENTION AND DISPOSAL:

Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on contents of the record involved.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–L, Office of the Chief Counsel, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. District or unit legal offices:

NOTIFICATION PROCEDURE:

Commandant, (G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units, dependent on where legal assistance was rendered.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures''.

RECORD SOURCE CATEGORIES:

Client involved and as a result of any subsequent investigation by the legal officer on behalf of the client.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 526

SYSTEM NAME:

Adjudication and Settlement of Claims System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001. Coast Guard Districts and Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active, Reserve, and Retired military members; civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims arising out of disputes concerning amounts of pay received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 5514; 14 U.S.C. 632, 461; 37 U.S.C. 1007; 49 CFR 1.45, 1.46.

PURPOSE(S):

Determine entitlement of claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To use as precedent setting data in the resolution of similar questions in the future. Used by authorized Coast Guard officials and officials of the IRS, GAO, and the Civil Service Commission, as required. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders.

RETRIEVABILITY:

Claimant name.

SAFEGUARDS:

Access is limited to authorized officials by screening of personnel. Maintained in Government building having roving security guards after duty hours.

RETENTION AND DISPOSAL:

After adjudication and settlement, most submissions are retained for precedent setting value, as required.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Individual, CG payroll offices, legal staff, investigators, Director of Personnel and Management, Comptroller General, GAO, and congressional correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 528

SYSTEM NAME:

Centralized Reserve Pay and Retirement System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, Human Resources Service and Information Center, 444 SE Quincy St., Topeka, KS 66683–3591. District Offices and other Field Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Reservists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master Pay and Retirement Point Credits Record. Master Personnel Data Accounting Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 1331; 10 U.S.C. 12731; 14 U.S.C. 632; 49 CFR 1.45, 1.46

PURPOSE(S):

Prepare monthly payroll and all associated listings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation of budgets. Accounting. Compute pay and points. Compilation of data. Report earnings to state and city taxing authorities. Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to ''Consumer reporting agencies'' (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm of payroll retained in Reserve Pay Branches and Districts. Records are filed manually in filing cabinets.

RETRIEVABILITY:

Alphabetically by name of Reservist and CG Unit Number.

SAFEGUARDS:

Access is regularly limited to user staff members. Records are stored in secured building after duty hours.

RETENTION AND DISPOSAL:

Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WT, Director, Reserve and Training Directorate, United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

District Commander and Office of Reserve, Individual Unit Commanding Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 533

SYSTEM NAME:

Retired Pay and Personnel System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, CG, Human Resources Service and Information Center, 444 SE. Quincy St., Topeka, KS 66683–3591.

CATEGORIES OF INDIVIDUALS:

Annuitants. Lighthouse Keeper Retirees. Honorary Retirees. USCG Retirees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and Personnel data of military retirees, annuitants, lighthouse keepers and retirees. Personnel data of honorary retirees. Accounts receivable and accounts payable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 421–424, 1201, 1401; 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Make payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

W–2 wage and federal tax reporting to the Internal Revenue Service. Reports of earnings to State and city taxing authorities. Listing of currently retiring officers, home addresses and mailing labels used by authorized USCG and USCG affiliated organizations. Reports and information exchanged with the Veterans Administration, Office of Personnel Management, Social Security Administration, Department of Defense, and the Red Cross. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to ''consumer reporting agencies'' (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders. Microfilm is stored in the retired pay branch. Check tapes are filed in tape library.

RETRIEVABILITY:

Records and microfilm are indexed alphabetically, check tapes are indexed by tape number. Retrieved by name/number.

SAFEGUARDS:

Access is regularly limited to user staff members under supervisory control. Stored in government building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitant's death, and then forwarded to a Federal Records Center. Magnetic tapes are retained 18 months, microfilm for 6 years (required by GAO) then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Notification procedure: Department of Transportation, Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant, G–SII at the address in ''Notification Procedure'' or the local Coast Guard District or unit office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures''.

RECORD SOURCE CATEGORIES:

Individuals, Coast Guard personnel and payroll offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 534

SYSTEM NAME:

Travel and Transportation of Household Effects.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, U.S. Coast Guard Headquarters, Director, Personnel Management Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001. District Office and Headquarters' units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel claims, transportation claims, government bills of lading, applications for shipment of household effects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 1147; 14 U.S.C. 512, 632; 37 U.S.C. 406; 49 CFR 1.45, 1.46

PURPOSE(S):

Payment of household and transportation claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Vouchers submitted for payment of claims, for audit of claims for payment, to account for cost of moving household goods, advice of shipment of household goods for reporting of funds expended, and for payment of claims. Used by General Accounting Office in connection with the performance official duties. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed manually in file folders.

RETRIEVABILITY:

Schedule numbers and/or individual name.

SAFEGUARDS:

Access is regularly limited to user staff members. Stored in a building secured after duty hours.

RETENTION AND DISPOSAL:

Records are kept for 3 years, and then transferred to a Federal Records Center. Exception: Schedule 98–Ts (Freight and Transportation) are forwarded to General Accounting Office, GAO after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant, G-SII) at the address in ''Notification procedure'' or the local Coast Guard District or unit office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure''.

RECORD SOURCE CATEGORIES:

Individual subject of the record. Ground freight and transportation carriers and agents. Airline companies. Personnel offices. Other responsible agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 535

SYSTEM NAME:

Coast Guard Exchange System, CGES and Morale, Welfare and Recreation, MWR Program.

SYSTEM CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, Director, Personnel Management Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001. CG Districts, Maintenance and Logistics Commands and Headquarters Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees. Active duty and retired military members. Military dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records. Accounting records for CGES/MWR loans. Listing of bad checks. Job applications. Correspondence. Membership applications. Accounts receivable. Investigatory reports involving abuse of facilities. Accounting records for CGES/MWR.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 2105; 10 U.S.C. 1059, 1146, 1587; 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Maintain financial and personnel records for Coast Guard non-appropriated fund entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll for CGES/MWR employees. Personnel actions. Accounting purposes. Budget and inventory controls. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on tape, disc, drums and punched cards. Manual records may be stored in file folders and/or credit ledgers, card files, and notebooks.

RETRIEVABILITY:

Indexed alphabetically.

SAFEGUARDS:

Access is regularly limited to authorized personnel. Building is secured after duty hours.

RETENTION AND DISPOSAL:

Records are retained until usefulness has expired and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd

Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Individual record subject. Previous employees. Employment agencies. Civilian and military investigative reports. General correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 536

SYSTEM NAME:

Contract and Real Property File System.

SYSTEM CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–CFM, United States Coast Guard Headquarters, Chief of Staff, 2100 2nd Street, SW., Washington, DC 20593–0001. District and Headquarters Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals doing business with the Coast Guard. Employees of prime and sub-contractors. Individuals requiring use of CG property. Military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracts and related files. Real property and leased family housing files. Bidders list. Minority compliance records. Payment schedule files relating to Admiralty and Tort claims. Personnel claims. Collection register. Open purchase order file. Correspondence files and vendor lists. Information on employees of contractors, job level and pay of these employees. Permits, licenses and easement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 2571; 14 U.S.C. 92(f), 93(o), 632, 666, 685; 49 CFR 1.45, 1.46; COMDTINST 5100.47.

PURPOSE(S):

Determine compliance of contractors with minimum wages for certain skills and trades on government contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Recordkeeping of payments and collection. Determine potential for contracting with the government. Record issuance of personal property and maintain inventories. Determine contractor responsibilities and liability. Used by the General Accounting Office, GAO in performance of duties. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders, maintained on tape/card three ring binders, and in hard cover books.

RETRIEVABILITY:

Retrieved by individual/company name, number, construction job, and/or location.

SAFEGUARDS:

Access restricted to authorized personnel only, some records in locked safe and/or filing cabinet. Maintained in building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–CFM, United States Coast Guard Headquarters, Chief of Staff, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Individuals. Contractors. Contract employees. Bidders. Financial institutions. Insurance Companies. Community associations. Other agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 537

SYSTEM NAME:

FHA Mortgage Insurance for Servicemen.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, Director, Personnel Management Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel who have applied for Federal Housing Administration Mortgage Insurance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected aspects of FHA Mortgage Insurance Records for military personnel, including copies of Form DD–802, ''Request for and Certificate of Eligibility'' and Form DD–803, ''Certificate of Termination.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 680–689; 49 CFR 1.45, 1.46

PURPOSE(S):

Enroll, terminate, and verify eligibility of members in FHA 222 Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verify that billings from HUD are correct, and payable from Coast Guard funds.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually in closed file cases.

RETRIEVABILITY:

By named individual, alphabetically.

SAFEGUARDS:

Access is regularly limited to user staff members. After duty hours, the building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Files are maintained as long as a member is covered by an insured mortgage loan; 3 years after, files are forwarded to Federal Records Center. Destroyed 4 years after case files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street SW., Washington, DC 20593–0001. The written request should include the requester's name in full and signature.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant, G–SII, at the address above, or by visiting the Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Proof of identity will be required prior to affording an individual access to his records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures''.

RECORD SOURCE CATEGORIES:

Individual concerned and the Federal Housing Administration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 571

SYSTEM NAME:

Physical Disability Separation System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW., Rm. 1504, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel, USCG Reserve personnel on active duty orders for periods greater than 29 days, and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Central Physical Evaluation Board files. Formal Physical Evaluation Board files. Physical Review Council files. Physical Disability Appeal Board files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1216, 14 U.S.C. 366, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Physical disability separation and retirement proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Veteran Affairs for assistance in determining the eligibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Name, social security number, and the diagnosis or International Classification of Diseases, ICD code.

SAFEGUARDS:

Records are maintained in locked filing equipment in controlled access rooms. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1504, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Notarized written requests should contain the full name and social security number of the member and be addressed to: Commandant, G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Information in records developed through proceedings of administrative bodies listed in ''Categories of records'' above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 572

SYSTEM NAME:

USCG Military Personnel Health Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Member's unit or the Coast Guard health care facilities at which the member or dependents receive treatment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of medical and dental treatment, including x-rays. Physical Examinations. ADP Records containing due date for physical/dental and eye examinations, inoculations, screening tests and results of actions required by Coast ''Guard or other federal state or local government or agency. Records concerning line of duty determination and eligibility for disability benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071–1107; 14 U.S.C. 632; 49 CFR 1.45, 1.46

PURPOSE(S):

Determine suitability of members for overseas assignments and to develop automated information relating to medical readiness in wartime and contingence operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Provided to federal, state, or local governments and agencies to compile statistical data for research and auditing; to provide quality assurance; to report medical conditions and other data required by law; to aid in preventive health and communicable disease control programs.

b. Provided to the Joint Commission on Accreditation of Healthcare Organizations to evaluate health care provided, personnel and facilities for professional certification and hospital accreditation; to provide quality services.

c. Records of communicable disease are provided to the Department of Defense to analyze the results, to ensure uniformity of record keeping, and to centralize production of reports for all uniformed services.

d. Provided to the Department of Defense or other federal, state, or local governments and agencies for casualty identification purposes.

e. Provided to the Social Security Administration and Veterans Administration for use in determining an individual's entitlement to benefits administered by those agencies.

f. Provided to the Public Health Service, Department of Defense, or Veterans Administration medical personnel or to personnel or facilities providing care to eligible beneficiaries under contract in connection with medical treatment of individuals.

Records are provided to the Department of Health and Human Services for purposes of the Federal Medical Care recovery set. Records are available to the Public Health Service or DOD medical personnel in connection with medical treatment of individuals at USPHS or DOD facilities. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual files are in folders. Portions of records are automated at some units.

RETRIEVABILITY:

Name or social security number of member or dependents.

SAFEGUARDS:

Room or cabinets in which records are located are locked when unattended. Access limited to these records at all times by personnel screening.

RETENTION AND DISPOSAL:

a. Active Duty Personnel: Individual medical files are retained at the members' unit or medical administration office for so long as individual is assigned to the particular area. When the member is reassigned, the individual medical file is transferred to the new duty station upon reassignment of member. Upon separation or retirement, the individual medical file is incorporated into the Official Officer Service Records System, DOT/CG 626, or Enlisted Personnel Records System, DOT/CG 629, as appropriate.

b. Retired Personnel: Individual medical files are retained at the medical facility for a period of 4 years from date of last activity. Transferred to National Personnel Records Center (Military Personnel Records). 9700 Page Blvd, St. Louis, MO 63132, 4 years after last report.

c. Dependents: Individual medical files are retained at the medical treatment facility for period of 4 years from date of last activity. Transferred to new duty station of sponsor upon written request of dependent. Records not transferred are forwarded to National Personnel Records Center, CPR, 111 Winnebago Street, St. Louis, MO 63118, and 4 years after last activity.

d. Reserve Personnel: Individual medical files are retained in custody of the reserve group or unit, or district commander(s) for so long as the reservist is assigned to the particular area. When the member is reassigned, the individual medical file is transferred to the new reserve group or unit or district commander as appropriate. Upon separation or retirement, the individual medical file is incorporated into Official Coast Guard Reserve Service Record System, DOT/CG 676

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WK, United States Coast Guard Headquarters, Director, Health and Safety Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

a. Active Duty personnel: Health care facility where the record is located, or see ''Notification Procedure''.

b. Retired Personnel and all Dependents: Health care facility where the record is/was located, or: (Retired) National Personnel Records Center, (Military Personnel Records) 9700 Page Blvd., St. Louis, MO 63132; (Dependents) National Personnel Records Center, CPR, 111 Winnebago Street, St. Louis, MO 63118

Reserve Personnel: Reserve group or unit or district commander of the district where command is located, or see ''Notification Procedure''.

The decision to release medical records directly to the individual shall be made by medical practitioner per 49 CFR 10.35(c).

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Medical facilities where beneficiaries treated or examined. Investigations resulting from illness or injury. The individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 573

SYSTEM NAME:

United States Public Health Services, PHS Commissioned Officer Corps Staffing and Recruitment Files.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WK, United States Coast Guard Headquarters, Director, Health and Safety Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS commissioned officers assigned to duty with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, assignment preference, reference questionnaires, background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1043, 14 U.S.C. 93(r), 632, 645; 42 U.S.C. 213, 253; 49 CFR 1.45, 1.46.

PURPOSE(S):

Assist administrators in assigning personnel to area requiring their specific skills.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Monitor career development of personnel assigned to program. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individuals.

SAFEGUARDS:

During working hours access is controlled by office personnel, during non-working hours building is patrolled by roving security patrol.

RETENTION AND DISPOSAL:

Records are retained during period of an individual's assignment to the Coast Guard. Thereafter, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WK, Director, Health and Safety Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII–2, United States Coast Guard Headquarters, 2100 2nd

Street, SW., Washington, DC 20593–0001. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant, G-SII–2 at the address in ''Notification procedures''. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification

CONTESTING RECORD PROCEDURES:

See ''Record access procedures''.

RECORD SOURCE CATEGORIES:

Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 576

SYSTEM NAME:

USCG Non-Federal Invoice Processing System, NIPS.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WK, United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001. Commander, Maintenance and Logistics Command Atlantic, Health Services Division, Governor's Island Building 400, New York, NY 10004–5100. Commander, Maintenance and Logistics Command Pacific, Health Services Division, Coast Guard Island, Alameda, CA 94501–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their eligible dependents, and non-Federal health care providers that have rendered services to eligible beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, memoranda, and related documents concerning potential and actual health care invoices for processing by NIPS. Medical and dental treatment records provided to the individual that are the subject of an invoice for non-federal health care provided to an eligible beneficiary. Automated data processing, ADP records containing identifying data on individuals including: Units of assignment and address, home address, and information necessary to process and monitor bills for payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1091, 14 U.S.C. 93(r), 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Review of cost data and appropriateness of care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Medical information, including records of health care and medical invoices may be disclosed to health care professionals, auditing, utilization and peer review organizations to support a government claim. See Prefatory Statement of General routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of individual files is in folders. Portions of records are extracted in an ADP data base. ADP data is maintained in hard disk and magnetic tape storage.

RETRIEVABILITY:

Name or Social Security Number of member or dependents sponsor. Name of Member's Unit. Name or tax identification number of non-Federal health care providers.

SAFEGUARDS:

Room and cabinets in which records are located are locked when unattended. There are roving guard patrols during non-duty hours. Access to records is regularly limited to those directly involved in managing claims. Records in the ADP database are retrievable only by those with authorized access to ADP equipment and the database is protected by standard ADP security measures including the use of passwords.

RETENTION AND DISPOSAL:

Retained for 1 year; transferred to a Federal Record Storage Facility and retained for an additional 5 years 3 months, and destroyed thereafter.

SYSTEM MANAGER:

Commandant, G–WK, Director, Health and Safety Directorate, United States Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Send a written request with patient's name, sponsor's name and social security number, to the System Location for the MLC where care was rendered. The request must be signed by the individual, or if a minor dependent, by the parent or guardian. Commander, Maintenance and Logistics Command Atlantic, Health Services Division, Governor's Island, New York, NY 10004–5100, or Commander, Maintenance and Logistics Command Pacific, Health Services Division, Coast Guard Island, Alameda, CA 94501–5100, as appropriate.

RECORD ACCESS PROCEDURES:

Write or visit the appropriate Commander, MLC at the address given in ''Notification procedure.'' Responsible for where the care was received.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

From the individual, individual's spouse, parent or guardian. Medical facilities (United States Coast Guard, Department of Defense, uniformed Services Treatment Facility, or non-Federal, provider) where beneficiaries are treated. For Active Duty personnel—the Official Officer Service Records System, DOT/CG 626, and the Enlisted Personnel Record System; DOT/CG 629. For Reserve personnel—the Official Coast Guard Reserve Service Record System, DOT/CG 676. Investigations resulting from illness or injury.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 577

SYSTEM NAME:

USCG Federal Medical Care Recovery Act, FMCRA Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

U.S. Coast Guard, Health and Safety Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired members of the uniformed services and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, memoranda, and related documents concerning potential ad actual FMCRA claims, and copies of medical and dental treatment provided to the individual subject of the claim, and copies of medical bills associated with civilian care provided at government expense. Automated data

processing, ADP records containing identifying data on individuals, unit of assignment and address, home address, the amount of the claim, the amount paid to the government on the claim, dates of correspondence sent, due dates of reply, claim number, date claim opened, and date claim closed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 42 U.S.C. 2651–2653; 49 CFR 1.45, 1.46.

PURPOSE(S):

Managing, processing, and collecting claims for the government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to attorneys and insurance companies involved in settling and litigating claims. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of individual files is in folders. Portions of records are extracted in ADP database. ADP database will be maintained in hard disk and magnetic tape storage.

RETRIEVABILITY:

Name or social security number of member, retiree or dependent.

SAFEGUARDS:

Room and cabinets in which records are located are locked when unattended. Roving guard patrol during non-duty hours. Access to records limited to those directly involved in managing claims with a need to know. Records in ADP database retrievable only to those with authorized access to ADP equipment and database is protected by standard ADP.

RETENTION AND DISPOSAL:

Records are retained at USCG Headquarters for 1 year; transferred to a Federal Records Storage Facility and retained for an additional 5 years, 3 months for a total of 6 years, 3 months and destroyed thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Health and Safety Directorate, United States Coast Guard, Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Send a written request with the client's name, sponsor's name and social security number to the system manager. The request must be signed by the individual, or if a minor dependent, by the parent or guardian.

RECORD ACCESS PROCEDURES:

Write or visit: Commandant, G–WK, U.S. Coast Guard, Attn: FMCRA Section, 2100 Second Street, SW., Washington, DC 20593–0001.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

From the individual, or if a minor, the parent or guardian. Medical facilities (U.S. Coast Guard, Department of Defense, Uniformed Services Treatment Facility, or Civilian Facility) where beneficiaries are treated. Injury investigations. Attorneys and insurance companies involved in the claim. For Active Duty personnel—the Official Officer Service Records System; DOT/CG 626, and the Enlisted Personnel Records System; DOT/CG 629. For reserve personnel—the Official Coast Guard Reserve Service Record System, DOT/CG 676.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 586

SYSTEM NAME:

Chemical Transportation Industry Advisory Committee.

SECURITY CLASSIFICATION:

Unclassified-sensitive.

SYSTEM LOCATION:

Commandant, G–M, United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, phone number. Biographical sketch. Committee information. Minutes of meetings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Arranging meetings, keeping records of committee business, determine committee membership.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By committee name/individual name.

SAFEGUARDS:

Personnel screening prior to granting access. Building has roving security after hours.

RETENTION AND DISPOSAL:

Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant (G–M), United States Coast Guard Headquarters, Chief, Marine Safety and Environmental Protection, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant, G–SII–2, at the address in ''Notification Procedure.'' Proof of identity will be required prior to granting access. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures'.

RECORD SOURCE CATEGORIES:

From the individual of record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 588

SYSTEM NAME:

Marine Safety Information System, MSIS.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard (USCG), Operations Systems Center, 175 Murall Drive, Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with established relationship(s) associates to maritime vessels that are included in the Marine Safety Information System, MSIS. Specifically, information on vessel owners, operators, masters, crew and/or agents can be stored in MSIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on maritime vessels and vessel characteristics including: Vessel identification data, registration data, port visits, inspection data, documentation data, port safety boardings, casualties, pollution incidents, and civil violations if applicable and associated information (data pertaining to people or organizations associated with vessels) for owners, operators, agents, and possibly crew members. Statements submitted by Coast Guard relating to boardings, investigations as a result of a pollution and/or casualty incident, as well as any violations of United States law, along with civil penalty actions taken as a result of such violations. Such reports could contain names of passengers on vessels, as well as witnesses to such violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 33 U.S.C. 1228; 46 U.S.C. 2102, 3301, 3714, 3717, 6101, 6102, 6307(c)'', 6301, 7101, 7309; 49 CFR 1.45, 1.46.

PURPOSE(S):

Build a safety performance history of vessels, their owners, operators and facilities, thereby enhancing safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

MSIS primarily supports operational decision making in implementing and enforcing marine safety and environmental programs. In addition, the system is used by field units for the issuance of Certificates of Documentation, Certificates of Inspections, port safety boardings, monitoring cargo transfers, capturing data on pollution incidents and casualties, and for reporting of violations resulting from these incidents. MSIS Records may be disclosed to the following United States Government entities.

(1) United States Department of Commerce, National Technical Information Service, NTIS: Characteristics of vessels documented by the USCG and owner information. This information is the same as that published in the annual publication ''Merchant Vessels of the United States,'' CG–408 (also known as ''the blue book''). This information is distributed on tape and is sold to the public.

(2) United States Customs Service, USCS: Characteristics of vessel, United States ports visited and owner information. USCG information is compared to USCS vessel and/or owner information.

(3) Military Sealift Command (MSC): Characteristics of vessels. USCG information is compared to MSC vessel information.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of all records is in an ADP data base operated and maintained by the United States Coast Guard. All data is retained indefinitely.

RETRIEVABILITY:

Records are retrieved by:

a. Vessel name or vessel identification number, VIN.

b. Facility name or facility identifying number, FIN.

c. Involved parties name, IPN, (owner, operators, agent, etc.).

d. Casualty case number.

e. Pollution incident case number.

SAFEGUARDS:

The MSIS falls under the guidelines of the Operations System Center in Martinsburg, WV. This computer facility has its own approved System Security Plan which provides that:

a. The system be maintained in a secure computer room with access restricted to authorized personnel only.

b. Access to the building must be authorized and is limited. A Sensitive Application Certification (SAC) has been approved for the MSIS.

The United States Coast Guard will operate the MSIS in consonance with Federal security regulations, policy, procedures, standards and guidance for implementing the Automated Information Systems Security Program.

c. Only authorized Department of Transportation personnel, and authorized United States Government contractors conducting system maintenance may access MSIS records.

d. Access to records password protected and the scope of access for each password is limited to the official need of each individual authorized access.

e. Additional protection is afforded by the use of two password security.

RETENTION AND DISPOSAL:

Record retention is indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

United States Coast Guard, Information Management Division, G–MIR–2, 2100 2nd Street, SW, Washington, DC 20593–0001.

Notification Procedure: Submit a written request noting the information desired and for what purpose the information will be used. A first party request should be specifically noted. The request must be signed by the individual, or his/her legal representative. Send the request to: Commandant, G–SII, United States Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001

RECORD ACCESS PROCEDURES:

Same as Notification procedures.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures.

RECORD SOURCE CATEGORIES:

All information entered into the MSIS is gathered from boardings, inspections, and Documentation offices in the course of normal routine business. This information is gathered from the owners, operators, crew members, agents, passengers, witnesses, United States Coast Guard personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a (k)(2). However, in specific cases where maintenance of information results in the denial of a right, privileges or benefits to which the individual is entitled, the information will be released in accordance with section (k)(2). This provides in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express promise that his/her identity would be held in confidence.

DOT/CG 589

SYSTEM NAME:

United States Merchant Seamen's Records.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–M, United States Coast Guard, CG, 2100 2nd Street, SW.,

Washington, DC. 20593–0001. Marine Inspection Office or the Marine Safety Office where the seaman was documented.

CATEGORIES OF INDIVIDUALS:

United States Merchant Seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel File. Shipping Articles. Locator List. Log Books. Seamen's License Records. Fingerprint Records. Disciplinary Records. Security Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301; 14 U.S.C. 632; 46 U.S.C. 2103, 7319, 7701, 8701; 14 CFR 12.02–25; 49 CFR 1.45, 1.46.

PURPOSE(S):

Administering the Commercial Vessel Safety Program to determine domestic and international qualifications for the issuance of licenses, documents and staff officer certifications.

ROUTINE USES OF THE RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide information to other Federal Agencies, such as the Veterans' Administration, the Social Security Administration, etc. in connection with benefits and services administered by those agencies; to provide information to private organizations when considered beneficial to the seaman. See Prefatory Statement of General Routine Use.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files are stored at a secure, controlled access site managed by contract personnel; on-site government oversight is provided by the Coast Guard's National Maritime Center. Electronic records are stored on a secure database server at the Coast Guard Operations Systems Center.

RETRIEVABILITY:

Alphabetical order by last name, first name, middle name. Retrieval is made by name and cross-indexed by identifying number (*e.g.* Social Security Number, ''Z'' number, or Continuous Discharge Book number).

SAFEGUARDS:

The active personnel records are stored in a locked room at a contractor's site. Access to the room is regularly limited to trained employees of the contractor and to National Maritime Center personnel. National Maritime Center personnel provide full time oversight. Computer records are retrievable only by approved Coast Guard and contractor personnel. Passwords are required by all personnel who access the system and the system records the name of the user each time a record is accessed. Each user's access is limited to only that portion of the overall file that has previously been determined to the user's needs.

RETENTION AND DISPOSAL:

Paper personnel files are held at the contractor's site for five years past the last activity with the file. They are then transferred to the Federal Records Center in Suitland, MD. Disciplinary Records are maintained in paper form. Administrative Law Judge's Decisions and Orders and Appeal File are transferred to a Federal Records Center after 5 years. Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders are retained. Disciplinary Record Cards are destroyed upon notice of death.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commandant, G–M, United States Coast Guard Headquarters, Marine Safety and Environmental Protection, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

United States Coast Guard Headquarters, Commandant, G–SII, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the Marine Inspection Office or Marine Safety Office where the document was issued locally.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Personnel File—seamen, United States Coast Guard officials, other Federal Agencies and employer. Shipping Articles Vessels' operators, seamen, masters of vessels, State Department, and Coast Guard officials. Disciplinary Records—Investigating Officers at the various Marine Inspection and Marine Safety Offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2).

DOT/CG 590

SYSTEM NAME:

Vessel Identification System, VIS.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, USCG, Operations Systems Center, 600 Coast Guard Drive, Kearneysville, WV 25430–3000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with established relationship(s)/association to vessels that are state-numbered and/or titled and United States Coast Guard-documented, and that are included in the Vessel Identification System, VIS. Specifically, owners, or agents of such vessels, as well as lienholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vessel identification information and vessel characteristics on state-numbered and/or titled vessels or Coast Guard-documented vessels. Personal information including: Name of each owner, address of principal place of residence of at least one owner, mailing address if different than the principal place of residence, and either an owner's social security number, date of birth and driver's license number, or other identifier. Records containing lienholder and insurance information including: Name of lienholder, and city and state of principal place of residence or business of each lienholder. Law enforcement status code (stolen, recovered, lost, destroyed, or abandoned), law enforcement hold, reporting agency, originating case number, National Crime Information Center, NCIC, number, VIS user identification, incident location, last sighted date/time/location, law enforcement contact and phone number, and hours of operations. Records containing vessel registration information including: registration and, if applicable title number including effective and expiration date, issuing authority, and, for Coast Guard documented vessels, the official number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 46 U.S.C. 12501–12507; 49 CFR 1.45, 1.46

PURPOSE(S):

Provide a nationwide pool of state-numbered and/or titled and United States Coast Guard-documented vessels that will assist in identification and recovery of stolen vessels, deter vessel theft and fraud, and other purposes relating to the ownership of vessels.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Federal and state numbering and titling officials for the purposes of tracking, registering and titling vessels. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated data processing (ADP) database operated and maintained by the United States Coast Guard.

RETRIEVABILITY:

Vessel owner or business name; Vessel owner's social security number or alternate identifier (*e.g.* DOB, driver's license number, or taxpayer identification number); vessel hull identification number, HIN; State certificate of number; title number.; United States Coast Guard official number; USCG vessel name and hailing port.

SAFEGUARDS:

The VIS falls under the guidelines of the United States Coast Guard Operations System Center, OSC in Martinsburg, WV. This computer facility has its own approved System Security Plan.

RETENTION AND DISPOSAL:

Records of active cases are retained until they become inactive; inactive cases are archived and retained for 50 years. Records will be selected to be archived into an off-line file for any vessel that has been inactive for a period of 10 years. Copies of backups are stored at an off-site location.

SYSTEM MANAGER (S) AND ADDRESS:

Information Resource Division, System Development Division, G–MRI–3, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, USCG Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Participating States and the National Crime Information Center, NCIC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a (k)(2).

DOT/CG 591

SYSTEM NAME:

Merchant Vessel Documentation System, Manual.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Automated: United States Coast Guard, USCG, Operations Systems Center, 600 Coast Guard Drive, Kearneysville, WV 25430–3000. Manual: United States Coast Guard, USCG, National Vessel Documentation Center, 2039 Stonewall Jackson Drive, Falling Waters, WV 25419–9502.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vessel owners. Mortgagees. Vessel buyers and sellers. Lien claimants. Vessel builders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vessel owner information. Vessel information. Instruments of record (bills of sale, mortgages, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 46 U.S.C. 12119, 12502, 46 CFR part 67; 49 CFR 1.45, 1.46

PURPOSE(S):

Establish the eligibility of vessels for documentation, record and track documented vessels, issue marine documents and record instruments of record (bills of sale, mortgages, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Publication of the annual MERCHANT VESSELS OF THE UNITED STATES. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index of owners maintained by Commandant, G–MVD. All other records maintained at home port of vessel by vessel name.

RETRIEVABILITY:

Name of vessel owner.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Listings of vessel owners constantly updated by additions and deletions (automated). Field office vessel folders transferred to FRC two years after change of vessel's home port or 2 years after removal of vessel from documentation (manual).

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–M, Chief, Marine Safety and Environmental Protection, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Vessel owners, Mortgagees, lien claimants, vessel sellers and buyers, Coast Guard admeasures, and vessel builders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 592

SYSTEM NAME:

Registered/Applicant Pilot Eligibility Folder.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, Ninth Coast Guard District, Great Lakes Pilotage Staff, 1240 East Ninth St., Cleveland, OH 44199–2060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States registered pilots and applicant pilots suitable registered to

perform pilotage duties aboard foreign vessels on the Great Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, and examination for registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 709; 49 CFR 1.45, 1.46.

PURPOSE(S):

Document pilot registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable participation by U.S. registered pilots with Canadian registered pilots. See Prefatory Statement of General Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Name and pilot registration number.

SAFEGUARDS:

Screened by office personnel prior to use. Locked in cabinets during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Ninth Coast Guard District, Great Lakes Pilotage Staff, 1240 East Ninth Street, Cleveland, OH 44199–2060.

NOTIFICATION PROCEDURE:

Same as ''System manager''.

RECORD ACCESS PROCEDURES:

Same as ''System manager''.

CONTESTING RECORD PROCEDURES:

Same as ''System manager''.

RECORD SOURCE CATEGORIES:

Individual's original application for U.S. Pilot's registration and individual's yearly report of medical examination.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 611

SYSTEM NAME:

Investigative Case System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–O–CGIS, United States Coast Guard, CG, 2100 2nd Street, SW., Washington, DC 20593–0001. Coast Guard District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Coast Guard military personnel, merchant marine personnel, port and dock workers, and persons under investigation for violations of laws and regulations administered by the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security investigations, national agency check results, criminal investigation, counterintelligence investigations, computerized case control system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 2, 89a, 93(e), 632; 33 U.S.C. 1221; 14 U.S.C. 632; COMDTINST 5830.1

PURPOSE(S):

Security clearances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Actions by commanders under the Uniform Code of Military Justice. Career advancement of United States Coast Guard military personnel. Approval of merchant seamen documents. Access of individuals to port facilities. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative dossiers and 3x5 card retrieval system.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Alarm controlled spaces, locked and/or limited access file cabinets and office spaces. Using receipt control, automatic data processing, ADP system cannot be penetrated for data through terminals, or otherwise, located outside the United States Coast Guard computer center without use of proper administrative controls. Release of dossiers to accredited personnel on ''need-to-know' basis only.

RETENTION AND DISPOSAL:

Dossiers retained 50 years from date of birth. Deceased, retirees and others separated are held one year from separation. Dossiers are retired to the Washington National Federal Records Center for further retention of 30 years. 3x5 Cards are annotated to recall retired dossiers if necessary. Computer printouts are retained for 10 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations, G–O, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

National Agency Checks, background investigations, criminal investigations, interviews, records checks, observations, statements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a (k)(2), (5), and (7).

DOT/CG 612

SYSTEM NAME:

Port Security Card System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–O–CGIS, United States Coast Guard Headquarters, CG, 2100 2nd Street, SW., Washington, DC 20593–0001. District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons regularly employed on vessels and water front facilities, or persons having regular public or private business with the operation, maintenance, or administration of vessels and cargoes or waterfront facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for port security cards awaiting processing. Processed applications indicating those granted or denied port security cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 2, 91, 632; 33 CFR 125; 49 CFR 1.45, 1.46.

PURPOSE(S):

Determine eligibility for issuance of Port Security Cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3x5 cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in file cabinets in secure areas. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retained for 8 years, then destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–O, Chief, Operations, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' or the local Coast Guard District or unit office.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Individual applications. National Agency checks. Other records already at Coast Guard Headquarters, if any.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(2).

DOT/CG 622

SYSTEM NAME:

Military Training and Education Records.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Director, Reserve and Training Directorate, G–WT, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. District and Headquarters Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel).

CATEGORIES OF RECORDS IN THE SYSTEM:

General Service Correspondence Course. Off-Duty Education Records. Professional Training Records. Non-traditional Educational Support Records. Achievement and Aptitude Test Results. Academic Performance Records. Correspondence Course Rate Advancement Records. Military Performance Records. Admissions Processing Records. Grade Reporting Records. Cadet Academic Status Records. Transcript Maintenance Records. Cadet Discipline Status Records. Military Personnel Records. Military Training Schedules Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 93(g), 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Evaluation and measurement of training performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service Schools. Criteria for promotion. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets. Portions are stored on ADP equipment.

RETRIEVABILITY:

Name, rate, class number, cadet code number, and Social Security Number.

SAFEGUARDS:

Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

RETENTION AND DISPOSAL:

Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Reserve and Training Directorate, G–WT, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

United States Coast Guard, Headquarters, Commandant, G–SII, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' or the local Coast Guard activity where assigned for training.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

Official military personnel records, test results, instructors and supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt under 5 U.S.C. 552a(k)(5), (6), and (7).

DOT/CG 623

SYSTEM NAME:

Military Pay and Personnel System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, CG, Department of Transportation Computer Center, 400 7th Street, SW., Washington, DC 20590–0001. United States Coast Guard Human Resources Service and Information Center, 444 SE. Quincy Street, Topeka, KS 66683–3591. United States Coast Guard, 2100 2nd Street, SW., Washington, DC 20593–0001. Unit maintaining the individual's

pay and personnel record and permanent duty unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Coast Guard military personnel, active duty and reserve. Retired reserve Coast Guard military personnel waiting for pay at age 60. Active duty National Oceanic and Atmospheric Administration, NOAA officers. Personnel separated from service in all the preceding categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information, such as name(s), date of birth, home residence, mailing address, social security number, payroll information, and home telephone number. Work experience, educational level achieved, and specialized education or training obtained in and outside of military service. Military duty assignments, ranks held, pay and allowances, personnel actions such as promotions, demotions, or separations. Enrollment or declination of enrollment in insurance programs. Performance evaluation. Individual's desires for future assignments, training requested, and notations by assignment officers. Information for determinations of waivers and remissions of indebtedness to the United States Government. Information for the purpose of validating legal requirements for garnishment of wages.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 301; 14 U.S.C. 92(I), 632; 5 U.S.C. 5501–5597; 49 CFR 1.45, 1.46.

PURPOSE(S):

Administer the Coast Guard pay and personnel system.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Treasury for the purpose of disbursement of salary, United States Savings Bonds, allotments, or travel claim payments. To government agencies to disclose earnings and tax information. To the Department of Defense and Veterans Administration for determinations of benefit eligibility for military members and their dependents. To contractors to manage payment and collection of benefit claims. To the Department of Defense for manpower and readiness planning. To the Comptroller General for the purpose of processing waivers and remissions. To contractors for the purpose of system enhancement, maintenance, and operations. To federal, state, and local agencies for determination of eligibility for benefits connected with the Federal Housing Administration programs. To provide an official of another federal agency information needed in the performance of official duties to reconcile or reconstruct data files in support of functions for which the records were collected and maintained. To an individual's spouse, or person responsible for the care of the individual concerned when the individual to whom the record pertains is mentally incompetent, critically ill or under other legal disability for the purpose of assuring the individual is receiving benefits or compensation they are entitled to receive. To a requesting government agency, organization, or individual the home address and other relevant information on those individuals who, it is reasonably believed, might have contracted an illness, been exposed to, or suffered from a health hazard while a member of government service. To businesses for the purpose of electronic fund transfers or allotted pay transactions authorized by the individual concerned. To credit agencies and financial institutions for the purpose of processing credit arrangements authorized by the individual concerned. To other government agencies for the purpose of earnings garnishment. To prepare the Officer Register and Reserve Officer Register which is provided to all Coast Guard officers and the Department of Defense. To other federal agencies and collection agencies for the collection of indebtedness and outstanding travel advances to the federal government. The home mailing addresses and telephone numbers of members and their dependent/s to duly appointed Family Ombudsman and personnel within the Coast Guard for the purpose of providing entitlement information to members or their dependents.

See Prefatory Statement of General Routine Uses, 3 and 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disks, magnetic tape microfilm, and paper forms in file folders.

RETRIEVABILITY:

Name or social security number.

SAFEGUARDS:

Computers provide privacy and access limitations by requiring a user name and password match. Access to decentralized segments are similarly controlled. Only those personnel with a need to have access to the system are given user names and passwords. The magnetic tape backups have limited access in that users must justify the need and obtain tape numbers and volume identifiers from a central source before they are provided data tapes. Paper record and microfilm records are in limited access areas in locking storage cabinets.

RETENTION AND DISPOSAL:

Leave and Earnings Statements, and pay records are microfilmed and retained on site four years, then archived at the Federal Record Center, and destroyed when 50 years old. The official copy of the personnel record is maintained in the Official Officer Service Records, DOT/CG 626 for active duty officers, the Enlisted Personnel Record System, DOT/CG 629 for active duty enlisted personnel or the Official Coast Guard Reserve Service Record, DOT/CG 576 for inactive duty reservists. Duplicate magnetic copies of the pay and personnel record are retained at an off site facility for a useful life of seven years. Paper records for waivers and remissions are retained on site six years three months after the determination and then destroyed. Paper records to determine legal sufficiency for garnishment are retained on site six years three months after the member separates from the service or the garnishment is terminated and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For active duty members of the Coast Guard: Chief, Office of Personnel, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. For Coast Guard inactive duty reserve members and retired Coast Guard reservists awaiting pay at age 60: Chief, Office of Reserve Affairs, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. For Coast Guard Waivers and Remissions: Chief, Personnel Services Division, G–PMP, Office of Personnel, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20590–0001. For records used to determine legal sufficiency for garnishment of wages and pay records: Commanding Officer, LGL, United States Coast Guard Human Resources Service and Information Center, 444 SE. Quincy Street, Topeka, KS 66683–3591. For data added to the decentralized data segment the commanding officer, officer-in-charge of the unit handling the

individual's pay and personnel record, or Chief, Administrative Services Division for individuals whose records are handled by Coast Guard Headquarters. For NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

NOTIFICATION PROCEDURE:

For all information on Coast Guard members other than below: United States Coast Guard Headquarters, G-SII, 2100 2nd Street, SW., Washington, DC 20593–0001. For records used to determine legal sufficiency for garnishment of wages and pay records: Commanding Officer, United States Coast Guard Human Resources Service and Information Center, 444 S.E. Quincy Street, Topeka, KS 66683–3591. For data added to the decentralized data segment the commanding officer, officer-in-charge of the unit handling the individual's pay and personnel record, or Chief, Administrative Services Division for individuals whose records are handled by Coast Guard Headquarters. Addresses for the units handling the individual's pay and personnel record are available from the individual's commanding officer. For all information on NOAA members: National Oceanic and Atmospheric Administration, Commissioned Personnel Division, 11400 Rockville Pike, Rockville, MD 20852.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Official Officer Service Records, DOT/CG 626. Enlisted Personnel Record System, DOT/CG 629. Official Coast Guard Reserve Service Record, DOT/CG 676. Individual, Coast Guard personnel officials, National Oceanic and Atmospheric Administration personnel officials, and the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 624

SYSTEM NAME:

Personnel Management Information System, PMIS.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, Commanding Officer Human Resources Service and Information Center, 444 SE Quincy St., Topeka, KS 66683–3591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular Coast Guard personnel on active duty. All reserve Coast Guard personnel on extended active duty and Reserve personnel on initial active duty for training.

CATEGORIES OF RECORDS IN THE SYSTEM:

A single computer record that currently contains about 450 data elements on each member. Some data elements are used only for enlisted, others only for officers. The file contains personal information such as name, place of birth, rank, location, etc. The file also contains pay date elements which will form the basis for deriving pay entitlements for Coast Guard military personnel under the Joint Uniform Military Pay System, JUMPS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 92(I), 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Produce a number of personnel reports used throughout the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with tape backups. The file is updated once a week. Once a month the file is dumped to a tape file for historical purposes.

RETRIEVABILITY:

Name or Social Security Number or a combination of personal and non-personal characteristics.

SAFEGUARDS:

The computer provides privacy and access limitations by requiring a user name and password match. In addition each element of the file has its own level of accessibility which must be held by the user. Only those staff components at Headquarters with a need to have access to the file are given user names and passwords. Access to the ''Time Share'' extract is similarly controlled. The backup tapes and monthly dumps also have limited access in that users must justify the need before they are provided the tape numbers.

RETENTION AND DISPOSAL:

End-of-Year system backup tapes and day-to-day transaction tapes are retained indefinitely. Statistical and other report extract tapes are recycled into the system and consequently destroyed. Paper working files are disposed of in accordance with current record disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, United States Coast Guard Headquarters, Director, Personnel Management Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Official service record entries prepared by field units.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 625

SYSTEM NAME:

Officer Selection and Appointment System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Commander, United States Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

Records are also located at Director, Coast Guard Recruiting Center, 4200 Wilson Blvd., Suite 450, Arlington, VA 22203 and individual recruiting offices.

Use Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Coast Guard Officer Candidate School or direct commission programs of the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is supplied by applicants and also by persons, other than the applicants, who submit information pertinent to the suitability of the applicants for commissioned service in the Coast Guard.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 591, 12201, 14 U.S.C. 211–295, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

The primary purpose is to aid officials and employees of the Coast Guard in the performance of their duties in managing and contributing to the recruitment and appointment of men and women for officer programs in the regular and reserve components of the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies. Official employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits. The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

The system is indexed alphabetically by name of applicant and is retrieved by name.

SAFEGUARDS:

Records kept in file cabinets locked after working hours. Buildings have 24-hour security guards and limited access.

RETENTION AND DISPOSAL:

Application files for non-selected officer candidate applicants are destroyed after six months and non-selected applicants for direct commission are destroyed after one year. Files for all selected applicants are placed in the selectee's officer personnel folder.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation , Commander, U. S. Coast Guard Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant, G–SII, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant, G–SII at the address in ''Notification Procedure'' or to the applicable Coast Guard District Office. A letter request should contain full name, address, social security number, approximate date of application, and signature. Proof of identification will consist of military identification card, driver's license or other official identification.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and employee processing application. Medical personnel conducting physical examination and private physicians providing consultations or patient history. Character and employer references named by applicants. Educational institutions, staff and faculty members. Selective Service Commission. Local state and Federal law enforcement agencies. Prior or current military service record. Commanding officer of Coast Guard unit, if active duty. Coast Guard offices charged with personnel security clearance functions.

Other Coast Guard officials and employees in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 626

SYSTEM NAME:

Official Officer Service Records.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001. National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63112. Individual officer's unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commissioned officers of the Coast Guard on active duty, permanent or disability retired lists. Regular officers who resign and do not accept a Reserve commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

General file & service record card. Fitness File & Officer Summary Records. Medical File. Medical History for officers on the Temporary Disability Retired List.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 93®, 632; 10 U.S.C. 1071–1107, 1475–1480, 14 U.S.C. 251–295; 49 CFR 1.45, 1.46.

PURPOSE(S):

Normal administrative procedures, including assignment, promotion, training, special recognition, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physical Evaluation Boards. Board for Correction of Military Records. Answering of Congressional and personal inquiries initiated by the individual whose record is concerned. Preparation of forms, statements compilations, and computations necessary in the daily personnel administration of each individual entering reentering or leaving the Coast Guard. (Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original of this material will be included in the official service record maintained at Coast Guard Headquarters). Furnishing of information (authorized and specified by the individual concerned) normally concerned with employment, educational or veteran benefits, claims or applications. Furnishing specified material in an officer's service record pursuant to the order of a court of competent jurisdiction. Personnel from other Federal Agencies in the conduct of official business, as authorized by the Chief, Officer Personnel Management Division or Chief, Reserve Personnel Management Division, or their designated representative. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and in digitized form. The paper records are stored in files in a controlled access area. The digitized records are stored on hard drives accessed via password by designated Coast Guard personnel.

RETRIEVABILITY:

Individual records are indexed and retrievable by name and/or last four digits of member's service number.

SAFEGUARDS:

During working hours physical access to records is controlled by the Personnel Command, CGPC. Records are maintained in a central storage area locked behind two separate doors during non-working hours in the building, which has roving and static security patrols.

RETENTION AND DISPOSAL:

Each individual record is maintained at Coast Guard Headquarters until three months after retirement/resignation, after which is shipped to the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132. After the separation documents are received, records of Reserve Officers released from active duty and Regular Officers who resign and accept Reserve Commissions are sent to the United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Personal interview and voluntary submissions by individuals. Training/Educational Reports. Fitness Reports. USCG District Offices and other operating units of the Coast Guard.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 627

SYSTEM NAME:

Enlisted Recruiting Selection Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, U. S. Coast Guard Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001. Director, Coast Guard Recruiting Center, 4200 Wilson Blvd., Suite 450, Arlington, VA 22203 and Coast Guard recruiting offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated forms concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 503, 504, 1168, 1169, 1475–1480; 14 U.S.C. 350–373, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

The primary purpose is to serve for officials and employees of the United States Coast Guard, in the performance of their duties in managing and contributing to the recruitment program of the Coast Guard and Coast Guard Reserves.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management or quality of military recruitment. Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management or quality of military recruitment. Officials and employees of the Veterans Administration and Selective Service System in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits. Such contractors and their employees as are or may be operating in accordance with an approved official contract with the United States Government. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape. Paper records are stored in file folders.

RETRIEVABILITY:

Alphabetically by name of subject and social security number.

SAFEGUARDS:

Records are accessible only to authorized personnel within the Coast Guard recruiting organization and are handled with security procedures appropriate for documents marked ''For Official Use Only.''

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then disposed of by mutilating, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U. S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant,G–SII–2, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and administrative staff. Medical personnel or private physicians providing consultations or patient history. Character and employer references. Educational institutions, staff and faculty members. Selective Service System. Local, State, and Federal law enforcement agencies. Prior or current military service records. Members of Congress. Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification of Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a source would be held in confidence, or, prior to December 31, 1974, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 628

SYSTEM NAME:

Officer, Enlisted, and Recruiter Selection System File.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or military personnel who have taken the following tests: United States Navy Officer Qualification Test, OQT; United States Navy and United States Marine Corps Aviation Selection Test (AST); United States Navy Basic Test Battery, BTB (retests); the Cooperative Tests for Advanced Electronic Training, AET TESTS; the 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty; Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets, electronic files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632; 46 U.S.C. 7306, 7313, 7316; 49 CFR 1.45, 1.46.

PURPOSE(S):

Provide test results if an applicant (military or civilian) applies for an officer program or is already in the military and interested in a certain training program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, case files, and electronic media.

RETRIEVABILITY:

By name or electronically by social security number.

SAFEGUARDS:

Combination-type safe, locked files. Test results are given only on a need to know basis to authorized personnel. Only custodian of safes and alternate custodian have access.

RETENTION AND DISPOSAL:

Test answer sheets are destroyed after 2 years. Card file—destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Individuals concerned and United States Coast Guard recruiting officials. United States Marine Corps officials. United States Navy Recruiting officials, United States Navy Bureau of Medicine Surgery officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system are exempt under the provisions of 5 U.S.C. 552a(k)(5), (6), and (7).

DOT/CG 629

SYSTEM NAME:

Enlisted Personnel Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, U.S. Coast Guard Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001. District offices and Headquarters Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted contract package, record of emergency, data, leave records, performance ratings, administrative remarks, medical records. All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071–1107, 12201, 14 U.S.C. 350–373, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Normal administrative procedures, including assignment, promotion, training, special recognition, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data are provided to the Veterans Administration for determination of an individual's eligibility for benefits administered by that agency, and to medical facilities maintained by the Department of Health, Education and Welfare in conjunction with medical treatment afforded an individual. See Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in files in a room with controlled access. Digitized records are stored on hard drives accessed via password by designated Coast Guard personnel.

RETRIEVABILITY:

Name of individual or the last three digits of individual's social security number.

SAFEGUARDS:

Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in a building with a roving security patrol. Records at field units are maintained in Government office buildings with off-duty hours security. During working hours, access to records is controlled by office personnel.

RETENTION AND DISPOSAL:

Maintained at CGPC until three months after an enlisted member is discharged, permanently retired for physical disability, or retired for years of service, after which records are transmitted for permanent storage to National Personnel Records Center, (Military Personnel Records), GSA, 9700 Page Boulevard, St. Louis, MO. 63132. In the case of members transferred to the Reserve, their records are sent to Commandant (G-WT) after separation documents are received.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Coast Guard, Personnel Command, 2100 2nd St., SW., Rm. 1422, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, and Coast Guard Officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(5) and (7).

DOT/CG 630

SYSTEM NAME:

Coast Guard Family Housing.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each Integrated Support Command and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of all pay grades who made application for government and/or government leased housing. Military personnel who make applications in locating community housing. Certain government employees occupying government housing. Military or civilian personnel who have corresponded with the President, a Congressman, or the Commandant concerning family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants name, pay grade, marital status, current address and dependent information maintained for the Coast Guard Housing System. Includes housing survey; computer data summaries are maintained for the family housing survey. Copies of correspondence from individual to the President, a Congressman or the Commandant, inquiry sheets, and replies maintained for Congressional correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 475, 620, 632, 681, 687; 49 CFR 1.45, 1.46.

PURPOSE(S):

Placing the applicant in government owned or leased housing or community housing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Assessing housing needs of District and Headquarters Units. Answering inquiries from individuals, Congressmen or the Commandant concerning family housing. Preparing Budgets. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folder.

RETRIEVABILITY:

Name of individual, Coast Guard command, and date received.

SAFEGUARDS:

Maintained in locked file cabinets and desk file drawers.

RETENTION AND DISPOSAL:

Maintained until applicant is placed in housing, then destroyed. Records concerning Congressional correspondence are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Applicant, individuals who complete family housing survey forms, initiate correspondence concerning family housing, and Coast Guard Officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 631

SYSTEM NAME:

Family Advocacy Case Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, U.S. Coast Guard Headquarters, 2100 2nd St. SW., Washington, DC 20593–0001. District, Maintenance and Logistics Command, MLC, or Headquarters Unit Social Worker's office, at the duty station of the sponsor, and at selected medical facilities. District, MLC, or Headquarters Unit Family Advocacy Representative, FAR under whose jurisdiction an incident occurred.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve and retired personnel and dependents entitled to care at Coast Guard or any other military medical and dental facility whose abuse or neglect is brought to the attention of appropriate authorities, and persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and confirmed cases of family member abuse or neglect, investigative reports, correspondence, family advocacy committee reports, follow up and evaluation reports, and any other supportive data assembled relevant to individual family advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 42 U.S.C. 5101, 5102; 49 CFR 1.45, 1.46.

PURPOSE(S):

Coordination of the Coast Guard's Family Advocacy program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To Federal, State and Local government or private agencies for coordination of family advocacy programs, medical care, mental health treatment, civil or criminal law enforcement, and research into the causes and prevention of family domestic violence. To individuals or organizations providing family support program care under contract to the Federal Government. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Name, social security number, types of incidents, etc.

SAFEGUARDS:

Maintained in various kinds of locked filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records will be maintained at a decentralized location until the case is closed or the sponsor is separated. Upon case closure or separation of the sponsor, the record will be transferred to Commandant, G–WPW. The record will be retained for 5 years from case closure or date of last action. At the end of 5 years the record will be destroyed, except for information concerning certain minor Coast Guard dependents who were victims or suspected victims of child abuse, neglect or sexual abuse will be retained until the dependent attains majority.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WP, Director, Personnel Management Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. MLC, district, or unit where the individual is assigned.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Reports from medical personnel, educational institutions, law enforcement agencies, public and private health and welfare agencies, Coast Guard personnel and private individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under 5 U.S.C. 552a(k)(2) and (5).

DOT/CG 632

SYSTEM NAME:

Uniformed Services Identification and Privilege Card Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of United States Coast Guard personnel (active, retired, reserve and deceased). Former Coast Guard personnel who have been rated by the Veterans Administration as one-hundred percent disabled and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Uniformed Service Identification and Privilege Card, DD–1172. Verification for eligibility to possess the Identification and Privilege Card, DD–1173. Pertinent miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 632, 49 CFR 1.45, 1.46; E.O. 9397; COMDTINST 5512.1.

PURPOSE(S):

Verify that an applicant is entitled to be issued an Identification and Privilege Card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Verification provided to other Armed Forces authorized personnel as required. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Maintained in file cabinets. During working hours access to records is controlled by office personnel. During non-working hours building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retained for 10 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Sponsor and/or dependents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 633

SYSTEM NAME:

Coast Guard Civilian Personnel Security Program.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each District Office and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Civilian Personnel. Applicants for civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of civilian security clearance granted. Correspondence and requests concerning civilian personnel security actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5102, 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Determine eligibility for access to classified information under Executive Order 11652.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Suitability for sensitive positions. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder—3x5 Index cards.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Kept in locked cabinets and safes. Individual identification is required for users of records.

RETENTION AND DISPOSAL:

Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Office of Personnel Management. A name record of type of investigation is kept for 5 years and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard, Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local office or unit.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF–85, SF–86 and SF–171.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5) and (7).

DOT/CG 634

SYSTEM NAME:

Child Care Program Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

At the facility where the care was provided or is being provided.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Children enrolled in a U.S. Coast Guard child care program. Children being cared for in U.S. Coast Guard family quarters. Eligible children of active duty members of the Uniformed Services and children of Federal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about the family; medical history of child; authorization for emergency medical care; permission for field trips; authorization to release child to someone other than parent;

establishment of eligibility for participation in State or Federally sponsored programs; communication between the care provider and parents about child; and other necessary records to protect health and safety of children.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 515, 632; 49 CFR 1.45, 1.46; COMDTINST 1754.15.

PURPOSE(S):

Administer the Coast Guard's Child Care Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provided to Federal, State, or local governments and agencies to report medical conditions and other data required by law; to aid in preventive health and communicable disease control problems. Provided to Department of Agriculture for use in determining eligibility to participate in the Child Care Food Program. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on forms in file folders or in computer file.

RETRIEVABILITY:

Name of child.

SAFEGUARDS:

Files are maintained in a secured filing cabinet. Access is regularly limited to authorized center staff. Files for child care in U.S. Coast Guard family quarters are maintained in a cabinet or drawer in the quarters.

RETENTION AND DISPOSAL:

Child's record file is destroyed 3 years after date of last action. Registration/medical forms may be sent to another facility if child transfers. CCFP eligibility records are transferred to an audit file at the end of each year where they are not retrieved by child's name. Audit records are destroyed after 3 years or after audited, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WP, United States Coast Guard Headquarters, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Child care facility that provided care.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Parents or medical personnel familiar with the child's medical history.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 636

SYSTEM NAME:

Personal Affairs Record System Coast Guard Military Personnel.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WK, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel who have been subject to damage arising out of domestic relations disputes, alleged personal indebtedness, and claims of alleged paternity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Case files containing complaint concerning alleged personal indebtedness, complaints arising out of domestic relations disputes, claims of alleged paternity. Files contain correspondence including investigative steps, response to complaints and follow up correspondence on recurring complaints. Index card files contain summary of material contained in case file for each reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1058; 14 U.S.C. 632; 42 U.S.C. 666; 49 CFR 1.45, 1.46.

PURPOSE(S):

Resolve complaints in an expeditious manner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For reference in development of future policy. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file and card index file.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Maintained for 5 years after action completed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WK, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District Office or unit for the area in which an individual's duty station is located.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Complainants, their legal representatives, and Coast Guard officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 637

SYSTEM NAME:

Appointment of Trustee or Guardian for Mentally Incompetent Personnel.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each District and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to the mental incompetency of certain Coast Guard personnel. Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1443, 1448, 1449; 14 U.S.C. 632; 37 U.S.C. 601–604; 33 CFR 49.05; 49 CFR 1.45, 1.46.

PURPOSE(S):

Maintain information to determine eligibility for VA benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information to prospective appointees, including but not limited to relatives, lawyers, physicians or other designated representatives; and Department of Veterans Affairs upon request for the determination of eligibility for benefits administered by that agency. See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked file cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Stored in locked file cabinets. Access restricted to representatives of incompetent.

RETENTION AND DISPOSAL:

Maintained for 5 years after action is complete then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District office or unit having custody of the records.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned and complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 638

SYSTEM NAME:

U.S.C.G Alcohol Abuse Prevention Program Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commander, Atlantic Area, United States Coast Guard, 431 Crawford Street, Portsmouth, VA 23704. Commander, Pacific Area, United States Coast Guard, Coast Guard Island, Alameda, CA 94501–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Coast Guard personnel receiving alcohol rehabilitation treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, Prior Service, Rate/Rank, Date of Birth, History of Alcohol Abuse, Treatment Center, Dates of Treatment, Notes on Aftercare, and Final Disposition and Type.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 7901; 14 U.S.C. 632; 42 U.S.C. 4541; 49 CFR 1.45, 1.46; COMDTINST M6330.1.

PURPOSE(S):

Administer the Coast Guard Alcohol Abuse Prevention program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on file cards (3″ × 5″) and/or a computer data base.

RETRIEVABILITY:

By the name of the individual.

SAFEGUARDS:

Maintained in locked filing cabinets. The computer database is protected by password access limited to Alcohol Program Managers.

RETENTION AND DISPOSAL:

Destroyed three years after last activity.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WK, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001–0001.

NOTIFICATION PROCEDURE:

Same as ''System location''.

RECORD ACCESS PROCEDURES:

Same as ''System location''.

CONTESTING RECORD PROCEDURES:

Same as ''System location''.

RECORD SOURCE CATEGORIES:

Personnel records. Medical records. Security records. Treatment facility reports. Post treatment aftercare reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 639

SYSTEM NAME:

Request for Remission of Indebtedness.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each District and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Enlisted Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, requests with endorsements, research material, paneling action, Commandant's decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 461, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Aid in making determinations based on the best interests of the individual and the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses: 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Retained for 5 years after decision is made, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'', or the local Coast Guard District or unit for the area in which an individual's duty station is located.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Individual, and Coast Guard Officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 640

SYSTEM NAME:

Outside Employment of Active Duty Coast Guard Personnel.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Each District Office and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty and Reserve Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to individual's request for part time employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 92(I), 632; 49 CFR 1.45, 1.46; COMDTINST 1000.6A

PURPOSE(S):

Determine suitability for off duty employment for Coast Guard members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet. Access restricted to individuals who request outside employment, and authorized Coast Guard officials. Proper identification required.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Directorate (G–WP), United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' or the local Coast Guard District Office or unit for the area in which an individual's duty station is located.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.

RECORD SOURCE CATEGORIES:

Individual, and Coast Guard officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 641

SYSTEM NAME:

Coast Guard Special Needs Program.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. District, Maintenance and Logistics Command (MLC), or Headquarters Unit Social Worker's Office, Headquarters Unit Family Advocacy Representative, FAR, at the duty station of the sponsor, and at selected medical facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard personnel and their dependents who have diagnosed medical, physical, psychological, or educational need which constitutes a developmental disability or handicapped condition. Active duty Coast Guard personnel and their dependents considered for overseas assignment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts or copies of medical, educational and psychological records of member and/or dependents with special needs, follow-up and evaluation reports, and any other data relevant to individual special needs program files or overseas screening.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 14 U.S.C. 335, 632; 49 CFR 1.45, 1.46; COMDTINST 1754.7A.

PURPOSE(S):

Provide for Federal Government agency coordination of special needs programs, medical care, mental health treatment, and monitoring and tracking special needs families.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Name, social security number and the diagnosis or International Classification of Diseases, ICD, code of the special needs condition.

SAFEGUARDS:

Various kinds of locked filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Maintained at a decentralized location until the sponsor is separated or the dependent is no longer diagnosed as

having special needs. Upon separation of the sponsor or when the dependent is no longer diagnosed as having special needs, the record will be transferred to Commandant, G–WPW. After a 3-year retention, the record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel and Training, G–WP, United States Coast Guard, Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard, Washington, DC 20593–0001. MLC, district, or unit where the individual is assigned.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

Medical personnel, mental health and educational institutions, public and private health and welfare agencies and Coast Guard personnel and private individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 642

SYSTEM NAME:

Joint Maritime Information Element, JMIE, Support System, JSS.

SECURITY CLASSIFICATION:

Classified.

SYSTEM LOCATION:

United States Coast Guard, Operations Systems Center, Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with established relationship(s)/association(s) to maritime vessels that are included in the Joint Maritime Information Element, JMIE, Support System, JSS: Ship owners, passengers and crew.

CATEGORIES OF RECORDS IN THE SYSTEM:

Maritime vessels and vessel characteristics including: Performance data, vessel identification data, registration data, movements, reported locations, activity and associate information (data pertaining to people or organizations associated with vessels) for owners, passengers, and crew members. Reports submitted by Coast Guard crews relating to boardings and/or overflights, as well as any violations of United States law, along with enforcement actions taken during boarding. Such reports could contain names of passengers on vessels, as well as owners and crew members. Vessels and associates known, suspected or alleged to be involved in contraband trafficking. Within the JMIE Support System, contraband is meant to refer to any item that is illegally imported/exported to/from the United States via maritime activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

United States Coast Guard, 14 U.S.C. 89. United States Customs Service, 19 U.S.C. 1589A(2). Drug Enforcement Administration, 21 U.S.C. 800—900. Immigration and Naturalization Service, 8 U.S.C. 1551.

PURPOSE(S):

Maintaining suspect lists, enforcing United States laws dealing with items such as counter narcotics, fisheries, and boating safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Ship location and associated information such as declared cargo, ownership, crew members, passengers, reported historical profiles relating to travel, cargo and ports of call may be reported to federal, state, and/or local law enforcement officials for purposes of intercepting ships and inspecting cargo and ship structures. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage of all records is in an ADP database operated and maintained by the United States Coast Guard. Privacy Act data are stored and controlled separately from other information in the database. Classified and non-classified information from consortium members and other sources is merged into a classified database. Dynamic information on vessel location and movements is obtained daily and stored on-line (disk resident) for a period of two (2) years. Other information such as characteristics, identification status and associate records is updated at prescribed intervals of three (3) months to one year to remain current and is retained indefinitely. Classified information, downloaded from the host and then extracted from the PC workstations and recorded on paper (or magnetic media), may be stored at user sites in classified storage containers or on secured magnetic media. Unclassified information is stored in accordance with each user sites' handling procedures. All records provided to a JSS subscriber in response to a ''specific name'' query, will be kept in an audit record and retained for a minimum of five (5) years or the life of the system, whichever is longer.

RETRIEVABILITY:

Matching individual name, Social Security Number, passport number, or the individual's relationship to the vessel (*e.g.*, owner, shipper, consignee, crew member, passenger, etc.). Controls have been installed to ensure information on individuals is not retrievable or accessed by members of the intelligence community.

SAFEGUARDS:

JMIE has its own approved System Security Plan.

RETENTION AND DISPOSAL:

Records relating to ship characteristics are retained indefinitely. Records of a transitory nature (relative to ship locations, and individuals identified as passengers or crew, etc.) are maintained on line for a minimum of two (2) years, then purged per General Records Schedule 23. Audit records, maintained to document JSS user access to information relating to specific individuals, are maintained for five (5) years, or the life of the system, whichever is longer. Access to audit records will only be granted to authorized personnel approved by the Executive Agent. Information retrieved from the host and stored at user sites will be disposed of in accordance with the requirements for classified and sensitive information.

SYSTEM MANAGER AND ADDRESS:

Chief, Office of Law Enforcement and Defense Operations, United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001 ATTN: JMIE Program Manager.

NOTIFICATION PROCEDURE:

Commanding Officer, United States Coast Guard Operations Systems Center, Martinsburg, WV 25401.

RECORD ACCESS PROCEDURE:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as record access procedure.

RECORD SOURCE CATEGORIES:

Federal, State and local law enforcement agencies, other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Under subsections (j)(2) and (k)(1) and (2) of the Privacy Act (5 U.S.C. 552a), portions of this system of records are exempt.

DOT/CG 671

SYSTEM NAME:

Biographical Statement.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–CP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key DOT officials, USCG flag officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual biographical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 302; 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

For Public Affairs Staff to use as records for publicity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Office—uses records for promotion. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and correspondence are stored in filing cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in building having roving security guards during non-working hours. Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Transferred to historical file upon termination of active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–CP, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Individual named in file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 676

SYSTEM NAME:

Official Coast Guard Reserve Service Record.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

United States Coast Guard, CG, Commandant, G–WT, 2100 2nd Street, SW., Washington, DC 20593–0001. Each Coast Guard District Reserve office (for District records). For official records on discharged, retired, and separated former members: General Services Administration (GSA), National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service. Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official career history of each Reservist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1209, 10147, 12102, 12735, 14 U.S.C. 251–295, 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Ensure fulfillment of normal administrative personnel procedures, including examining and screening for completeness and accuracy of records correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve. Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veteran's benefits, claims, or applications. Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States govt.) as defined in the Fair Credit Reporting Act (15 (U.S.C. 1681a(f)) or the Federal Claims Collecting Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper assembled and filed in one official service record per member.

RETRIEVABILITY:

Name and/or triple terminal digit of member's service number.

SAFEGUARDS:

Service records are maintained in a central storage area locked behind two separate doors. During non-working hours the building security consists of roving and static security patrols. During working hours physical access to records is controlled by Records control Branch personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member's separation from the service (three months for officers), after which it is transmitted for permanent storage to the Military Personnel Record Center, MPRC, National Personnel Records Center, NPRC, 9700 Page Boulevard, St. Louis, MO 63132. For retired members, the service record is shipped to NPRC upon retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WT, Director, Reserve and Training Directorate,

United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'', or the District Office in which an individual's duty station is located.

CONTESTING RECORD PROCEDURES:

Same as ''Record Access Procedures.''

RECORD SOURCE CATEGORIES:

The individual concerned, CG Headquarters, District offices, and other CG units.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C 552a(k)(5), and (6).

DOT/CG 677

SYSTEM NAME:

Coast Guard Reserve Personnel Mobilization System

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WT, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001. Commander, Reserve in each Coast Guard District Office (except 17th). Each District and Headquarters Unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status, including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mobilization and qualification cards and orders. Initial, Annual, and Retired Screening and Qualification Questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301; 10 U.S.C 10207, 12301, 12321; 14 U.S.C 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Fulfillment of normal administrative procedures including the examining and screening for completeness and accuracy of records, correspondence pertaining thereto as a basis for assignment to active duty for training, special active duty for training or extended active duty and mobilization billets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, punched cards and magnetic tape.

RETRIEVABILITY:

Name and/or social security account number.

SAFEGUARDS:

Safeguards and controls afforded this system of records are similar to those normally employed ''For Official Use Only'' material, both at Headquarters and District Offices. Records are maintained in locked secure areas when not in use and personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned ''dead files'' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionnaires, which are filed in the Reservists District Service Record. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WT, United States Coast Guard Headquarters, Director, Reserve and Training Directorate, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURES:

Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORDS ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The individual, CG Headquarters and CG District Offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/CG 678

SYSTEM NAME:

Reserve Personnel Management Information System, Automated.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Commandant, G–WT, Director, Reserve and Training Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officers and enlisted personnel in an active or inactive status, including retired reservist, and those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, present and last five grades or rates, educational background, civilian and military, foreign language and proficiency, history of unit assignments and dates assigned, duty status, date of birth, date of enlistment, appointment or extension, AFQT scores, source of entry, date of commission, prior service, date of expiration of obligation, anniversary data on pay base date, aviation pay and administrative pay, training rate, reserve category and class, training/pay category, data on ADT for last five years, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of last National Agency Check, Background Investigation and security clearance, domestic emergency volunteer, date of last physical and immunization, data on special active duty for training and extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training participation, correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemen's Group Life Insurance, SGLI information, mailing address, and work and home phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 12301–12321; 14 U.S.C. 632; 49 CFR 1.45, 1.46.

PURPOSE(S):

Personnel administration of individual reservists and the overall management of the reserve program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Treasury Department to complete payroll checks. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to ''consumer reporting agencies'' collecting on behalf of the United States Govt. as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with magnetic tape backups. The file is updated weekly.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Magnetic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening prior to granting access.

RETENTION AND DISPOSAL:

Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed. A reservist's address is maintained on file for approximately one year after discharge, to allow for processing of annual point statements and W–2 forms. Audit trails are maintained indefinitely and the Master Personnel file and Pay and Points file are continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, G–WT, Director, Reserve and Training Directorate, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

NOTIFICATION PROCEDURE:

Requests to determine if this system contains information on any individual should be made in person or in writing to: Commandant, G–SII, United States Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593–0001.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 801

SYSTEM NAME:

Aircraft Registration System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Aircraft Registration Branch, Federal Aviation Administration, Mike Monroney Aeronautical Center, Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircraft owners, lien holders, and lessees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aircraft types. Current registration status and ownership of aircraft. Aircraft to be registered, or aircraft that have been registered and are now temporarily de-registered. United States Registration Number assignment. Airworthiness of aircraft. Aircraft Registration. Major repair and alteration maintenance inspection forms. Revalidation and use forms. Lien and collateral documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 40101, 44103, 44107.

PURPOSE(S):

Provide a register of United States civil aircraft to aid in the national defense and to support a safe and economically strong civil aviation system. To determine that aircraft are registered in accordance with the provisions of 49 U.S.C. 44103. To serve as a data source for management information for production of summary descriptive statistics and analytical studies in support of agency functions for which the records are collected and maintained. To provide data for internal FAA safety program purposes. To provide data for development of the aircraft registration statistical system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) Support investigative efforts of investigation and law enforcement agencies of Federal, State, and foreign governments. (b) Serve as a repository of legal documents used by individuals and title search companies to determine the legal ownership of an aircraft. (c) Provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft in the form of airworthiness directives. (d) Provide supporting information in court cases concerning liability of individuals in lawsuits. (e) Locate specific individuals or specific aircraft for accident investigation, violation, or other safety related requirements. (f) Prepare an Aircraft Registry in magnetic tape and microfiche form as required by ICAO agreement, containing information on aircraft owners by name, address, United States Registration Number, and type of aircraft. Make aircraft registration data available to the public, (g) See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, and on digital read-write disks, magnetic tape, microfilm, and microfiche.

RETRIEVABILITY:

Records are filed by registration number, but may be retrieved by name of the current registered owner.

SAFEGUARDS:

Records are stored in areas open only to authorized employees and by special permission.

RETENTION AND DISPOSAL:

If records are microfiched: (1) Original Records. Destroy original records after microfiche is determined to be an adequate substitute for paper records; (2) Microfiche of Original Records. Destroy when it is determined that the aircraft is no longer in existence. If records are not microfiched: Destroy when it is determined that the aircraft is no longer in existence.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Aircraft Registration Branch, AFS–750, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals, manufacturers of aircraft, maintenance inspectors, mechanics, and FAA officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 807

SYSTEM NAME:

Traffic Control at the Mike Monroney Aeronautical Center (formerly named Law Enforcement Records and Central Files).

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Facility Management, AMP–1, Mike Monroney Aeronautical Center (MMAC), Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MMAC employees, tenants, and visitors, with registered vehicles. Individuals cited for parking and/or traffic violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle registration and traffic violations files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE:

To carry out such functions as vehicle registration and traffic control; to control access and maintain an orderly traffic flow on a government facility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in files and containers and in password protected electronic databases located in rooms secured with the FAA locking system.

RETRIEVABILITY:

Individual name, other personal identifier, and/or registration number.

SAFEGUARDS:

Files are retained in a secured work area accessible only by consent of an on duty guard or by Office of Facility Management personnel.

RETENTION AND DISPOSAL:

Identification credentials including parking permits: Destroy credentials three months after return to issuing office. Related identification credential papers such as vehicle registrations: Destroy after all listed credentials are accounted for. Reports, statements of witnesses, warning notices, and other papers relating to arrests and traffic violations: Destroy when 2 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Office of Facility Management, AMP–1, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURES:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals registering/operating vehicles.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 811

SYSTEM NAME:

Employee Health Record System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

FAA Washington, regional, and center medical facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic medical record of an FAA employee, including medical examination reports, laboratory findings, correspondence, health awareness program participation records, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 79–658, Title 5 U.S.C. Section 7901.

PURPOSE(S):

Document employee health unit visits and nature of complaint or physical examination findings, treatment rendered and case disposition. Prepare analytical and statistical studies and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In approved security files and containers, and in computer databases.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Access to and use of these records in manual or automated form is protected by being physically located behind locked doors and computer access is password protected. Adding or deleting information to the file is limited to the medical staff, physician, nurse, or occupational health specialists.

RETENTION AND DISPOSAL:

These records are destroyed 6 years after the date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Flight Surgeon within region where the clinic is located. Manager, Clinical Specialties Division, AAM–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Information contained in this system comes from the employee and from attending physicians, nurses, and occupational health specialists, and from associated medical reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 813

SYSTEM NAME:

Civil Aviation Security.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Associate Administrator for Civil Aviation Security, in Washington,

DC; the FAA Regional Civil Aviation Security Divisions; the Civil Aviation Security Division at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma; and the Civil Aviation Security Staff at the FAA Technical Center, Atlantic City, New Jersey; and various Federal records Centers located throughout the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been involved or might be involved in crimes against civil aviation or air piracy/sabotage threats, data regarding K–9 handlers, and information regarding Federal Air Marshals, FAM.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hijacking or attempted hijacking incidents at airports or aboard civil aviation aircraft; other civil aviation criminal acts; information of K–9 assignments to airports, K–9 handler evaluations; and information necessary to manage the FAM program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 49 U.S.C., Chapter 449, Air Transportation Security, enacted as Pub. L. 103–272 on July 5, 1994; authority for funding FAA K–9 program is the Omnibus Consolidated Appropriations Act of 1997, Pub. L. 104–208.

PURPOSE(S):

Prepare alerts, bulletins, summaries, reports, and policy statements of incidents affecting civil aviation security.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Inform airport and air carrier security officials and officers regarding air piracy/civil aviation sabotage threats. Preparation of alerts, bulletins, and summaries of incidents regarding threats to civil aviation for distribution to authorized government and aviation recipients for use in affecting appropriate changes/modifications to civil aviation security. Prepare summaries, reports, and policy statements for development and change of security procedures in civil aviation, which will be distributed to appropriate government, and aviation-oriented organizations, which have direct civil aviation security responsibilities. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Approved security files and containers, in file folders, on lists and forms, and in computer processable storage media.

RETRIEVABILITY:

By name or other personal identifying symbols.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access and use. Appropriate physical, technical, and administrative safeguards as prescribed by FAA security directives applicable to both manual and automated record systems reinforce this record management principle.

RETENTION AND DISPOSAL:

These records are destroyed or retired to the area Federal Records Center, FRC, and then destroyed in accordance with current version of FAA Order 1350.15, Records Organization, Transfer and Destruction Standards. The retention and destruction period for each record varies depending on the type of record, category of investigation, or significance of the information contained in the record. All records are destroyed by approved methods.

SYSTEM MANAGER(S) AND ADDRESS:

For the Washington Metropolitan area, excluding Eastern Region jurisdiction:

Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591. Manager, Civil Aviation Security Division, of the appropriate region. For the jurisdiction of the FAA Technical Center:

Manager, Civil Aviation Security Staff, FAA technical Center, Atlantic City International Airport, Atlantic City, NJ 08405. For the jurisdiction of the Mike Monroney Aeronautical Center:

Manager, Civil Aviation Security Division, Mike Monroney Aeronautical Center, PO Box 25082, Oklahoma City, OK, 73125.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

FAA records; Federal, State, or local agencies; foreign sources; public record sources; first party; and third parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system are exempt under 5 U.S.C. 552a(k)(1) and (k)(2).

DOT/FAA 815

SYSTEM NAME:

Investigative Record System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Associate Administrator for Civil Aviation Security in Washington, DC; the FAA regional Civil Aviation Security Divisions; the Civil Aviation Security Division at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma; the Civil Aviation Security Staff at the FAA Technical Center, Atlantic City, New Jersey; and the various Federal Records Centers located throughout the country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for FAA employment. Current and former FAA employees. Individuals considered for access to classified information or restricted areas and/or security determinations such as current and former contractors, employees of contractors, experts, instructors, and consultants to federal programs. Aircraft owners. Flight instructors. Airport operators. Pilots, mechanics, designated FAA representatives. Other individuals certified by the FAA. Individuals involved in tort claims against the FAA. Employees, grantees, subgrantees, contractors, subcontractors, and applicants for FAA-funded programs. Other individuals who are of investigative interest to the FAA, law enforcement, or investigative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by the Office of the Associate Administrator for Civil Aviation Security, the FAA regional Civil Aviation Security Divisions, the Mike Monroney Aeronautical Center Civil Aviation Security Division, and the FAA Technical Center, Civil Aviation Security Staff; information received in various formats as the result of investigations conducted by federal, state, local, and foreign investigative or law enforcement agencies, which relate to the mission and function of the Associate Administrator for the Office of Civil Aviation Security and field

elements; and information received in various formats as the result of investigations conducted by authorized personnel of the FAA, other federal agencies, state and local drug enforcement agencies regarding the actual or probable violation by pilots, aircraft owners, or aircraft mechanics of civil and criminal laws regulating controlled substances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 49 U.S.C., chapter 449, Air Transportation Security, enacted as Pub. L. 103–272 on July 5, 1994; Transportation Safety Act of 1974; FAA Drug Enforcement Assistance Act of 1988; Executive Order, E.O., 10450, Security Requirements for government Employment; E.O. 12968, Access to Classified Information; and E.O. 12829, National Industrial Security Program.

PURPOSE(S):

To maintain in an orderly fashion the categories of records listed above, in order that the FAA may conduct its investigations and personnel security programs in an efficient manner and document official actions taken on the basis of information contained in these records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To the Department of Justice when: (a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or, (d) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (2) To disclose the records in a proceeding before a court or adjudicative body, including an administrative tribunal or hearing, before which the agency is authorized to appear, when:

(a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or, (d) the United States, where the agency determines the litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. (3) To authorized representatives of United States air carriers where air safety might be affected. (4) To authorized representatives of federal, state, local agencies and departments, including the District of Columbia, and foreign governments, who require access to the file pursuant to an investigation or inquiry conducted for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims. (5) See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved security file cabinets and containers, in file folders, on lists and forms, and in computer processable storage media.

RETRIEVABILITY:

These records are retrieved by name or other identifying symbols.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access and use. Computer processing of information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

RETENTION AND DISPOSAL:

These records are destroyed or retired to the area Federal Records Center and then destroyed in accordance with the current version of FAA Order 1350.15, Records Organization, Transfer and Destruction Standards. The retention and destruction period for each record varies depending on the type of record, category of investigation, or significance of the information contained in the record. All records are destroyed by approved methods.

SYSTEM MANAGER(S) AND ADDRESS:

For the Washington Metropolitan area, excluding Eastern Region jurisdiction: Office of the Associate Administrator for Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. For the geographical area under the jurisdiction of the various regions: Manager, Civil Aviation Security Division, of the appropriate region. (See the FAA Directory for addresses). For the jurisdiction of the FAA Technical Center: Manager, Civil Aviation Security Staff, FAA Technical Center, Atlantic City International Airport, Atlantic City, NJ 08405.

For the jurisdiction of the Mike Monroney Aeronautical Center:

Manager, Civil Aviation Security Division, FAA Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Subject individual, interviews, review of records, and other authorized applicable investigative techniques.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system are exempt under 5 U.S.C. 552a(j)(2) and 5 U.S.C. 552a(k)(1), (2) and (5).

DOT/FAA 816

SYSTEM NAME:

Tort Claims and Personal Property Claims Record System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Chief Counsel, Litigation Division, AGC–400, Federal Aviation Administration, 400 7th Street, SW., Washington, DC 20590, and in the Office of the Assistant Chief Counsels and the Logistics Divisions in the regions and centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tort and property claimants who have filed claims against the Government/FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, vouchers, witness statements, legal decisions, and related

material pertaining to claims by or against the Government resulting from FAA transactions, other than litigation cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671, *et seq.*; Military Personnel and Civilian Employees Claims Act of 1964, 31 U.S.C. 3701, 3721.

PURPOSE(S):

Permit the administrative settlement of tort and Federal employees personal property claims against the government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation. Reference. Court action. Doubtful claims are sent by Accounting Division to GAO for adjudication. Some larger claims go to Department of Justice for approval or disapproval. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved file cabinets and containers.

RETRIEVABILITY:

These records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Records are maintained on a computer system. The computer system is password protected.

RETENTION AND DISPOSAL:

These records are destroyed 3 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Chief Counsel, Litigation Division, Federal Aviation Administration, 400 Seventh Street, SW., Washington, DC, 20590. Regional and center counsels and regional and center Logistics Division Managers.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Claimant, investigation reports, and courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 821

SYSTEM NAME:

Litigation Information Management Systems.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

This system of records is maintained within the Office of the Assistant Chief Counsel for Litigation, FAA, 400 Seventh Street, SW., Washington, DC 20590, and at the Office of Assistant Chief Counsel for each Region and Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains information on Litigants, Claimants, Decedents, Plaintiff's Attorney, FAA Attorney and Department of Justice Attorney.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation and claim pleadings, discovery material, related documents (including background data on individual, or decedent involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings. Types of claims or litigation:

Aircraft accidents, auto accidents, personnel and general litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671, *et seq.*; Military Personnel and civilian Employees claims Act of 1964, 31 U.S.C. 3701, 3721.

PURPOSE(S):

Case management/record management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On computer database and password protected. Also, data are stored in lockable and unlockable file cabinets, individuals' attorneys' offices, binders, index files and in computers.

RETRIEVABILITY:

Access is by name, location of accident, and/or docket number.

SAFEGUARDS:

Data from these files are retrievable only by persons within the Office of the Assistant Chief Counsel for Litigation or Regional Counsels. Access to offices is limited to agency employees and those accompanied by agency employees.

RETENTION AND DISPOSAL:

Litigation files are kept for 2 years after case is closed, then sent to the Federal Records Center. All other records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel, Litigation Division, AGC–400, Office of Chief Counsel, Federal Aviation Administration, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Employees of the Office of Chief Counsel, Federal courts, individuals and their attorney, FAA records, litigation files, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 822

SYSTEM NAME:

Aviation Medical Examiner System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Aeromedical Education Division, AAM–400, FAA Civil Aeromedical Institute, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 S. MacArthur Blvd. P.O. Box 25082, Oklahoma City, OK 73125. Regional Flight Surgeons in all regional headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private civilian physicians (United States and foreign) designated as AMEs. Selected United States military flight surgeons designated as AMEs. Selected United States Federal medical officers designated as AMEs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records necessary to: Determine professional qualifications of physicians designated

(initially and subsequently) as AMEs; identify the type and location of AMEs within the AME program; monitor AMEs performance in support of the Medical Certification Program; and monitor AMEs compliance with mandatory training (initial and periodic) and other AME designation requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C 44702.

PURPOSE(S):

Determine professional qualifications and designation authorization (initial and subsequent) of AMEs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Document the necessary information on AMEs whose designation has been revoked or retired. Support effective and efficient communications between the FAA and its designated AMEs. Maintain a database to support the management of the AME program. Provide the public with the names and addresses of AMEs who provide FAA medical certification services. Policy determination regarding the AME program. Locating and obtaining support of qualified AMEs. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer processable storage media and hard copy files.

RETRIEVABILITY:

By AME name, AME number, region, state, county, and city.

SAFEGUARDS:

File rooms with restricted access by authorized personnel only. Computer processing of AME information is conducted within established FAA computer security regulations.

RETENTION AND DISPOSAL:

Hard copy files are retained by the Aeromedical Education Division on all active AMEs (civilian, military, and Federal), and on AMEs who have been inactive for less than 10 years. Hard copy files of AMEs who have been inactive for 10 years or more, but less than 25 years, are stored by the Federal Records Center. Hard copy files of AMEs who have been inactive for 25 or more years are destroyed by the Federal Records Center. Computerized AME records are updated continuously for all active AMEs. Computerized records of AMEs who have been inactive for less than 25 years are maintained in the system; and those AMEs inactive for 25 or more years are deleted. Hard copy files of United States civilian AMEs (excluding foreign civilian, military, and Federal AMEs) are also retained by the Regional Flight Surgeon Offices. When these regional AME files become inactive, they are immediately transferred to the Aeromedical Education Division.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Aeromedical Education Division, AAM–400, FAA Civil Aeromedical Institute, Federal Aviation Administration Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125. Regional Flight Surgeons within Region where the AME is designated.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Aviation Medical Examiners. Additional background information on civilian AMEs may be obtained directly from the Federation of State Medical Boards of the United States.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 825

SYSTEM NAME:

Petitions for Rulemaking—Public Dockets.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Chief Counsel, Federal Aviation Administration, AGC–200, Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for a change in the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for rulemaking, correspondence, documents showing disposition of the petition, and public comments on any resulting NPRM.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 106(g), 40101, 40103, 40106, 40109, 40113, 44701, 44702, 44711.

PURPOSE(S):

Make available for public review documents concerning petitions for rulemaking.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Unlocked file cabinets.

RETRIEVABILITY:

Exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket and Regulations Technician, Office of the Chief Counsel, AGC–200, FAA, 800 Independence Avenue, SW., Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Petitions for rulemaking.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 826

SYSTEM NAME:

Petitions for Exemption, Other than Medical Exemption—Public Dockets.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for an exemption (other than medical) under the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for exemptions, supplementary information, correspondence and the grant or denial of the exemption.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 106(g), 40101, 40103, 40106, 40109, 40113, 44701, 44702, 44711.

PURPOSE(S):

Make available for public review documents concerning petitions for exemption (other than medical exemptions).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records stored in unlocked file cabinets.

RETRIEVABILITY:

Exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Rules Docket Section, AGC–200, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Ave. SW., Washington DC 20591.

NOTIFICATION PROCEDURE:

Same as System manager.

RECORD ACCESS PROCEDURES:

Same as System manager.

CONTESTING RECORD PROCEDURES:

Same as System manager.

RECORD SOURCE CATEGORIES:

Petitions for exemptions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 827

SYSTEM NAME:

Environmental Litigation Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Chief Counsel, FAA, Washington, DC, and Regional Counsel and airport divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Litigants, witnesses, plaintiff's attorney, FAA attorney, Department of Justice Attorney, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on litigation, pleadings, discovery material, related documents, (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Environmental Policy Act of 1969, 42 U.S.C. 4321, Airport Environmental requirements, 49 U.S.C. 47106(c), Section 4(f) of the Department of Transportation Act, 49 U.S.C. 303, and other applicable environmental laws, regulations, and Executive Orders.

PURPOSES(S):

Litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in locked and unlocked file cabinets and individual attorney's offices.

RETRIEVABILITY:

Caption of the particular litigation, which may include an individual's name or corporation or trade association name.

SAFEGUARDS:

Access regularly by Office of Chief Counsel personnel only; material is accessible only in facilities with building access controls and in storage retrieval regularly only by Office of the Chief Counsel personnel.

RETENTION AND DISPOSAL:

Files are kept for 2 years after case has been closed and then sent to Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Airports/Environmental Law Division, AGC–600, Office of the Chief Counsel, FAA, 800 Independence Avenue, SW., Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 828

SYSTEM NAME:

Physiological Training System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Aeromedical Education Division, AAM–400, FAA Civil Aeromedical Institute, Mike Monroney Aeronautical Center, 6500 S. MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certificated Airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records necessary to establish qualifications of eligibility to receive physiological training, maintain accountability of funds required for training and transfer of funds to involved agencies, and to provide proper evidence of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 44703, and 14 CFR 61.31.

PURPOSE(S):

Maintain appropriate documentation on individuals who apply for and complete physiological training conducted by, or coordinated through the FAA Aeromedical Education Division.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine individual training qualifications. Receipt and transfer of training funds. Maintain individual records of training completion. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy files and computer processable storage media.

RETRIEVABILITY:

By name and location of training.

SAFEGUARDS:

File access is regularly restricted to Aeromedical Education Division personnel. The information is password protected. Passwords are changed every 30 days. The screen automatically closes if the computer is not used within 15 minutes, and would require a password to reopen the file.

RETENTION AND DISPOSAL:

Records are destroyed when 5 years old. (Applications, Hold Harmless Statements, Chamber Flight Records)

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Aeromedical Education Division, AAM–400, FAA Civil Aeromedical Institute, Mike Monroney Aeronautical Center, PO Box 25082, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Covered individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 830

SYSTEM NAME:

Representatives of the Administrator.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Federal Aviation Administration. Mike Monroney Aeronautical Center, Regulatory Support Division, AFS–600, and Civil Aviation Registry, AFS–700, Oklahoma City, Oklahoma 73125. Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Flight Standards District Offices, FSDO. Manufacturing Inspection District Offices, MIDO. Aircraft Certification Divisions. Flight Standards Divisions. Aircraft Certification Offices, ACO. Air Traffic Headquarters. Regional or field offices that designate Air Traffic control Tower Operator Examiners. International Field Offices, IFO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Designated Pilot Examiners, DPE. Designated Mechanic Examiners, DME. Designated Parachute Rigger Examiners, DPRE. Applicants for the technical personnel examiners for DPEs, DMEs, DPREs. Designated Engineering Representatives. Designated Manufacturing Inspection Representatives. Designated Airworthiness Representatives. Organizational Designated Airworthiness Representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, place of residence, company name (when delegated as an organization), mailing address, social security number (if applicable), certificate number, and work and/or home telephone number. Applications for designee. Records of qualification. Certification. Appointment authorization. Training. Dates of renewal and termination. Employment history. Reasons for termination (if applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 40101, 40113, 44701, 44702, and 44703.

PURPOSE(S):

Required in connection with applications for and issuance of authorizations to be Representatives of the Administrator. Used to identify and maintain a list of applicants for future appointment, as necessary. Used to record validation and approval of new designees. To promote the standardization of designees by tracking training, accomplishments, and the limitations of current designees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide the public with the names and addresses of certain categories of representatives who may provide service to them. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, on lists, on forms, and on computer-accessible storage media. Records are also stored in microfiche, microfilm, and electronic optical storage.

RETRIEVABILITY:

Name, birth date, social security number, or any other identification number of the individual on whom the records are maintained.

SAFEGUARDS:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destruction of personal data in hard copy form. These procedures are periodically reviewed for compliance. Automated processing Computer processing of personal information is conducted within the guidelines of established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

RETENTION AND DISPOSAL:

Records destroyed 5 years after designation becomes inactive, or when no longer needed, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Aviation Administration, Manager, Designee Standardization Branch, AFS–640, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125. Aircraft Certification Divisions. Aircraft Certification Offices. Manufacturing Inspection District Offices. Flight Standards District Offices. Air Traffic Control Offices.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individual to whom it applies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 833

SYSTEM NAME:

Quarters Management Information System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Federal Aviation Administration, Alaskan Region, 222 W. 7th Ave., #14, Anchorage, AK 99513–7587.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees occupying FAA owned or leased housing. Employees and agencies that lease FAA housing in Alaska.

CATEGORIES OF RECORDS IN THE SYSTEM:

Housing records, leases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5911(f), OMB Circular A–45.

PURPOSE(S):

Establish regional rental rates for quarters; maintain status of housing; maintain up-to-date list of persons occupying FAA units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establish and terminate payroll deductions for collection of housing rent through request to the appropriate payroll office. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filing cabinet, Real Estate and Utilities Branch AAL–54.

RETRIEVABILITY:

Station location, unit numbers, name of employee, number of dependents, pay period rental rate.

SAFEGUARDS:

Retrieved only by agency personnel and used only in the conduct of official business. Paper copy kept in a locked file cabinet with two people having access to the key. Quarters Management Information System, QMIS, is on only one person's computer and it requires a password to access this computer.

RETENTION AND DISPOSAL:

End of year reports are retained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Aviation Administration, Housing Manager, AAL–50, 222 W. 7th Ave., #14, Anchorage, AK 99513–7587.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

FAA Employees. Employees of other agencies that lease housing from FAA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 837

SYSTEM NAME:

Newsletter Photographs and Biographical Information.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Public Affairs, FAA, 800 Independence Avenue, SW., Washington, DC, 20591. Public Affairs Offices at: Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125. Eastern Region, Federal Bldg., JFK International Airport, Jamaica, NY 11430. Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, IL 60018. Northwest Mountain Region, 1601 Lind Ave., SW., Renton, WA 98055. Southern Region, P.O. Box 20636, Atlanta, GA 30320. Biographies of key FAA officials are on the FAA web page at HTTP://WWW.FAA.GOV/APA/BIOS.HTM

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees and other individuals who may appear with them in candid photographs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data; portrait and candid photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 106(f).

PURPOSE(S):

Provide information to the public—particularly the news media—and for use in employee publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file cabinets.

RETRIEVABILITY:

Alphabetically by name, or publication date.

SAFEGUARDS:

These records are stored in filing drawers that remain locked at all times. There are two keyholders in the office; therefore, access to these drawers is limited to these employees only on an as-needed basis.

RETENTION AND DISPOSAL:

Retained as long as individual or event is newsworthy, following which they are destroyed. In certain cases, material is transferred to the Office of the Historian.

SYSTEM MANAGER(S) AND ADDRESS:

Same as ''System Location.''

NOTIFICATION PROCEDURE:

Same as ''System Manager.''

RECORD ACCESS PROCEDURES:

Same as ''System Manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.''

RECORD SOURCE CATEGORIES:

FAA employees and other individuals who may appear with them in candid photographs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 845

SYSTEM NAME:

Administrators Correspondence Control and Hotline Information System, ACCIS, Administrator's Hotline Information System, AHIS, and Consumer Hotline Information System, CHIS, Formerly Administrators Correspondence Control and Hotline Information System.''

SYSTEM LOCATION:

Correspondence files are located in the Office of the Executive Secretariat, AOA–3, and Hotline files are located in the Hotline Operations Program Office, AOA–20. Both categories of records in the Washington headquarters offices of the Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, call (including HOTLINE calls), or are referred in writing by a second party, to the Administrator, to the Deputy Administrator, and their immediate offices; individuals who write, call, or are referred in writing by a second party to the Secretary, to the Deputy Secretary, and their immediate offices and the correspondence which has been referred to the Federal Aviation Administration; individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeals, actions, training, awards, foreign travel, promotions, selections,

grievances, delegations, application of waivers from the Federal Aviation Administration, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence files contain correspondence submitted by, or on behalf of, an individual including resumes, letters of reference, etc; responses to such correspondence and calls, staff recommendations on actions requiring approval or action by the Administrator, the Deputy Administrator, the Secretary, and the Deputy Secretary. Hotlines files contain call records, correspondence, reports, and related documents accumulated by the staff in the course of operation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE(S):

Correspondence files: Documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities. Hotlines files: Documentation of calls made by agency employees and consumers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department or agency for preparation of a response. Referral, to the appropriate agency for actions involving matters or law, of regulations beyond the responsibility of the agency or Department, such as the Department of Justice in matters of law enforcement. As a data source for management information, such as briefing material on hearings, trend analysis, responsiveness, etc. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer processable media, microfilm, and hardcopy access to the records will be by means of identification numbers and passwords known only to the user and the system managers.

RETRIEVABILITY:

Retrieved by control number, suspense date, correspondence date, subject matter, last name and location of originator and addressee, constituent's name, action office, and type.

SAFEGUARDS:

Terminal access through the system's software for ACCIS is limited to the Office of the Administrator. Access to the records of the AHIS and CHIS is limited to the staff of the Hotline Operations Program Office. Information is retrieved by means of a user ID and password known only to each user.

RETENTION AND DISPOSAL:

The Administrators Correspondence Control and Information System hard copies are destroyed after the material is microfilmed. Microfilm is retained permanently. The Administrator's Hotline hard copies and magnetic records are destroyed after 5 years. The Consumer Hotline hard copies and magnetic records are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator's Correspondence control and Information System: Director, Executive Secretariat, Office of the Administrator, AOA–3, Administrator's and Consumer Hotline Systems: Manager, Hotline Operations Program Office, AOA–20, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Correspondence, records of calls from individuals, including HOTLINE calls, their representatives, or sponsors. Responses to incoming correspondence and records of calls. Related material for background as appropriate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FAA 847

SYSTEM NAME:

Aviation Records on Individuals (Formerly, General Air Transportation Records on Individuals).

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Federal Aviation Administration, FAA, Mike Monroney Aeronautical Center, MMAC, Oklahoma City, Oklahoma 73125: Civil Aeromedical Institute, Aeromedical Certification Division, AAM–300; Regulatory Support Division, AFS–600; Civil Aviation Registry, Airmen Certification Branch, AFS–760. Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Flight Standards District Offices, FSDOs. Certificate Management Offices, CMOs. Certificate Management Field Offices, CMFOs. International Field Offices. Civil Aviation Security Field Offices, CASFO's. FAA regional offices. Electronic enforcement litigation tracking system records are located in the offices of the Regional Counsel, Directorate Counsel and Chief Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen who are deceased, airmen rejected for medical certification, airmen with special certification, and others requiring medical certification. Air traffic controllers in air route traffic control centers, terminals, and flight service stations and applicants for these positions. Holders of and applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificates revoked. Persons who are involved in aircraft accidents or incidents; pilots, crewmembers, passengers, persons on the ground, and witnesses. Individuals against whom the Federal Aviation Administration has initiated administrative action or legal enforcement action for violation of certain Federal Aviation Regulations, FAR, or Department of Transportation Hazardous Materials Regulations, HMR.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name(s), date of birth, place of residence, mailing address, social security number, and airman certificate number Records that are required to determine the physical condition of an individual with respect to the medical standards established by FAA. Records concerning applications for certification, applications for written examinations, results of written tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for duplicate certificates. Reports of fatal accidents, autopsies, toxicological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents,

physiological autopsy, and consulting pathologist's summary of findings. Records of accident investigations, preliminary notices of accident injury reports, engineering analyses, witness statements, investigators' analyses, pictures of accident scenes. Records concerning safety compliance notices, letters of warning, letters of correction, letters of investigation, letters of proposed legal enforcement action, final action legal documents in enforcement actions, correspondence of Regional Counsels, Office of Chief Counsel, and others in enforcement cases. Also included are electronic enforcement litigation tracking system records located in the Offices of the Regional Counsel, Directorate Counsel and Chief Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 40101, 40113, 44701, 44703.

PURPOSE(S):

Issuance of airmen certificates by the Federal Aviation Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) Provide basic airmen certification and qualification information to the public upon request. (b) Disclose information to the National Transportation Safety Board, NTSB, in connection with its investigation responsibilities. (c) Provide information about airmen to Federal, state, and local law enforcement agencies when engaged in the investigation and apprehension of drug-law violators. (d) Provide information about enforcement actions arising out of violations of the Federal Aviation Regulations to government agencies, the aviation industry, and the public upon request. (e) Disclose information to another Federal agency, or to a court or an administrative tribunal, when the Government or one of its agencies is a party to a judicial proceeding before the court or involved in administrative proceedings before the tribunal. (f) See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from these systems to ''consumer reporting agencies'' (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)) and to debt collection agencies as defined by inference in the Federal Collection Act of 1966 (31 U.S.C. 3711(f)(1)) as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on lists and forms, and in computer processable storage media. Records are also stored on microfiche and roll microfilm.

RETRIEVABILITY:

Name, birth date, social security account number, airman certificate number, or other identification number of the individual on whom the records are maintained. Sex. Accident number and/or incident number, and administrative action or legal enforcement numbers.

SAFEGUARDS:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. These are periodically reviewed for compliance. Automated Processing (FAA Systems): Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished. Automated Processing (Commercial Computer Contractor): Computer programs operated on commercial security levels and record element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

These records are destroyed or retired to the area Federal Records Center and then destroyed in accordance with current version of FAA Order 1350.15, Records Organization, Transfer and Destruction Standards. The retention and destruction period for each record varies depending on the type of record.

SYSTEM MANAGER(S) AND ADDRESS:

The address for the system managers listed below is: Federal Aviation Administration, Mike Monroney Aeronautical Center, PO Box 25082, 6500 South MacArthur Blvd., Oklahoma City, Oklahoma 73125.

RECORDS CONCERNING AVIATION MEDICAL CERTIFICATION:

Manager, Aeromedical Certification Division, AAM–300, FAA certification records and general airman records: Manager, Airmen Certification Branch, AFS–760, Records concerning aircraft accidents and incidents, Manager, Operational Systems Branch, AFS–620, Records concerning administrative and legal enforcement action: FAA enforcement information system data bases for administrative and legal enforcement actions: Manager, Operational Systems Branch, AFS–620, Official FAA enforcement files: The Office of Chief Counsel, the Office of Regional Counsel, or the investigating FAA field office, as appropriate. The address of the appropriate FAA legal or field office maintaining the official agency enforcement file may be obtained from AFS–620.

ELECTRONIC ENFORCEMENT LITIGATION TRACKING SYSTEM RECORDS:

Offices of the Regional Flight Counsel, Directorate counsel, and Chief Counsel. Aviation medical certification records from regional files: Regional Flight Surgeon within the region where examination was conducted. Visit or call the local FAA office in the area in which you reside for any proper regional address.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Medical Information: Information is obtained from Aviation Medical Examiners, individuals themselves, consultants, hospitals, treating or examining physicians, and other Government agencies. Airmen Certification Records: Information is obtained from the individual to whom the records pertain, FAA aviation safety inspectors, and FAA designated representatives. Written test scores are derived from answers given by individuals. Actions filed by FAA personnel. General Aviation Accident/Incident Records and Air Carrier Incident Records: Information is obtained from Aviation Medical Examiners, pathologists, accident investigations, medical laboratories, law enforcement officials, and FAA employees. Data are also collected from manufacturers of aircraft, and involved passengers. Administrative Action and Legal Enforcement Records: Information is obtained from witnesses, Regional Counsels, the National Transportation Safety Board, Civil Aviation Security personnel, Flight Standards personnel, Aeronautical Center personnel, and the Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system are exempt under 5 U.S.C. 552a(k)(2).

DOT/FAA 851

SYSTEM NAME:

Administration and Compliance Tracking in an Integrated Office Network.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Federal Aviation Administration, FAA, Office of Aviation Medicine, Drug Abatement Division, 800 Independence Avenue, SW., Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical review officers, company anti-drug program managers, other contact names, and individuals who call the FAA to self-disclose, who are directly involved in the implementation and maintenance of drug and alcohol testing programs in conjunction with the aviation industry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, company and office telephone numbers of program managers who are in charge of the everyday operation of drug and alcohol testing programs for aviation companies, other persons who are contacts for facilities directly involved in drug and alcohol testing for the aviation industry, medical review officers (physicians) who review test results for the aviation companies, and individuals with company name and telephone numbers who call the FAA to self-disclose non-compliance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. 45101–45106), 14 CFR part 61, *et al.*

PURPOSE(S):

Support the information resource, reporting and archival needs of the Drug Abatement Division.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in an automated information system.

RETRIEVABILITY:

Name of an individual or by a unique case file identifier.

SAFEGUARDS:

Computer processing of information would be conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

RETENTION AND DISPOSAL:

The FAA has requested a retention and disposal schedule to destroy 5 years from creation date. That request is pending approval from the National Archives and Records Administration, NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Drug Abatement Division, AAM–800, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

FAA records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FHWA 204

SYSTEM NAME:

Federal Highway Administration, FHWA, Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, DOT/FHWA.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Office of Motor Carrier Enforcement, HMCE, 400 7th Street, SW., Room 4432A, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, agents or employees of motor carriers, including drivers who have been the subject of investigation for Motor Carrier Safety regulation violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Carrier safety regulation violations and identifying features.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Motor Carrier Safety Act of 1984, 49 U.S.C. 521(b).

PURPOSE(S):

Decide enforcement action, and for use as historical documents in case of appeal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses. Routine use number 5 does not apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in the Field Legal Services' offices.

RETRIEVABILITY:

Names of individuals.

SAFEGUARDS:

Only Office of Chief Counsel or Field Legal Services employees and Office of Motor Carrier and Highway Safety, OMCHS, employees have regular access to the files.

RETENTION AND DISPOSAL:

The records are retained for one year and then are generally sent to the local Federal Records Centers for an additional three-year period.

SYSTEM MANAGER(S) AND ADDRESS:

FHWA, Office of Chief Counsel, 400 Seventh Street, SW., Room 4224, Washington, DC 20590; FHWA Resource Centers, Field Legal Services.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals, motor carrier files, OMCHS file information as gathered by OMCHS investigators, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

5 U.S.C. 552 (c)(3), (d), (e)(4)(G), (H), and (I), (f) to the extent they contain investigative material compiled for law enforcement purposes in accordance with 5 U.S.C. 552a(k)(2).

DOT/FHWA 213

SYSTEM NAME:

Driver Waiver/Exemption File.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Federal Highway Administration, FHWA, Office

of Motor Carrier Research and Standards, HMCS, 400 7th Street, SW., Washington, DC 20590; FHWA Resource Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Operators of interstate commercial motor vehicles that transport certain commodities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for waiver (usually involving physical disability); final disposition of request for waiver; and waiver renewal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Motor Carrier Safety Act of 1984 (49 U.S.C. 31136(e) and TEA–21 (49 U.S.C. 31315).

PURPOSE(S):

Monitor drivers of commercial motor vehicles who operate in interstate commerce and have been identified as physically impaired.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses. Routine use number 5 is not applicable to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders in file cabinets.

RETRIEVABILITY:

The records are filed by driver's name.

SAFEGUARDS:

Files are classified as sensitive and are regularly accessible only by designated employees within the Resource Centers and Office of Motor Carrier and Highway Safety.

RETENTION AND DISPOSAL:

The files are retained while the driver waivers are active. The inactive driver waiver files are purged every 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Federal Highway Administration, Office of Motor Carrier Research and Standards, HMCS, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Application for Waiver or Waiver Renewal.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FHWA 215

SYSTEM NAME:

Travel Advance File.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Federal Highway Administration, FHWA, Office of Budget and Finance, 400 Seventh Street, SW., Washington, DC 20590; Federal Aviation Administration, Southern Region, Travel and Transportation Section, ASO–22A, Campus Building, Room C–210E, 1701 Columbia Avenue, College Park, GA 30337; and the FHWA Federal Lands Division Offices (Eastern, Central, and Western).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who are not eligible for the contractor-issued credit card and other groups of employees, and first-duty hires.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of travel advances and repayments.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 5707; 41 CFR part 301.

PURPOSE(S):

Controlling the repayments of travel advances to FHWA personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Open advances are maintained on a 5 x 8 inch form. In an automated travel management system, no advance is required (*i.e.,* paperless).

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Locked file cabinet.

RETENTION AND DISPOSAL:

The files are retained for 6 years and 3 months after period covered by account, pursuant to General Records Schedule 6.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Federal Highway Administration, Office of Budget and Finance, HABF, Team Leader, Travel Policy and Operations, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FHWA 216

SYSTEM NAME:

Travel Authorization and Voucher—Relocation Allowances (First Duty or Permanent Change of Station).

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Federal Highway Administration, FHWA, Office of Budget and Finance, HABF, 400 Seventh Street, SW., Washington, DC 20590; Federal Aviation Administration, MMAC Travel and Transportation Branch, AMZ–130, 6500 So. MacArthur Blvd., Oklahoma City, OK 73169.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

First duty and permanent change of station employees within the FHWA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel voucher(s), copies of third party payments (*i.e.,* Government Bill of

Lading, GBL, carrier bills, contractor invoice(s) for services, Administrative Notices (*i.e.,* adjustment(s) to vouchered claim, taxable and non-taxable income, withholding tax allowance(s), if applicable, taxes withheld), and IRS 4782's (Summary of Calendar Year of All Reimbursements, including taxes withheld).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5707; 41 CFR part 302.

PURPOSE(S):

Support the payments to employees and serves as support for updated employee earnings records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to '' consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on an 8 x 10 inch form in file folders.

RETRIEVABILITY:

The files are indexed by name.

SAFEGUARDS:

Supervised by the Team Leader, Travel Policy and Operations in FHWA and the Division Manager, Financial Operations in FAA.

RETENTION AND DISPOSAL:

Destroy after 6 years, pursuant to General Records Schedule 9.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Federal Highway Administration, Office of Budget and Finance, HABF, Team Leader, Travel Policy and Operations, 400 Seventh Street, SW., Washington, DC 20590; and Division Manager, MMAC Travel and Transportation Branch, AMZ–130, 6500 MacArthur Blvd., Oklahoma City, OK 73169.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FHWA 217

SYSTEM NAME:

Accounts Receivable.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Department of Transportation, Federal Highway Administration, Office of Budget and Finance, HABF, 400 Seventh Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indebted to the Federal Highway Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Amount of indebtedness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Monitor and control accounts receivable and support bills of collection issued to debtors of the Federal Highway Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and loose-leaf binders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Supervised by Chief, Accounting Team.

RETENTION AND DISPOSAL:

Transfer to the Federal Records Center when 3 years old. Destroy 6 years and 3 months after period covered by the account.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Federal Highway Administration, Office of Budget and Finance, HABF, Chief, Accounting Team, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Employer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FRA 106

SYSTEM NAME:

Occupational Safety and Health Reporting System.

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Federal Railroad Administration, FRA, Office of Administration, Office of Safety, Office of Safety Assurance and Compliance, RRS–12, 1120 Vermont Avenue, NW., Stop 25 Washington DC 20590–0001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FRA employees (injuries and illnesses) FRA employees involved in government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupation Injuries and Illnesses Survey (Standard Form OSHA–102) Departmental Accident/ Injury Reports DOT Forms 3902 1.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of Employees, (Executive Order 12196); Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters, (Title 29 CFR part 1960); Management of Building and Grounds, (Title 41 CFR parts 101–20); and Occupational Safety and Management Program (DOT Order 3902.7A).

PURPOSE(S):

To track employees injuries, illnesses, and accidents involved in government

property to develop causative trends, accident prevention policies, and correct safety items.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Maintain accident records per departmental orders. Provide data to Office of the Secretary. Develop causative trends Use for corrective accident prevention. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this System to Aconsumer reporting agencies (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1982(31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on copies of basic documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical security consists of file drawer with data; records provide to authorized individuals by FRA Safety Manager after physical Screening.

RETENTION AND DISPOSAL:

FRA Safety Manager, Department of Transportation Federal Railroad Administration, Office of Administration, Office of Safety Assurance and Compliance, RRS–12, 1120 Vermont Avenue, NW., Stop 25, Washington DC 20590–0001.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCES CATEGORIES:

Documents provided by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/FRA 130

SYSTEM NAME:

Enforcement Case System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Federal Railroad Administration, Office of the Chief Counsel, Safety Law Division, RCC–10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590–0001. Each Regional Office and Department of Transportation, DOT, Federal Railroad Administration, Office of Safety Assurance and Compliance, RRS–10, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that have allegedly failed to comply with certain railroad safety statutes and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Facts and circumstances surrounding alleged rail safety violations by individuals; recommendations for enforcement actions; and enforcement cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.); Safety Appliance Acts, (45 U.S.C. 1–16); Locomotive Inspection Act, (45 U.S.C. 22–34); Accident Reports Act, (45 U.S.C. 38–43); Hours of Service Act, (45 U.S.C. 61–64a); Signal Inspection Act, (49 App. U.S.C. 26); Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*); 18 U.S.C. 1001; and Rail Safety Improvement Act of 1988 (Pub. L. 100–342).

PURPOSE(S):

To provide information concerning enforcement actions for violations of safety statutes and regulations to government agencies and the regulated industry in order to provide them with information necessary to carry out their responsibilities, and to the public in order to increase the deterrent effect of the actions and keep the public apprised of how the laws are being enforced. Determine whether cases should be forwarded to the Office of Chief Counsel for prosecution and to otherwise accomplish the mission of the Office of Safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclose pertinent information to any source from which additional information is requested in the course of conducting an investigation to the extent necessary to identify the purpose(s) of the request and identify the information requested. Provide notice of the investigation and its outcome to the individual's employing railroad or shipper, or other railroad related to the case through joint facilities or trackage rights in order to give those entities information they may need to assist in preventing a recurrence of noncompliance. To be reviewed by the Safety Division and to form the basis, or support for, civil and/or criminal enforcement actions against the individuals involved. The general routine uses in the prefatory statement apply to all of these files.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to A consumer reporting agencies (collecting on behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, file cabinets and an automated tracking system.

RETRIEVABILITY:

Records are retrievable by name of individual and/or his or her employer.

SAFEGUARDS:

Access limited to authorized officials. Manual records are maintained in file cabinets that are locked after working hours. Automated records are password protected.

RETENTION AND DISPOSAL:

Appropriate records retention schedules will be applied and disposal will be by shredding. Certain automated records will be retained indefinitely to provide complete compliance histories.

SYSTEM MANAGER(S) AND ADDRESS:

Enforcement Case System Manager, Department of Transportation, Federal Railroad Administration, Office of the Chief Counsel, Safety Law Division, RCC–10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590–0001.

NOTIFICATION PROCEDURE:

Inquiries should be directed to: Federal Railroad Administration, Assistant Chief Counsel, Safety Law Division, Office of the Chief Counsel, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20590–0001.

RECORD ACCESS PROCEDURES:

Contact (202) 493–6053 or write to the System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Same as ''record access procedure.''

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual or from other persons with personal knowledge of the facts and circumstances involved.

EXEMPTIONS:

None.

DOT/MARAD 1

SYSTEM NAME:

Attendance, Leave and Payroll Records of Employees and Certain Other Persons.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Maritime Administration, Division of Accounting Operations, MAR–330, 400 7th Street, SW., Room 7325, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Maritime Administration employees and certain other employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data, as applicable; federal, state, and local tax deductions, as appropriate; optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military retirement advisability, sick, transferred, absence without leave, and without pay); time and attendance records including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and ''Notification of Personnel Action.'' The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101–5115, 31 U.S.C. 3512.

PURPOSE(S):

Transmittal of data to United States Treasury and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for saving bonds, allotments, and other authorized purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reporting: Tax withholding to Internal Revenue Service and appropriate state and local taxing authorities; FICA deductions to the Social Security Administration; dues deduction to labor unions; withholding for health and life insurance to the insurance carriers and the United States Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W–2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies, to the Department of Labor to determine eligibility for unemployment compensation, and to housing authorities for low-cost housing applications; injury compensation claims to Office of Workers Compensation Program at the Department of Labor. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and automated.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Center in accordance with the fiscal record programs approved by GAO, as appropriate, or General Record Schedules of GSA. Dispose of when 3 years old

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Accounting Operations, MAR–330, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The individual. Those authorized by individual to furnish information. Supervisors. Timekeepers. Personnel Offices. IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 2

SYSTEM NAME:

Accounts Receivable.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Maritime Administration, Division of Accounting Operations, MAR–330, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Debtors owing money to MARAD, including employees, former employees, business firms, general public and institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address; amount owed, and service, overpayment or other accounting therefore; invoice number, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–09, Federal Property Management Regulation 101–7, Treasury Fiscal Requirements Manual 31 U.S.C. 3711.

PURPOSE(S):

Billing debtors, reporting delinquent debts to credit bureaus, referrals to the General Accounting Office and the Department of Justice, reporting to Office of Personnel Management for liquidating debts from retirement and other benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual.

RETRIEVABILITY:

By name, and invoice number as appropriate.

SAFEGUARDS:

Physical security; handling by authorized personnel only.

RETENTION AND DISPOSAL:

Retained until payment is received and account is audited, and then disposed of in accordance with Records Control Schedule. Disposed of when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Accounting Operations, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General Law and International Law, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification procedure.

RECORD SOURCE CATEGORIES:

The individual. Those authorized by the individual to furnish information. Contracting officer as appropriate. Accounting records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 3

SYSTEM NAME:

Freedom of Information and Privacy Request Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Division of General Law and International Law, Office of the Chief Counsel; and Office of the Secretary; Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested records under the Freedom of Information and/or Privacy Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming requests; correspondence developed during processing of requests; initial and final determination letters; records summarizing pertinent facts about requests and action taken; copy or description of records released; description of records denied. Copies of records denied are often kept with these files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 552a.

PURPOSE(S):

Used by DOT and MARAD management and legal personnel to assure that each request receives an appropriate reply and to compile data for the required annual reports on activities under the Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Chronologically by date of initial determination. By name of requester and date.

SAFEGUARDS:

Privacy Act request records are stored in file cabinets in secured premises with access limited to those whose official duties require access. Freedom of Information Act request records are generally available to the public with the exception of records denied.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the appropriate record disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of General and International Law, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.''

RECORD SOURCE CATEGORIES:

The individual. Records derived from processing Freedom of Information and Privacy Act requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 4

SYSTEM NAME:

Visitor Logs and Permits for Facilities Under MARAD Control.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Administrative Service and Procurement, United States Merchant Marine Academy, Kings Point, NY 11024. James River Reserve Fleet, Drawer ''C'', Fort Eustis Virginia 23604; Beaumont Reserve Fleet, PO Box 6355, Beaumont, Texas 77705; Suisun Bay Reserve Fleet, PO Box 318, Benicia, California 94510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 App U.S.C. 1744, 46 App U.S.C. 1111, and 46 App U.S.C. 1114.

PURPOSE(S):

To keep records of non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name, or date and time.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule. Destroy 5 years after final entry or 5 years after date of document, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent of respective Reserve Fleets and Chief, Fire and Security, United States Merchant Marine Academy, Kings Point, New York 11024–1699.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, Maritime Administration, MARB221, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The individual. Those authorized by the individual to furnish information. Employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 5

SYSTEM NAME:

Travel Records (Domestic and Foreign) of Employees and Certain Other Persons.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Division of Accounting Operations, Maritime Administration, MAR–330, 400 7th Street, SW., Washington, DC 20590; United States Merchant Marine Academy Travel Clerk, United States Merchant Marine Academy, Kings Point, New York 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, Consultants, Advisory Committee Members, and official requests of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, social security number, destination, itinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 U.S.C. 3701(a)(3).

PURPOSE(S):

Transmittal to United States Treasury for payment, to State Department for passports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to 'consumer reporting agencies' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual.

RETRIEVABILITY:

Filed by name, social security number, or travel order number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule. Destroy when 3 years old or upon separation of the bearer, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Accounting Operations, MAR–330, Maritime Administration, 400 7th Street, SW., Washington, DC 20590; United States Merchant Marine Academy Travel Clerk, United States Merchant Marine Academy, Kings Point, NY 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

The individual. Those authorized by the individual to furnish information. Supervisors. Finance (or accounting) office standard references.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 6

SYSTEM NAME:

Executive Correspondence Files.

SECURITY CLASSIFICATION:

Unclassified—Sensitive.

SYSTEM LOCATION:

Office of Maritime Administrator, MAR–100, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with top-level officials in MARAD and express views or seek information or assistance. Freedom of Information Act or Privacy Act requests is not indexed in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may include the name and address of correspondent, summary of subject matter, original correspondence, official response, referral letters, memoranda or notes concerning subject of the correspondence, or copies of any enclosures. The records in the system are arranged chronologically by date of official Agency action, numerically by control number assigned to each items of correspondence and by name of correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

To prepare statistical reports for management on correspondence volume or topics of public interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by personnel in the Office of the Maritime Administrator and administrative offices to assure that each request receives an appropriate and timely reply. Information from or copies of the records may be provided to the original addresses of the original correspondence. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form.

RETRIEVABILITY:

By control number, by correspondent's name, by subject, and by date.

SAFEGUARDS:

Paper records are stored in file cabinets on secured premises with access limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Records are disposed in accordance with the appropriate record disposition schedule approved by the Archivist of the United States. Transfer closed files to Records Center when 5 years old. Offer to archivist when the latest records are 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Maritime Administrator, MAR–100, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

The correspondent, referral source, Department employees involved in processing the correspondence, and other individuals, as required to prepare an appropriate response.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 7

SYSTEM NAME:

Litigation, Claims and Administrative Proceeding Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Chief Counsel, MAR–220, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals the subject of any litigation which MARAD is involved; individuals who make administrative claims or appeals against MARAD; individuals who are the subjects of claims and administrative actions brought by MARAD; individuals who may have provided statements or other evidence with respect to any of the above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, social security account numbers, statements of claims and analysis thereof, investigatory reports, opinion of law, and pleadings, motions, depositions, rulings, opinions citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.) and other litigation and claims documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1114 and 1241a, and 50 app U.S.C. 1291a.

PURPOSE:

Records of individuals subject of any litigation and claims proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Destroyed 5 years after date of document.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Maritime Administration, MAR–220, 400 Seventh Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, Maritime Administration, MAR–226, 400 Seventh Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Subject claimant or plaintiff. Those authorized by the foregoing to furnish information. Whatever other sources are pertinent to the nature of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5), this system is exempt from portions of the act.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 8

SYSTEM NAME:

Property Accountability Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive

SYSTEM LOCATION:

Office of Management Services and Procurement Maritime Administration, 400 7th Street, SW., Washington, DC 20590. Department of Administrative Service and Procurement, United States Merchant Marine Academy, Kings Point, NY 11024. Office of Ship Operations, Division of Reserve Fleet, Maritime Administration, MAR–612, 400 7th Street, SW., Washington, DC 20590. James River Reserve Fleet, Drawer ''C'', Fort Eustis Virginia 23604; Beaumont Reserve Fleet, P.O. Box 6355, Beaumont, Texas 77705; Suisun Bay Reserve Fleet, P.O. Box 318, Benicia, California 94510; National Maritime Research Center, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, general public, institutions, and anyone who charges out or signs for property or other materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; telephone number; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanation for items not accounted for, correspondence; clearances; and key number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(b).

PURPOSE(S):

Tracking system for anyone who charges out or signs for property or other materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper copy of file folders and trays.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained 2 years after property is accounted for.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Supply Operations Division, MAR–313, Maritime Administration, 400 7th Street, SW., Washington, DC 20590. Administrative Services Office, United States Merchant Marine Academy, Kings Point, NY 11024. Director, National Maritime Research Center, United States Merchant Marine Academy, Kings Point, NY 11024. Chief, Division of Reserve Fleet, MAR–612, Maritime Administration, 400 7th St, SW., Washington, DC 20590. Superintendent, James River Reserve Fleet, Drawer ''C'', Fort Eustis, Virginia 23604; Superintendent, Beaumont Reserve Fleet, PO Box 6355, Beaumont, Texas 77705; Superintendent, Suisun Bay Reserve Fleet, PO Box 318, Benicia, California 94510.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–220, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Subject individual. Those authorized by the individual to furnish information. Book cards. Supply person providing the equipment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 9

SYSTEM NAME:

Records of Cash Receipts.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Director, Office of Accounting, MAR–330, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, the goods or services purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1114.

PURPOSE(S):

System for individuals paying for goods and or services, reimbursement of overpayments, delivery of cash to the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Name and/or account or case number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Permanently maintained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Accounting, MAR–330, MARAD, 400 7th St., SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of Chief Counsel, Maritime Administration, 400 7th Street, SW., Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Subject individual. Those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

DOT/MARAD 10

SYSTEM NAME:

Employee's Personnel Files Not Covered by Notices of Other Agencies.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Director, Office of Personnel, Maritime Administration, MAR–360, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All personnel records in MARAD which are subject to the Privacy Act but are not covered in the notices of systems of records published by the Office of Personnel Management, Merit Systems Protection Board, or Equal Employment Opportunity Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; Employee Relations; Grievance Records; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignments; Minority Group Statistics Program; Work Performance and Appraisal Records; including supervisory records which have been disclosed; Re-Employment and Priority Placement Programs; Within-Grade Denials (Reconsideration File); and, Automated Employee Information System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App U.S.C. 1111.

PURPOSE(S):

To provide information to officials or labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine-readable.

RETRIEVABILITY:

Filed by name and/or social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained according to Unit's Records Control Schedule. Records are kept until employee retires and then 90 days after retirement records are sent to OPM and/or records center. If employees transfer to another government agency, the records are transferred to that government agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel, Maritime Administration, MAR–360, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Subject individual and those authorized by the individual to furnish information. Others involved in references of the individual. Physicians. Employee's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 11

SYSTEM NAME:

Biographical Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Public Affairs, Maritime Administration, MAR–240, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key present and former Maritime Administration personnel, and members of Advisory Board to the United States Merchant Marine Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information, which may include date and place of birth; education; military service; present position; employment history; field of research; publications; inventions and patents; awards and honors; memberships and affiliations; present and past residences; telephone numbers; names, ages, and addresses of family members; hobbies and outside interests; and photograph of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App U.S.C. 1114.

PURPOSE(S):

Use in connection with written articles, oral interviews, speaking engagements, retirement and obituary notices, and other purposes of public information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Distributed to the press, other government agencies, and the general public. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or notebooks.

RETRIEVABILITY:

By name alphabetically or by position or work unit.

SAFEGUARDS:

Records are located in locked metal file cabinets or locked rooms during non-business hours.

RETENTION AND DISPOSAL:

Record retention and disposal is in accord with operating unit's Records Control Schedule. Dispose of 2 years after separation of the subject official.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Officer, MAR–240, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The individual. Other sources such as news releases, articles and publications relating to the subject individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 12

SYSTEM NAME:

Applications to United States Merchant Marine Academy (USMMA).

SYSTEM CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Admissions, United States Merchant Marine Academy, Kings Point, NY 11204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for admission to the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; name of nominating Congressman and congressional district; social security number; citizenship; sex; marital status; scholastic background; names of relatives who attended the Academy; high school record; personality record (compiled by high school authorities); seaman's experience; military service data; and biographical sketch. (Form: KP 2–65).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App U.S.C. 1295b.

PURPOSE(S):

Determine admissions to the Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Advise Member of Congress or other nominating authority of the outcome of an individual's candidacy. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and automated.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

If admitted, the application becomes part of the Midshipman's Personnel Record for permanent retention. The file is transferred to the Federal Records Center after 5 years. If not admitted, it is retained for one year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Admissions, United States Merchant Marine Academy, Kings Point, NY 11204.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221. Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Subject individual, the individual's high school officials, references, and those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from portions of the act.

DOT/MARAD 13

SYSTEM NAME:

Cadet Files, State Maritime Academies, ''SIPSAM''.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Maritime Labor and Training, Maritime Administration, MAR–240, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former cadets enrolled in the Student Incentive Payments, SIP, Program at the State Maritime Academies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; service number; date of change in pay; re-enrollment or reinstatement; dis-enrollment; date of graduation; and service obligation. (Forms: MA–1005, MA–850 and MA–890).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Merchant Marine Act, 1936 (as amended) Title XIII B Maritime Education and Training (46 App. U.S.C. 1295c).

PURPOSE(S):

Monitor the service, employment and academic obligations of the SIP recipients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are located in lockable file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are retained until six years after graduation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Labor and Training, Maritime Administration, MAR–250, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The subject student. State Merchant Marine Academies. Those authorized by the student to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 14

SYSTEM NAME:

Citizenship Statements and Affidavits.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

For bidders on surplus vessels: Division of Ship Disposals and Foreign Transfers, MAR–630, Maritime Administration, 400 7th Street, SW, Washington, DC 20590. For all other purposes: Office of Chief Counsel, MAR–220, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and shareholders of non-personal applicants and individual applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; date and place of birth; nationality, and naturalization data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App U.S.C. 802, 803, 808, 1114 and 50 app U.S.C. 1744.

PURPOSE(S):

Keep track of officers and shareholders of non-personal applicants and individual applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by applicant's name, name of individual, or vessel name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are transferred to the Federal Records Center after five years where they are retained for twenty years or the time period of the ship mortgage, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Ship Disposals and Foreign Transfers, MAR–630, and Office of the Chief Counsel, MAR–220, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Subject applicant and individual. Those authorized by the foregoing to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 15

SYSTEM NAME:

General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Marine Insurance, Maritime Administration, MAR–575, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (*e.g.,* seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates (Forms: MA–574, MA–570, MA–269, MA–26 and 270).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1101, 1114, 191–1205 and 50 app U.S.C. 1744.

PURPOSE(S):

Evaluate filed claims, negotiate settlements, award money, contest or initiate lawsuits; and arrange for proper medical treatment by establishing seaman's eligibility for acceptance under regulations of Public Health Service, United States Department of Health and Human Services, or other appropriate medical facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE FOR CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by seaman's name and vessel's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Marine Insurance, Maritime Administration, MAR–575, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Subject individual. The individual's attorney. Adjusters, investigators. Attorneys. Office of Marine Insurance. Witnesses. The Marine Index Bureau. Those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 16

SYSTEM NAME:

Marine Training School Registrants.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Maritime Administration regional offices: Eastern—26 Federal Plaza, New York, N.Y. 10007; Central—No. 2 Canal Street, New Orleans, LA 70130; Western—211 Main Street, RM 1112, San Francisco, CA 94105; and Great Lakes—2300 E. Devon Avenue, Des Plaines, IL 60018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each seafarer enrolling in an agency training course.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; position title; owner's document number; social security number; certificate number; sponsoring

organization; course completed; date of course completion; course grade; date of birth; and telephone number (Forms: MA–1005 and 1006).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1114, 1295b, 1295c, 1295d, and 1295g.

PURPOSE(S):

Verification of attendance and performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by student's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

RETENTION AND DISPOSAL:

The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

SYSTEM MANAGER(S) AND ADDRESS:

Training Facility Registrar in region where the training was taken; see System Location.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The student. The training instructors. Those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 17

SYSTEM NAME:

Waivers of Liability to Board Reserve Fleet Vessels and Other Craft Located at United States Merchant Marine Academy.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Beaumont Reserve Fleet, PO Box 6355, Beaumont, Texas 77705; James River Reserve Fleet, Drawer ''C'', Fort Eustis, Virginia 23604; and Suisun Bay Reserve Fleet, PO Box 318, Benicia, California 94510; United States Merchant Marine Academy, Kings Point, Long Island, New York 11024–1699.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals boarding Reserve Fleet vessels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, affiliation, date, and signature (Form: MA–118).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295b, 1295g, and 50 app U.S.C. 1744.

PURPOSE(S):

Limit Governments liability for any damage suffered by certain persons aboard RRF/NDRF ships.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE OF CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent of Respective Reserve Fleets; and United States Merchant Marine Academy, Kings Point, New York 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Subject individual. Those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 18

SYSTEM NAME:

National Defense Executive Reserve.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Division of National Security Plans, MAR–620, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees and members of the National Defense Executive Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; education; and professional and other memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295e, 1295g and 1126–1.

PURPOSE(S):

Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until one year after individual's appointment is terminated or until death and then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of National Security Plans, MAR–620, Maritime Administration, same as above address.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The individual. Those authorized by the individual to furnish information. The investigator performing personal and security investigation. Sources contacted by the investigator.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 20

SYSTEM NAME:

Seamen's Awards for Service, Valor, etc.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Maritime Labor and Training, MAR–250, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Seamen given awards for service, valor, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; mariner's document number; social security number; and names of ships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App. U.S.C. 2001–2007.

PURPOSE(S):

Provide information to the seamen and family members upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper copy in file folders and on magnetic tape.

RETRIEVABILITY:

Files are maintained alphabetically by name of seaman.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Paper records containing letters of commendation, name of seamen, address, name of vessel and mariner's document number are transferred to the Federal Records Center immediately, where they are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Maritime Labor and Training, MAR–250, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual. The individual's co-workers. Witnesses to incidents. Those authorized by the individual to furnish information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 21

SYSTEM NAME:

Seaman's Employment Analysis Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation Computer Center, SVC–172, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Merchant seamen who sailed the previous calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social security number; date of birth; records of United States Coast Guard issued documents; voyage employment information (*e.g.,* ship and date signed on); and maritime schools attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

To ensure an adequate supply of American mariners.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer disks.

RETRIEVABILITY:

Filed by social security number.

SAFEGUARDS:

In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Refreshed and maintained only for current available calendar year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Maritime Labor and Training, Maritime Administration, MAR–250, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief

Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

United States Coast Guard.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 22

SYSTEM NAME:

Seaman's Unclaimed Wages (Vietnam Conflict).

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Division of Accounting Operations, MAR–330, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Seamen owed wages for service aboard Government vessels operated by general agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security number; employing general agent; and wages due and owing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1114(B), 1241a, and 50 app U.S.C. 1291(a).

PURPOSE(S):

Reporting wages owed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Paper records are filed alphabetically by name and by social security number.

SAFEGUARDS:

Paper records are secured in lockable metal file cabinets. Records are located in secured areas with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained until such time as claim is resolved or wages are disbursed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Accounting Operations, MAR–330, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Division of General and International Law, Office of the Chief Counsel, MAR–221, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The general agents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 24

SYSTEM NAME:

USMMA Non-Appropriated Fund Employees.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Commandant of Midshipmen; Office of the Director of Athletics; Office of the General Manager, Ship's Service; Officer's Club; Junior Officer's Mess; Petty Officers Club; Fiscal Control Office; and Department of Administrative Services and Procurement, all at United States Merchant Marine Academy, Kings Point, N.Y. 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former employees of non-appropriated fund activities since 1970.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid; insurance coverage; and letters of commendation or reprimand.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Track information on non-appropriated fund employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by employee's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of Midshipmen; Director of Athletics; General Manager, Ship's Service; President, Officer's Club; Manager, Junior Officers Mess; President, Petty Officers Club; Head, Department of Budget and Accounts; and Head, Department of Administrative Services and Procurement, all at United States Merchant Marine Academy, Kings Point, N.Y. 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Subject employee. Those authorized by the employee to furnish information. Past employers and references. The employee's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from portions of the act.

DOT/MARAD 25

SYSTEM NAME:

USMMA Graduates.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of External Affairs, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All graduates of USMMA, since 1942, and some parents of graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address (home and business); vocation; class year; social security number; employee's name and address; years of maritime service, at sea and ashore; military service; maritime licenses; post-graduate education; honors and awards; and union affiliation. Graduate registration for job-placement also contains graduate's preferred salary and job location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Make employment referrals, to compile statistical reports for Congress on the professional progress of the graduates, and to mail alumni publications, notices, and announcements. The users are the Director, Office of External Affairs and his immediate administrative staff, prospective employers, Congress and its Members, the United States Merchant Marine Academy Alumni Association, Inc., the United States Merchant Marine Academy Foundation, Inc. and the commercial contractor providing automated services for the United States Merchant Marine Academy Foundation, Inc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The database is used for communication with alumni (*e.g.,* magazine, homecoming, etc), placement opportunities for alumni, fundraising records, and congressional districts. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and basic information are on magnetic tape.

RETRIEVABILITY:

Alphabetically by name, and by social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Records on tape also are subject to physical securities, including those maintained by contract.

RETENTION AND DISPOSAL:

The records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of External Affairs, United States Merchant Marine Academy, Kings Point, N.Y. 10024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

A questionnaire voluntarily returned by graduates every few years. Graduates asking to be registered for job-placement. Families of graduates. Public and private employment of graduates. Persons nominating graduates for alumni awards. United States Merchant Marine Academy Alumni Association, Inc. Published articles naming graduates.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 26

SYSTEM NAME:

USMMA Midshipmen Deposit Account Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Budgets and Accounts, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, and all midshipmen activity fee deposits to the Academy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Track activity fee deposits to the Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by class year and then alphabetically by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Maintained for one year after graduation or separation, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Head, Department of Budgets and Accounts, United States Merchant Marine Academy, Kings Point, NY 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

Midshipmen. Those authorized by midshipman to furnish information. Department of Budgets and Accounts personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 27

SYSTEM NAME:

USMMA Midshipman Grade Transcripts.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Registrar's Office, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and past midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; social security numbers; courses taken; grades received; and cumulative average.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Record academic status of past and present midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Sent to other schools or employers when requested by the midshipman. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, paper records in file drawers, microfilm records, and magnetic tape.

RETRIEVABILITY:

Alphabetically by midshipman's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Transfer to Federal Records Center five years after graduation. Destroy sixty years after graduation.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, United States Merchant Marine Academy, Kings Point, N.Y. 10024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification Procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification Procedure.''

RECORD SOURCE CATEGORIES:

The midshipman. Those authorized by the midshipman to furnish information. Faculty. Registrar's staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/MARAD 28

SYSTEM NAME:

USMMA Midshipman Medical Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Medical Department, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete medical history prior to and during enrollment at the Academy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Maintain health of midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by midshipman's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Radiographic file salvage five years after graduation. All other documents combine within MA–18 Midshipmen Personnel Records after graduation. If not appointed as Midshipman, the record is retained for one year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Officer, United States Merchant Marine Academy, Kings Point, N.Y. 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as Notification procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification procedure.

RECORD SOURCE CATEGORIES:

Subject applicant or midshipman. Those authorized by foregoing to furnish information. Individual's physician. Academy medical officers. Contract medical personnel. Private and other medical personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from portions of the act.

DOT/MARAD 29

SYSTEM NAME:

USMMA Midshipman Personnel Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Commandant of Midshipman, United States Merchant Marine Academy, Kings Point, NY 11024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former midshipmen since inception of the Academy in 1942. Also, all cadet corps personnel from 1938 to 1942.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nominations to United States Merchant Marine Academy; College Board Scores; high school transcript; name; address; social security number; parent's name and address and occupation; relatives who attended USMMA; number of brothers and sisters; medical report; height; weight; color of hair; color of eyes; complexion; commendations; record of disciplinary cases; resignation notice; graduation certification; and report of deficiencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 app U.S.C. 1295g.

PURPOSE(S):

Record personnel matters on USMMA midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by midshipman's name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Retained on site for five years after graduation, then disposed of in accordance with the unit's record control schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of Midshipman, United States Merchant Marine Academy, Kings Point, NY 11024.

NOTIFICATION PROCEDURE:

Division of General and International Law, MAR–221, Office of the Chief Counsel, Maritime Administration, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The subject midshipman. Faculty administrators and midshipman corps officers who provide copies to the midshipman. Former employers, teachers, and school authorities, and references. Government or private physicians. United States Navy Security Officers. Those authorized by the midshipman to furnish the information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5), this system is exempt from portions of the act.

DOT/MARAD 30

SYSTEM NAME:

Commitment Agreements.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Maritime Administration, Academies Program Officer, Office of Maritime Labor, Training & Safety, MAR–250, 400 Seventh Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students, graduates of United States Merchant Marine Academy and State maritime academies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing information of students, graduates of United States Merchant Marine Academy and State maritime academies. Information may contain addresses, social security numbers, and medical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 App. U.S.C. 1295b(e).

PURPOSES(S):

Determine if a student or graduate of the United States Merchant Marine Academy, USMMA, or subsidized student or graduate of a State maritime academy has a waivable/deferrable situation that prevents him/her from fulfilling the requirements for their service obligation contract.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Notice of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File information is on computer with hard copy back up material in metal cabinets in a secured room.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Files are retrievable only through information known to the Academy Program Officer or other persons authorized to perform data input tasks.

RETENTION AND DISPOSAL:

Files held until completion of eight-year service obligation period or as determined by the Maritime Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Maritime Administration, Academies Program Officer, Office of Maritime Labor, Training & Safety, 400 Seventh Street, SW, Rm. 7302, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Students, graduates of the United States Merchant Marine Academy and State maritime academies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 401

SYSTEM NAME:

Docket System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Information Resource Management, Technical Information Services, NAD–40, 400 7th Street, SW, Room 5111, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commented on notices of NHTSA appearing in the **Federal Register**. Authors of reports that are added to the docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR Part 7 7.45, and Part 7, App.F.

PURPOSE(S):

Gather information for use in the NHTSA Reference Docket

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gather information on responses to rules promulgated by NHTSA. Users are both NHTSA staff members and public. Other uses include searching for background data on standards, determining areas for further research, and preparation for litigation. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are maintained in a Technical Reference Library.

RETENTION AND DISPOSAL:

Indefinitely held.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Information Resource Management, Technical Information Services, Department of Transportation, National Highway Traffic Safety Administration, NAD–40, Room 5111, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

From letters freely sent to NHTSA by the public; publications used by engineers in writing standards.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 402

SYSTEM NAME:

Highway Safety Literature Personal Author File.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Transportation Research Board, 2101 Constitution Ave., NW., Washington, DC 20418.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Writers of technical articles and reports who have authored publications selected for inclusion in the Highway Safety Literature database.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bibliographic information giving title of article, book, or paper written; journal or other publication in which it appears; date of publication; abstract. The file is similar in nature to the card catalog of a library.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 49 U.S.C. 322.

PURPOSE(S):

Gather technical articles and reports for inclusion in NHTSA's Highway Safety Literature catalog.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Users are principally NHTSA staff members and their contractors who require literature searches prior to performing research. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Information Resource Management, Technical Information Services, Department of Transportation, National Highway Traffic Safety Administration, NAD–40, 400 7th Street, SW., Room 5111, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Publications related to highway safety.

EXEMPTIONS CLAIMED FOR SYSTEM:

None.

DOT/NHTSA 411

SYSTEM NAME:

General Public Correspondence System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of the Executive Secretariat, NOA–10, 400 7th Street, SW., Room 5221, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested information or advice from the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with individuals who have requested information or advice on promoting devices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 49 U.S.C. 322.

PURPOSE (S):

Provide agency with background information on number of issues, reports, etc., and/or who seek guidance from NHTSA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference purposes. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Records are retained for one year and are then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, National Highway Traffic Safety

Administration, Office of the Executive Secretary, NOA–10, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 413

SYSTEM NAME:

Odometer Fraud Data Base Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Adm., NHTSA, Safety Assurance (NSA–01), Odometer Fraud Staff (NSA–20), 400 Seventh Street, SW., Room 5321, Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Suspects, defendants, witnesses, informants, automobile dealers, and victims of odometer fraud.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on suspects, defendants, witnesses, informants, motor vehicles, automobile dealers, victims and other related data obtained through Federal grand jury subpoenas. Information may contain addresses, dates of birth, financial data, criminal history records, business records, and numerous other data obtained through Federal grand jury subpoenas.

PURPOSES(S):

To gather information to be used in allegations of odometer fraud.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained for use in criminal investigations and to support criminal prosecutions by the United States Department of Justice. Data are released also to authorized State and Federal law enforcement agencies and personnel and to victims under 42 U.S.C. 10606(b)(7). See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder storage and in an electronic database.

RETRIEVABILITY:

By individual name, dealer name, complainant name, case number and vehicle identification number.

SAFEGUARDS:

Locked files and restricted electronic access. Files are regularly used only by members of the Odometer Fraud Staff.

RETENTION AND DISPOSAL:

Retained for five years after case is closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, National Highway Traffic Safety Administration, Attn: Chief, Odometer Fraud Staff, 400 Seventh Street, SW., Room 6208, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Victims, automobile dealers, banks, State motor vehicle departments, State and Federal law enforcement agencies, and other sources used during the course of criminal investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 415

SYSTEM NAME:

Office of Defects Investigation/Defects Information System, ODI/DIMS.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Defects Investigation, NSA–01, 400 7th Street, SW., Room 2403, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle identification, vehicle problem.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):

To gather information/evidence in the conduct of alleged defective vehicles or vehicle equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Check complaints about vehicle defects to spot trends, resulting in investigations of the vehicle model. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc pack and paper file.

RETRIEVABILITY:

Identification number for each vehicle owner.

SAFEGUARDS:

Coded entry numbers.

RETENTION AND DISPOSAL:

Eight years or indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Projects Staff, Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Defects Investigation, NSA–10, 400 7th Street, SW., Room 5326, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Director, Office of Information Resource Management, Technical Information Services, NAD–40, 400 7th St., SW., Room 5111, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure''.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure''.

RECORD SOURCE CATEGORIES:

General public, State highway offices, insurance companies, vehicle manufacturers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 417

SYSTEM NAME:

National Driver Register, NDR.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Research and Traffic Records, Driver and Traffic Records Division, NTS–24, 400 7th Street, SW., Room 6124, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have had their driver's license denied, withdrawn, revoked or suspended for cause, or who have been convicted of certain services traffic violations as reported by State/Territorial driver licensing authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

NDR records include: The reporting jurisdiction, the subject's full name, other names used, date of birth, driver license number and/or social security number (if used by the reporting jurisdiction), sex, height, weight, eye color, the reason for withdrawal, the date of the withdrawal, and the date eligible for restoration of driving privilege or the date license was actually restored. Frequently the physical data are not provided by the reporting agency.

PURPOSE(S):

To provide information regarding individuals who have had their driver licenses revoked, suspended or otherwise denied for cause, or who have been convicted of certain traffic violations, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide identification of drivers who have had their licenses withdrawn, suspended, revoked or otherwise denied for cause, or who have been convicted of certain traffic violations, in response to inquiries from State or Federal driver licensing officials. See Prefatory Statement of General routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NDR master file is maintained on disk storage. Source data received as manual input (i.e. forms, letters) are converted to disk storage. Source data received on magnetic tape are converted into printed listings. All source data are batch filed.

RETRIEVABILITY:

The master file is indexed by surname and refined by program application using screening criteria such as given names, date of birth and physical characteristics.

SAFEGUARDS:

The data files are maintained in a building under surveillance by a 24-hour guard force. In addition, the spaces in which the files are maintained are equipped with lockable doors, which are locked when vacated. All NDR employees are briefed on NDR security requirements and their responsibilities.

RETENTION AND DISPOSAL:

Records of actions that have been canceled or rescinded are purged from the file upon receipt of notification from the reporting jurisdiction. Other records are retained for seven or five years depending on the reason for withdrawal of the individual's license. Withdrawals for drunk driving, hit and run, fatal accident, felony and misrepresentation are retained for seven years. Records of ''habitual offenders'' as stipulated by certain states are retained indefinitely, unless otherwise requested by the reporting state. All other master file records are retained for five years. Magnetic tape records are erased by degaussing, using 86db degaussing equipment, prior to disposing of the tapes. Shredding destroys paper source data reports of withdrawal.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Driver Register, National Highway Traffic Safety Administration, NTS–24, Department of Transportation, Room 6124, Washington, DC 20590.

NOTIFICATION PROCEDURE: SAME AS ''SYSTEM MANAGER.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES;

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Driver licensing administrators of the States, and the District of Columbia, or the agencies within the jurisdictions responsible for such records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 422

SYSTEM NAME:

Temporary Exemption Petitions.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Chief Counsel, NCC–01, 400 7th Street, SW., Room 5219, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Petitioners (commercial entities) seeking exemption from Federal motor vehicle safety standards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Income statement and balance sheets, production information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 30113.

PURPOSE(S):

Gather information regarding exemptions and possible penalties on Federal motor vehicle safety standards.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For consultation by attorneys while file is active; copies in public docket. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Temporary exemptions; filed by corporation's names.

SAFEGUARDS:

Available only to the System manager and his secretary.

RETENTION AND DISPOSAL:

Permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney, Department of Transportation, National Highway Traffic Safety Administration, Office of Chief Counsel, NCC–01, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation, National Highway Traffic Safety Administration, Office of Chief Counsel, NCC–01, 400 7th Street, SW., Room 5219, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

Petitioners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 431

SYSTEM NAME:

Civil Penalty Enforcement Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, Office of the Chief Counsel, NCC–01, 400 7th Street, SW., Room 5219, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons against whom civil penalties are sought or contemplated for violations of NHTSA-administered statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory records of alleged violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 30165.

PURPOSE(S):

Gather information for use by agency in possible civil suits for penalty violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Files in CIR numerical order.

SAFEGUARDS:

Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney, Department of Transportation, National Highway Traffic Safety Administration, Office of Chief Counsel, NCC–01, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation, National Highway Traffic Safety Administration, Office of Chief Counsel, NCC–01, 400 7th Street, SW., Room 5219, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

NHTSA investigations and tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 436

SYSTEM NAME:

Contract Grievance Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, NHTSA, Office of Human Resources, NAD–20, 400 7th Street, SW., Room 5306, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees in the non-professional exclusive unit covered by the NHTSA/AFGE contract of March 5, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to a decision by the Administration or an arbitrator affecting an individual.

PURPOSE(S):

To substantiate or deny allegations relating to employee grievances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to the Federal Labor Relation Authority in connection with an Unfair Labor Practice Procedure or to respond to the appeal of an arbitration award. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and index cards.

RETRIEVABILITY:

Retrieved by names of grievant(s).

SAFEGUARDS:

Access limited to those with official ''need to know.'' Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The records are maintained up to 3 years and then retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, Department of Transportation, National Highway Traffic Safety Administration, NAD–20, 400 7th Street, SW., Room 5306, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Individual to who record pertains and/or representative; agency officials; employees; witnesses; official documents; etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/NHTSA 463

SYSTEM NAME:

Motor Vehicle Importation Information, MVII.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Compliance, NSA–32, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers or declarants of imported motor vehicles and motor vehicles equipment, both private and commercial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms HS–7, declaration on motor vehicles and motor vehicle equipment subject to Federal Motor Vehicle Safety Standards. Customs reports of declarations and inspections. Records relating to refusal of entry or penalties, and in some instances law enforcement and court records in alleged fraud cases.

PURPOSE(S):

Gather information on importation compliance of motor vehicle and motor vehicle equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be released to the Environmental Protection Agency for compliance with the Clean Air Act and to the United States Customs Service for import requirements. Released to State divisions of motor vehicles for state purposes and to law enforcement agencies in alleged fraud cases. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and computer disc tapes.

RETRIEVABILITY:

By name of importer or declarant, addressee(s) vehicle or vehicle identification, customs district and entry number, and port of entry.

SAFEGUARDS:

Disc or tape may be accessed only by discrete identification code known to the System Manager and staff. Hard paper copies are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Hard paper copy is retained one year if no official claims are lodged against importer or declarant. Disc and tapes retained for period of United States Customs Service statute of limitations before erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Verification Division, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, NSA–32, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Forms executed by importers or declarants for the NHTSA, United States Customs Service, and the Environmental Protection Agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 003

SYSTEM NAME:

Allegations of Infringement of United States Patents.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of the Secretary of Transportation, Office of the General Counsel, 400 7th Street, SW., Room 10102, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe that an agency of the Department of Transportation is infringing a United States patent owned by the individual. Categories of records in the system: Copies of correspondence alleging that agencies of the Department of Transportation have infringed, or are infringing, United States patents owned by the originators of the correspondence. Copies of replies by the Department Patent Counsel to the originator of the allegation. Copies of correspondence forwarding the allegation to the particular Department agency accused for their comment; their replies to Patent Counsel. Copies of correspondence between the Department of Transportation and the Department of Justice concerning the allegations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence alleging that agencies of the Department of Transportation have infringed, or are infringing, United States patents owned by the originators of the correspondence. Copies of replies by the Department Patent Counsel to the originator of the allegation. Copies of correspondence forwarding the allegation to the particular Department agency accused for their comment; their replies to Patent Counsel. Copies of correspondence between the Department of Transportation and the Department of Justice concerning the allegations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 1498.

PURPOSE(S):

Document allegations that agencies of the Department of Transportation have infringed, or are infringing, United States patents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of allegations and Patent Counsel's actions thereon. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal ''need to know.''

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing address: Patent Counsel, C–15, United States Department of Transportation, and Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System Manager.''

RECORD SOURCE CATEGORIES:

Patent owners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 004

SYSTEM NAME:

Board for Correction of Military Records, BCMR.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, 400 7th Street, SW., Room 4100, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel requesting the Board for Correction of Military Records to correct their military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of actions of the General Counsel acting under delegated

authority approving or disapproving BCMR cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552.

PURPOSE(S):

Used as a record of the General Counsel's action in individual BCMR cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel. Requests are referred to the Executive Secretary, BCMR.

RETENTION AND DISPOSAL:

Retained indefinitely for precedential purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Assistant General Counsel for Environmental, Civil Rights and General Law, C–10, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Contact ''System manager.''

RECORD ACCESS PROCEDURES:

Contact ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

Official agency records; hearings, documentary material from outside the agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 012

SYSTEM NAME:

Files Relating to Personnel Hearings.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, 400 7th Street, SW., Room 10102, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain employees of the Office of the Secretary who have availed themselves of the opportunity for a hearing in certain personnel matters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain employees of the Office of the Secretary who have availed themselves of the opportunity for a hearing in certain personnel matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notices of proposed adverse actions, answers of employees, notices of decisions, and supporting material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1215, 1216, 7503(c), 7513(e), 7521, and 7543(e).

PURPOSE(S):

A record of the legal services performed and reference material for future cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by agency management in the preparation and conduct of administrative hearings. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel.

RETENTION AND DISPOSAL:

Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Assistant General Counsel for Environmental, Civil Rights and General Law, C–10, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Apply to System manager.

RECORD ACCESS PROCEDURES:

Apply to System manager.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

Official agency records; hearings; documentary material from outside the agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 016

SYSTEM NAME:

General Investigations Record System.

SECURITY CLASSIFICATION:

Unclassified (law enforcement sensitive).

SYSTEM LOCATION:

TASC Security Operations, SVC–150, Department of Transportation, DOT, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports covering occurrences relating to the security of DOT personnel and headquarters buildings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

To maintain computerized records covering the security of DOT personnel and headquarters buildings. To develop proper responses to patterns of incidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses; 5 and 9 do not apply.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders. Paper records in case folders in manual filing system.

RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Files are maintained in a locked room with appropriate access controls. Access to the files is restricted to authorized personnel on a ''need-to-know'' basis. With appropriate access controls.

RETENTION AND DISPOSAL:

Records older than 5 years are deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Principal, TASC Security Operations, SVC–150, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews; review of records and other authorized techniques.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 U.S.C. 552a (j)(2), (k)(1) or (2).

DOT/OST 019

SYSTEM NAME:

Individual Personal Interests in Intellectual Property.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, 400 7th Street, SW., Room 10102, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors employed by or having contractual relationships with the Department of Transportation and other Government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures, Government Patents Branch cases, patent applications, issued patents, and license agreement files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 322.

PURPOSE(S):

Used by Patent Counsel and staff as a record of determination of rights in inventions, determination of novelty and patent ability, determination of patent coverage, and allocation of rights in issued patents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interest in the records or legal ''need to know.''

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Patent Counsel, C–15, United States Department of Transportation, and Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Apply to ''System manager.''

RECORD ACCESS PROCEDURES:

Apply to ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures''

RECORD SOURCE CATEGORIES:

Individual inventors, technical evaluators, and United States Patent and Trademark Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 035

SYSTEM NAME:

Personnel Security Record System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, Transportation Administrative Service Center, Security Operations, SVC–150, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT applicants, employees, former employees, contractors, and detailees to DOT from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of personnel security processing, personal data on investigative and employment forms completed by the individual, reports of investigations, records of security and suitability determinations, records of access authorizations granted, documentation of security briefings/debriefings received, record of security violations by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

To make suitability determinations for employment or retention in government service, assignment to sensitive duty positions and access to classified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Departmental personnel security representatives, including contractor personnel, for making security determinations and granting access authorizations, by Departmental personnel management officials for making suitability determinations, by representatives of other Federal agencies with which the individual is seeking employment, and by Federal agencies conducting official inquiries to the extent that the information is relevant and necessary to the requesting agency's inquiry, and by Departmental officials, to the extent necessary, to identify the individual to sources from whom information is requested for any of the foregoing purposes to inform the source of the nature and purpose of the request and to indicate the type of information requested. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12):

Disclosures may be made from this systems to ''consumer reporting agencies'' (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Completed forms and typed pages in individual folders in a manual filing system, and on a manual system control cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary lock or in approved security safe. Access limited to authorized staff members.

RETENTION AND DISPOSAL:

Retained in accordance with General Records Schedule 18. Authorized destruction done by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

Principal, TASC Security Operations, SVC–150, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System manager.

RECORD ACCESS PROCEDURES:

Same as System manager. However, information compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 U.S.C. 552a(k)(5).

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Investigative sources contacted in personnel security investigations, National Agency Check and Written Inquiry and similar investigations; investigative reports reviewed at other Government agencies; personal history statements, employment applications and other data provided by the individual and/or other agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Information compiled solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 U.S.C. 552a(k)(1) and/or (5).

DOT/OST 037

SYSTEM NAME:

Records relating to Applications for Senate Confirmation of Proposed Executive Appointments to the Department of Transportation.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the Assistant General Counsel for Environmental, Civil Rights and General Law, 400 7th Street, SW., Room 10102, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated for top executive positions of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial data and biographical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 101, Executive Order 12731, and regulations of the Office of Government Ethics.

PURPOSE(S):

Data submitted to the General Counsel as reviewing official by subject individual for use by the Senate Commerce Committee to determine if there would be a conflict of interest, or the appearance of a conflict of interest, in subject's appointment to the Department of Transportation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal sized documents located in locked safe.

RETRIEVABILITY:

Individual names filed alphabetically.

SAFEGUARDS:

Physical security consists of filing records in safe; data released to Senate Commerce Committee and authorized officials only of the Department.

RETENTION AND DISPOSAL:

Records are retained for 6 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Deputy General Counsel, C–2, United States Department of Transportation, and Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10428.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the Deputy General Counsel at the address above, either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Subject individual provides Documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 041

SYSTEM NAME:

Correspondence Control Mail, CCM.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, Office of the Secretary, OST, Executive Secretariat, 400 7th Street, SW., Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, or are referred in writing by a second party, to the Secretary, Deputy Secretary, Deputy Under Secretary, and their immediate offices. Individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeal actions, training, awards, foreign travel, promotions, selections, grievances, and discipline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence submitted by, or on behalf of, an individual, including resumes, letters of reference, etc. Responses to such correspondence. Staff recommendations on actions requiring approval or action by one of the forenamed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR 1.23(j).

PURPOSE(S):

The purpose of the system is to provide history of correspondence addressed to and signed by the Secretary and Deputy Secretary of Transportation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department for preparation of a response. Referral to the appropriate agency for actions involving matters of law or regulation beyond the responsibility of the Department, such as the Civil Service Commission for employee appeals, the Department of Justice in matters of law enforcement, etc. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc and—selectively—on microfilm for all records since 1/1/74. In hard copy for all records prior to 1/1/74.

RETRIEVABILITY:

Indexed by name of correspondent, referring individual, and subject category (*e.g.,* ''employment'' for applicants) from 1/1/74 on. Indexed by name of correspondent prior to 1/1/74.

SAFEGUARDS:

Computer microfilm records, and remote reader terminals, which permit random access to the system records, are locked after office hours. During office hours computer is accessible only through terminals operated by, and under the surveillance of, authorized employees of the Executive Secretary.

RETENTION AND DISPOSAL:

Hard-copy records for 1967–1969 and duplicate microfilms for 1974–1989 are in the custody of National Archives and Records Administration, NARA. Microfilm Records from 1990 and following are retained in the Departmental headquarters building. Records are retired to NARA on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, DOT, Office of the Secretary, OST, Executive Secretariat, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager. Helpful information, in addition to the individual's name, includes date(s), subject matter, and addressee(s) of the incoming correspondence, and date(s) and author(s) of the response(s).

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for Modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Correspondence from individual, his representative or sponsor. Responses to incoming correspondence. Related material provided for background as appropriate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 045

SYSTEM NAME:

Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, 400 7th Street, SW., Room 10102, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe they have original and innovative ideas in the field of transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of descriptions of proposed innovations or inventions and methods of carrying out the proposal. Evaluations by Patent Counsel of the adequacy and propriety of restrictive markings on the proposals and correspondence of the Patent Counsel pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 322.

PURPOSE(S):

Used as a record of Patent Counsel's action in individual unsolicited proposal cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name and subject in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only in accordance with the terms of restrictive markings agreed upon between submitter and DOT.

RETENTION AND DISPOSAL:

Transfer to storage when three years old; Destroy after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Patent Counsel, C–15, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Apply to ''System manager.''

RECORD ACCESS PROCEDURES:

Apply to ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

Forwarded by individual or by the DOT office to whom unsolicited proposal was addressed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 046

SYSTEM NAME:

Visit Control Records System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, Transportation Administrative Service Center (TASC), Security Operations, SVC–150, 400 7th Street, SW., Room 10401, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees, Industrial Security contractor employees, non-employee visitors to DOT facilities during security hours.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of clearance certification (level, date granted and basis) on employees to visit facilities or attend meetings involving classified

information. Record of security clearance data for visitors to DOT facility from other agencies and from contractors. Record of individuals other than employees who are authorized access to DOT facilities during security hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 49 U.S.C. 322.

PURPOSE(S):

Maintain a record of clearances for individuals attending classified meetings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Confirming to the proper authorities the security clearance for individuals requiring access to classified information; identifying individuals authorized to be present in DOT facilities. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in an alarm-secured area in a locked Lek-Triever file.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary lock, available only to authorized staff members.

RETENTION AND DISPOSAL:

Maintained until expiration of visit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Principal, TASC Security Operations, SVC–150, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Security clearance information furnished by personnel security officers. Visit data furnished by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 056

SYSTEM NAME:

Garnishment Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, Office of the Assistant General Counsel for Environmental, Civil Rights and General Law, 400 7th Street, SW., Room 10102, Washington, DC 20590 and Office of the Chief Counsel of employing DOT agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the, DOT, including members of the Coast Guard, whose pay is sought to be attached under section 459 of the Social Security Act, 42 U.S.C. 659, for alimony or child support, or under 5 U.S.C. 5520a, for commercial debt.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and court orders, and copies thereof, concerning attachment of employees' pay.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 659; 5 U.S.C. 5520a.

PURPOSE(S):

Used as record of garnishments and Garnishment Attorney's action thereon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in the Garnishment Attorney's office.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal ''need to know.''

RETENTION AND DISPOSAL:

Retained for as long as the attachment of pay continues and thereafter as needed for precedential value.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Garnishment Attorney, C–10, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10102.

NOTIFICATION PROCEDURE:

Apply to ''System manager.''

RECORD ACCESS PROCEDURES:

Apply to ''System manager.''

CONTESTING RECORD PROCEDURES:

Apply to ''System manager.''

RECORD SOURCE CATEGORIES:

Data are obtained from state courts and agencies, private attorneys, custodians of children of DOT employees, and federal pay records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 057

SYSTEM NAME:

Honors Attorney Recruitment Files, DOT/OST.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, 400 7th Street, SW., Room 10428, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Third-year law students and recent law school graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, transcripts, copies of Personnel Form 171. Authority for maintenance of the system: 49 U.S.C. 323.

PURPOSES:

Used by General Counsel, Chief Counsels, and their staffs in filling job vacancies for attorneys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interests in the records or a legal need-to-know.

RETENTION AND DISPOSAL:

Retained at system location for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Special Assistant to the General Counsel, C–4, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 10428.

NOTIFICATION PROCEDURE:

Contact the ''System manager.''

RECORD ACCESS PROCEDURES:

Contact the ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

Law students, recent law school graduates, General Counsel, Chief Counsels and their staffs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 059

SYSTEM NAME:

Files of the Board for Correction of Military Records, BCMR, for the Coast Guard.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, Office of the General Counsel, Board for Correction of Military Records, 400 7th Street, SW., Room 4100, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed applications for relief before the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and related documents, Board decisions, and official military records of applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552.

PURPOSE:

Used by the Chairman, the Board, the Executive Secretary, and Staff in determining whether to grant relief to applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Coast Guard in presenting its views to the Board concerning pending cases. Also used by applicant and his representative. Used by the General Counsel and his/her staff in determining whether to approve decisions of the Board. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in one of two alphabetical sequences representing pending and closed cases. Also indexed by docket number. Pending cases filed by docket number; closed cases filed alphabetically.

SAFEGUARDS:

Records are disclosed only to the applicant, his representative, interested members of Congress, and the Coast Guard.

RETENTION AND DISPOSAL:

Transfer of official military record of individual separated from service to Federal Records Center when case closed; transfer of official military record of Active or Reserve member to Coast Guard Headquarters when case closed; retention of application file in all cases.

SYSTEM MANAGER(S) AND ADDRESS:

Mailing Address: Executive Secretary, Board for the Correction of Military Records, C–60, United States Department of Transportation, Washington, DC 20590. Office Location: 400 7th Street, SW., Room 4100.

NOTIFICATION PROCEDURE:

Apply to ''System manager.''

RECORD ACCESS PROCEDURES:

Apply to ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedure.''

RECORD SOURCE CATEGORIES:

United States Coast Guard, Veterans Administration, individual applicants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/OST 100

SYSTEM NAME:

Investigative Record System.

SECURITY CLASSIFICATION:

Unclassified—sensitive.

SYSTEM LOCATION:

Office of Inspector General, DOT/OST, 400 Seventh Street, SW., Washington, DC 20590. OIG Regional Offices in Baltimore, MD; Atlanta, GA; Chicago, IL; Fort Worth, TX; San Francisco, CA; and New York, NY; and Federal Records Center (FRC), Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former DOT employees, DOT contractors and employees as well as grantees, sub-grantees, contractors, subcontractors and their employees and recipients of DOT monies, and other individuals or incidents subject to investigation within the purview of the Inspector General Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by Inspector General, OST; reports of investigations conducted by other departmental, Federal, state, and local investigative agencies which relate to the mission and function of the Inspector General; reports and indices relating to ''hotline'' complaints; and investigative case index card files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App.

PURPOSE(S):

Document the administration of investigations and inquiries conducted under of the Inspector General Act of 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in the Investigative Records System is collected and maintained in the administration of the Inspector General Act of 1978 (Pub. L. 95–452) to investigate, prevent, and detect fraud and abuse in departmental programs and operations. Material gathered is used for prosecutive, civil, or administrative actions. These records may be disseminated, depending on jurisdiction to: DOT Officials in the administration of their responsibilities; other Federal, State, local, or foreign agencies or administrations, having interest or jurisdiction in the matter. See also Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in case folders in manual filing system and on index cards.

RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Investigative files and case index files are maintained in several spaces with appropriate access controls. Access to investigative files is restricted to authorized personnel on a ''need to know'' basis.

RETENTION AND DISPOSAL:

Investigative material is destroyed by secure means used for classified materials. Central OIG investigative files are maintained in OIG Headquarters, from where the files are transferred to the FRC Washington, DC, at prescribed intervals and destroyed in accordance with the following schedule:

Lead Cases. Case files and temporary contents are destroyed 180 days after transmittal of the investigative report and permanent case documents to the case control office.

Official Case Folders. Official Investigative Case Folders are maintained for a period of 2 years in OIG Headquarters upon completion of legal or administrative action and transferred to the FRC Washington, DC, where they are held and destroyed 10 years from the date of receipt by FRC Washington, DC.

Investigative and Hotline Indices. Destroyed 20 years after date of creation.

OIG Hotline Files. Transferred to FRC Washington, DC, 2 years after completion of legal or administrative action. Destroyed 10 years from date of receipt by FRC Washington, DC.

General Investigative and Hotline Files. Retained in OIG Headquarters and Field Offices. Destroyed when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, JI–1, Office of Inspector General, Department of Transportation, 400 Seventh Street, SW., Room 9210, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records and other authorized investigative techniques.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2).

DOT/OST 101

SYSTEM NAME:

Transportation Inspector General Reporting System, TIGR.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Office of Inspector General, DOT/OST, 400 Seventh Street, SW., Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active employees of the OIG, with history data on previous employees maintained for 2 years. Present and former DOT employees, DOT contractors and employees as well as grantees, subgrantees, contractors, subcontractors and their employees and recipients of DOT monies, and other individuals or incidents subject to investigation within the purview of the Inspector General Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's current position and employment status, assignments, travel, experience, training, with the following personal data: Name, social security account number, date of birth, service computation date, career status, address, assigned station, job series, education, grade, minority status, and personnel transaction date. Investigative information consists of investigation targets' name and social security account number, organization name, type of investigation, offense data, source of referral data and action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App.

PURPOSE(S):

The purpose of the system is to provide individuals with a need to know with specific information related to (1) time and attendance of employees; (2) workload status reports; (3) security clearance alerts; (4) travel information, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Security clearance notification alerts may be provided to an examined activity in advance of visits by OIG personnel if information to be examined requires a secret clearance or above; (2) time and attendance reports will be used to track temporary duty travel frequency and duration, to categorize indirect time for periodic reports, and to accrue staff hour data on assigned projects; (3) planned annual leave reporting will be used by various managers for workload planning and travel scheduling; (4) assignments information and workload status information will be used by managers to control audits and investigations, and to maximize effectiveness of staff resources; (5) miscellaneous personnel information will be used by staff managers to determine training needs, promotional eligibility, education and background, and professional organization participation; (6) information will be used to produce resource management reports; (7) travel information will be used by managers to control temporary duty travel, travel costs and issuances of travel orders; and (8) investigative information is collected and maintained in the administration of the Inspector General Act of 1978 (Pub. L. 95–452) to investigate, prevent, and detect fraud and abuse in departmental programs and operations. Material gathered is used for investigative case management. See also Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active reports on magnetic disk, with backup active records and inactive records maintained on magnetic tape.

RETRIEVABILITY:

Records will be retrievable through employee social security number, by name, or incident title, with selected records having certain secondary keys consisting of certain other data elements, listed in the ''Categories of Records in the System.''

SAFEGUARDS:

(1) Records will be maintained in a private library not accessible by any unauthorized user; (2) authorized user identification codes will be tied to multiple password system to afford additional protection; (3) any attempt to bypass the password protection system will result in ''Log-Off'' from the system or denial of access to data if access to system is authorized; (4) physical access

to system documentation, hardcopy printouts, personal data files, and terminals will be restricted to authorized personnel by maintaining a secure environment in the headquarters office; (5) access to data will be restricted to those who require it in the performance of their official duties and the individual who is the subject of the record (or authorized representative); and (6) tape files will be maintained in an environmentally secure vault area when not in use.

RETENTION AND DISPOSAL:

Records will be maintained for 2 years after they become inactive. All inactive records will be maintained on magnetic tape within the computer center and will be afforded the same safeguards as active records. Machine-resident records will be destroyed at the end of the 2-year period. Hard copy records will be retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Resource Management, JM–10, Office of Inspector General, Department of Transportation, 400 7th Street, SW., Room 7117, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

(1) Official personnel folder; (2) other personnel documents; (3) activity supervisors; (4) individual applications and forms; and (5) information obtained from interviews, review of records and other authorized investigative techniques.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 U.S.C. 552a(j)(2), (k)(l), or (k)(2).

DOT/RSPA 02

SYSTEM NAME:

National Defense Executive Reserve, NDER, File.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Some records are held only in the Office of Emergency Transportation while others are held at various locations in the custody of officials in the several regions, as indicated in the paragraph labeled ''Categories of records'' below. Holdings of the Regional Directors-designate and Deputy Directors-designate are partial duplications of the Regional Emergency Transportation Coordinator, RETCO, files and may be accessed through the applicable RETCO. The RETCO and the Regional Emergency Transportation Representative, RETREP, for each region may be contacted directly at the addresses shown below. The Regional Director-designate and Deputy Director-designate for each region may be contacted by addressing mail in care of the RETCO for that region at the address shown in the following list: Regions 1 and 2, First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110. Region 3, Federal Highway Administration, 10 South Harvard Street, Suite 4000, Baltimore, MD 21201. Region 4, Federal Aviation Administration Southern Region, PO Box 20636, Atlanta, GA 30320. Region 5, Federal Highway Administration, 19900 Governors Drive, Suite 301 Olympia fields, IL 60461 Region 6, Federal Aviation Administration Southwest Region, 2601 Meacham Blvd., Ft. Worth, TX 76137–4298. Region 7, Federal Highway Administration, P.O. Box 419715, Kansas City, MO 64141. Region 8, Federal Highway Administration, 555 Zang Street, Room 400, Denver, CO 80225. Region 9, Pacific Area United States Coast Guard, Coast Guard Island, Alameda, CA 94501. Region 10, 13th Coast Guard District, Federal Bldg., Rm. 3590, 915 Second Ave., Seattle, WA 98174Alaska Region, Federal Aviation Administration Alaskan Region, 222 W 7th Ave., #14, Anchorage, AK 99513. Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Upper, middle, and lower management members of the transportation industry, university professors, lawyers, labor leaders, and businessmen who are candidates for membership in NDER, active members of NDER, or who are former members whose membership has been terminated by death, resignation or involuntary release, and emeritus members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and security forms completed by individuals consisting of applications, statements of understanding by employers, security and identification data from individuals, certificates of appointment and reappointment and a personal data sheet for each Reservist which presents a summary of pertinent data including a photograph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Defense Production Act of 1950 and Executive Order 11179.

PURPOSE(S):

This is a government-wide program to recruit and train a cadre of volunteer executives from the private sector to serve in key Federal management positions during periods of national defense emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal personnel management of the NDER for the Department of Transportation, which includes staff action and exchange of data with the Office of the Director, Federal Emergency Management Agency, who is responsible for the entire National Defense Executive Reserve Program. These records are available to the Secretary, any Secretarial Officer, Head of an Operating Administration, or their designated subordinates who require access in the pursuit of their duties, to the Director and staff of OET, and the RETCOs and their staff.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual records are maintained in a manual system in a locked file room consisting of a filing jacket with the individual's name tabbed and containing all papers pertaining to him or her, except the following, which are maintained as stated. Mailing lists are maintained using a personal computer.

RETRIEVABILITY:

Indexed alphabetically by name. Retrieved manually.

SAFEGUARDS:

Maintained in metal file containers or other standard office equipment.

RETENTION AND DISPOSAL:

Held for five years from date of separation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Research and Special Programs Administration (DPB–30), Director of Emergency Transportation, Department of Transportation (Room 8330), Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices and officials listed under ''System locations''. Individuals requesting such information must sign the request personally and include in the text of the request suitable identification. Alternatively, personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under 'System location' above (except the Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, which maintains duplicate files in storage only) or (3) presenting himself or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Personal data submitted by the individual; data from his or her employer; recommendations for the system: Investigative data compiled for law enforcement purposes may be exempt from access pursuant to 5 U.S.C. 552a (j)(2), (k)(1), or (k)(2). From colleagues; mailing data from existing distribution system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 04

SYSTEM NAME:

Transportation Research Activities Information Service, TRAIS.

SECURITY CLASSIFICATION:

Unclassified, Sensitive

SYSTEM LOCATION:

Department of Transportation, DOT, Research & Special Programs Administration, RSPA, Transportation Systems Center, TSC, Kendall Square, Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and research investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of Technical Research and Development.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 112(d)(3).

PURPOSE(S):

To maintain information concerning on-going and completed research and development accomplishments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and unique accession number assigned by Data Base Administrator; batch process or on-line interaction.

SAFEGUARDS:

Physical security—user identification and passwords.

RETENTION AND DISPOSAL:

Up to three-year retention and then tape is reused which destroys previous data.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Research Activity Information Services Branch, TST–25.1, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Contract Awards from Contracting Offices, Publication of Technical Report.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 05

SYSTEM NAME:

Transportation Research Information Service On Line, TRIS-On-Line.

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Office of the Secretary, OST, System physically located at the: Battelle Laboratories, Columbus, OH.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and authors of reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of technical research and technical reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 112(d)(3).

PURPOSE(S):

To maintain information concerning on-going and completed research and development accomplishments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and accession number assigned by Data Base Administrator, batch or on-line interaction.

SAFEGUARDS:

Physical security—User identification keywords and passwords.

RETENTION AND DISPOSAL:

Up to five-year accessibility, tape goes to archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Research Information Services Branch, TST–25.1, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as ''System manager.''

RECORD ACCESS PROCEDURES:

Same as ''System manager.''

CONTESTING RECORD PROCEDURES:

Same as ''System manager.''

RECORD SOURCE CATEGORIES:

Contract awards received from Contracting Offices, Publication of Technical Reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 06

SYSTEM NAME:

Emergency Alerting Schedules.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

These records are located in the national headquarters of the Offices of the Secretary; the heads of operating administrations, regional offices of the Regional Emergency Transportation Coordinators, the Regional Administrators, Directors and Commanders of the operating administrations and in headquarters of operating administrations divisions, district commands, and other field offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional and clerical employees and military members of the United States Government, Directors—designate and Deputy Directors—designate and members of the National Defense Executive Reserve who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Alerting Charts and Schedules show names and office and home telephone numbers of individuals in calling sequence and are listed by national headquarters and by regional offices; also contain similar listings designed for management convenience within DOT and the operating elements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOT Order 1910.2C, dated May 1980.

PURPOSE(S):

A team of individuals who can carry out the essential functions of the Department of Transportation if the need arises.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For identification of individuals required to ensure viability of DOT in the immediate preattack—transattack—postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Publication is maintained in stock, in listings in each office of record, and in standard filing equipment in locked file rooms.

RETRIEVABILITY:

Manually by position listing.

SAFEGUARDS:

Metal file containers or other standard office equipment secured in a locked file room during office duty hours.

RETENTION AND DISPOSAL:

Retained until republished then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, DET–1, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices listed under ''System Locations.'' Individuals requesting such information must sign the request and include suitable identification. Alternatively, personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location, (except the Facility Manager, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, who maintains duplicate files in storage only) or (3) presenting himself to those offices.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Office or Agency of employment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 08

SYSTEM NAME:

Technical Pipeline Safety Committees for Natural Gas and Hazardous Liquid.

SECURITY CLASSIFICATION:

Unclassfied, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Research and Special Programs Administration, Office of Pipeline Safety, 400 7th Street, SW., Room 2335, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Technical Pipeline Safety Standards Committee. Members of Technical Hazardous Liquid Pipeline Safety Standards Committee. Intermittent consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data in support of member's nomination.

Letters announcing member's appointment/reappointment. Personnel Actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR Parts 190 through 195

PURPOSE(S):

To provide a guiding group to ensure that the interests of all pipeline stakeholders are represented, for providing a forum for discussing program plans and activities of the Office of Pipeline Safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General reference purposes for support functions.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Alphabetically by name within subject area.

SAFEGUARDS:

Room locked after hours, most information is public knowledge.

RETENTION AND DISPOSAL:

Kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Advisory Committee Executive Director, Department of Transportation,

Office of Pipeline Safety, 400 7th Street, SW., Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address inquiries to System manager including individual's name.

RECORD ACCESS PROCEDURES:

Information may be obtained from the System manager.

CONTESTING RECORD PROCEDURES:

Same as for Access above.

RECORD SOURCE CATEGORIES:

Biographical Information (DOT Form F 1120.1) Travel Vouchers (SF 1012). Certificate of Consultant's Services. Press Releases. Administrative Correspondence/Memorandums.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 09

SYSTEM NAME:

Hazardous Materials Incident Telephonic Report System.

SECURITY CLASSIFICATION:

Sensitive.

SYSTEM LOCATION:

United States Department of Transportation, The John A. Volpe National Transportation Systems Center Kendall Square, Cambridge, MA 02142

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals included in the system are those making telephonic reports, either as a private citizen or as a representative of the company involved, to the National Response Center, NRC, operated by the USCG or to the EPA or to the USCG Office of Marine Safety, Security & Environmental Protection, OMSSEP, of certain releases of hazardous materials. The system may also contain information on individuals affected by reported incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of telephonic reports of incidents involving the release of hazardous materials or environmental pollutants received by the NRC acting on behalf of the Research and Special Programs Administration, RSPA, the USCG, and/or the EPA, or made by or to the EPA or the OMSSEP USCG.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR 191.5 and 195.52.

PURPOSE(S):

To provide early notification of hazardous liquid and natural gas pipeline releases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose pertinent information to Federal, state, and local governmental agencies responsible for responding to incidents involving the release of hazardous materials to assist in efforts to protect life, health, safety, and environmental conditions; to enforce related Federal, state, and local regulations; or to evaluate or develop regulatory programs. To disseminate information on the transportation of hazardous materials to industrial, commercial, educational, scientific, research, or private entities to assess trends, risks, consequences, or other potentialities associated with the release of hazardous materials during transportation, or to analyze factors affecting hazardous materials incidents. To disseminate information to the public media for use in informing the public of issues related to the transportation of hazardous materials. The general routine uses in the prefatory statement apply to these records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic media.

RETRIEVABILITY:

Records are retrievable by all entered fields including the names of individuals included in the record.

SAFEGUARDS:

Access to all computer files is controlled through user-name/password access procedures. The computer on which data is recorded is maintained in an access-controlled room in an access-controlled building.

RETENTION AND DISPOSAL:

Records are retained permanently on magnetic disk or tape.

SYSTEM MANAGER(S) AND ADDRESS:

For records collected by the Office of Hazardous Materials Transportation, RSPA, pursuant to 49 CFR 171.15: Information Systems Manager, Office of Hazardous Materials Transportation, DHM–63, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590.

For records collected by the Office of Pipeline Safety, RSPA, pursuant to 49 CFR 191.5, 49 CFR 195.52, 49 CFR 192.612, and 49 CFR 195.413: Information Resources Manager, Office of Pipeline Safety, DPS–21, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the appropriate system manager at the given address.

RECORD ACCESS PROCEDURES:

Contact the appropriate system manager at the given address for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Same as record access procedures.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individuals covered by this system; companies; Federal, state, and local governmental agencies; and other entities reporting releases of hazardous materials that occurred during transportation or that affect the environment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 10

SYSTEM NAME:

Hazardous Materials Incident Written Report System.

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

United States Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, 20590, United States Department of Transportation, The John A. Volpe National Transportation Systems Center, Kendall Square, Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals included in the system are those affected by releases of hazardous materials during transportation (including transportation by pipeline) whose names and other personal information may have been included in narrative descriptions of the incident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of incidents involving the release of hazardous materials during transportation (including transportation by pipeline) submitted by the carrier pursuant to 49 CFR 171.16, 191.9, 191.15, 195.54, and 195.58.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR 191.9 through 191.27 and 195.54, 195.55.

PURPOSE(S):

To provide written reports for hazardous liquid and natural gas pipeline releases, and annual reports for natural gas pipeline operator total mileage and description of operator's system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose pertinent information to Federal, state, and local governmental agencies responsible for oversight of incidents involving the release of hazardous materials to assist in efforts to protect life, health, and safety; to enforce related Federal, state, and local regulations; or to evaluate or develop regulatory programs. To disseminate information on the transportation of hazardous materials to industrial, commercial, educational, scientific, research, or private entities to assess trends, risks, consequences, or other potentialities associated with the release of hazardous materials during transportation, or to analyze factors affecting hazardous materials incidents. To disseminate information to the public media for use in informing the public of issues related to the transportation of hazardous materials. The general routine uses in the prefatory statement apply to these records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on magnetic disk. Duplicate paper, microfilm or electronic image copies are also retained by RSPA in file cabinets.

RETRIEVABILITY:

Computer records are retrievable by all entered fields including the name of individuals included in the record. Paper, microfilm, and electronic image copies are not retrievable by individual name or other personal identifier except through use of the search capabilities of the computer records.

SAFEGUARDS:

Access to all computer and electronic images are controlled through user-name/password access procedures. The computer on which data is recorded is maintained in an access-controlled room in an access-controlled building. Paper and microfilm copies are stored in a room locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently on magnetic disk or tape. Paper or microfilm copies are also retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

For records collected by the Office of Hazardous Materials Transportation, RSPA, pursuant to 49 CFR 171.16: Information Systems Manager, Office of Hazardous Materials Transportation, DHM–63, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590. For records collected by the Office of Pipeline Safety, RSPA, pursuant to 49 CFR 191.9, 191.15, 195.54, or 195.58: Information Resources Manager, Office of Pipeline Safety, DPS–21, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the appropriate system manager at the given address.

RECORD ACCESS PROCEDURES:

Contact the appropriate system manager at the given address for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Same as ''Record access procedures.''

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by individuals acting on behalf of the carriers that experience releases of hazardous materials during transportation (including transportation by pipeline).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/RSPA 11

SYSTEM NAME:

Hazardous Materials Information Requests System.

SECURITY CLASSIFICATION:

Unclassified, Sensitive.

SYSTEM LOCATION:

United States Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590; United States Department of Transportation, The John A. Volpe National Transportation Systems Center, Kendall Square, Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals included in the system are those requesting information from the Hazardous Materials Information Systems, HMIS, or requesting the Research and Special Programs Administration, RSPA, publication, North American Emergency Response Guidebook.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of requests for information from governmental, commercial, or public media entities, or from private citizens.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 CFR Parts 191.9 through 191.27 and 195.54, 195.55.

PURPOSE(S):

To provide written reports for hazardous liquid and natural gas pipeline releases, and annual reports for natural gas pipeline operator total mileage and description of operator's system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to requests for information maintained on the hazardous Materials Information System; to control the handling of such responses; and to provide statistical information on the offices' responsibility for responding to such requests. To disseminate information concerning the availability of the North American Emergency Response Guidebook or revisions to it to interested parties in order to ensure that users of the Guidebook have the most current available guidance information. The general routine uses in the prefatory statement apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

These records are maintained on magnetic disk. Duplicate paper copies of recent reports are retained by RSPA offices in file folders.

RETRIEVABILITY:

Computer records are retrievable by all entered fields including the names of individuals included in the record. Paper copies are not retrievable by individual name or other personal identifier except through use of the search capabilities of the computer records.

SAFEGUARDS:

Access to all computer files is controlled through user-name/password

access procedures, which limit access to the files to authorized agency personnel and to contract personnel whose duties directly involve the creation and use of these files. The computer on which data is recorded is maintained in an access-controlled room in an access-controlled building. Paper copies are stored in a room locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently on magnetic disk or tape. Paper copies are retained according to need in a room locked during non-duty hours, and disposed of as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

For records maintained by the Office of Hazardous Materials Transportation, RSPA: Information Systems Manager, Office of Hazardous Materials Transportation, DHM–63, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590.

For records maintained by the Office of Pipeline Safety, RSPA: Information Resources Manager, Office of Pipeline Safety, DPS–21, Research and Special Programs Administration, United States Department of Transportation, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the appropriate system manager at the given address.

RECORD ACCESS PROCEDURES:

Contact the appropriate system manager at the given address for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Same as record access procedures.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by individuals, companies, and other entities requesting information from the HMIS or copies of the Emergency Response Guidebook.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/SLS 151

SYSTEM NAME:

Claimants Under Federal Tort Claims Act.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Room 5424, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals presenting claims for damages to personal property, or personal injuries, or death resulting in connection with Corporation activities, other than claims by Federal Government employees under Federal Employees' Compensation Act (5 U.S.C. 8102).

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim documents on which are recorded name, address, age and marital status of claimants and details of claims, documented evidence relevant to the claims provided by claimants, and relevant, internal Corporation investigation documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 28 U.S.C. 2675 and 33 U.S.C. 5984(a)(4).

PURPOSE(S):

Information will be used in evaluating claims. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Chief Counsel and other Federal government officials to determine allowability of claims. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are kept in locked file cabinets and are accessible only to the Chief Counsel and persons authorized by him.

RETENTION AND DISPOSAL:

Records are retained indefinitely since they are not extensive and are used for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Room 5424, Washington, DC 20590.

NOTIFICATION PROCEDURES:

An individual may inquire, in writing, to the system manager.

RECORD ACCESS PROCEDURES:

An individual may gain access to his/her records by written request to:

Chief Counsel, Saint Lawrence Seaway Development Corporation, PO Box 44090, Washington, DC 20026–4090.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the following: Director, Office of Finance, Saint Lawrence Seaway Development Corporation, PO Box 520, Massena, NY 13662–0520.

RECORD SOURCE CATEGORIES:

Information is obtained directly from claimants on Standard Form 95 and supporting documentation provided by claimants and relevant, internal Corporation investigation documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/SLS 152

SYSTEM NAME:

Data Automation Program Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Saint Lawrence Seaway Development Corporation, Office of Finance, PO Box 520, 180 Andrews Street, Massena, N.Y. 13662–0520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and leave records, work measurement records, and travel vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 33 U.S.C. 984(a)(4).

PURPOSE(S):

This system integrates leave, payroll, work measurement, and travel Voucher records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. Payroll and voucher disbursement: GAO audits. 2. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System, FPLS, and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, Establish and modify orders of support and for enforcement action.

3. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security Numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement. 4. To Office of Child Support Enforcement for release to the Department of the Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return. 5. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to 'consumer reporting agencies' (collecting on Behalf of the United States Government) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape reels, diskettes, microfilm cassettes and supporting documents.

RETRIEVABILITY:

Records are retrieved by name and social security number.

SAFEGUARDS:

Records are kept in locked file cabinets or locked rooms accessible to Appropriate supervisor, his/her immediate assistants and secretary.

RETENTION AND DISPOSAL:

Records are retained in accordance with General Accounting Office and National Archives and Records Administration requirements. System manager(s) and address: Director of Finance, Saint Lawrence Seaway Development Corporation, PO Box 520, 180 Andrews Street, Massena, N.Y. 13662–0520.

NOTIFICATION PROCEDURE:

Individuals may inquire, in writing, to the System manager.

RECORD ACCESS PROCEDURES:

Individuals may gain access to his/her records by submitting a written request to the system manager.

CONTESTING RECORD PROCEDURES:

Contest of these records should be directed to the system manager.

RECORD SOURCE CATEGORIES:

Information contained in this system would come from Saint Lawrence Seaway Development Corporation records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 700

SYSTEM NAME:

Automated Management Information System.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center, Volpe, Computer Center, DTS–23, 55 Broadway, Cambridge, MA 02142–1093.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Volpe employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains job related information associated with the following applications: ADP services, property management, rocurement requests, contract information, travel information, program and related job plans, space utilization, and other pertinent management information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C 328, Volpe Center Working Capital Fund; 5 U.S.C 301.

PURPOSE(S):

For computer facility planning; budget analysis; procurement tracking; contract administration; property control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including: Computer facility planning. ADP cost distribution. Budget and planning analysis. Procurement tracking. Procurement statistics and analysis. Information of travel incurred. Contract administration. Control of property. Control of building space. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disk.

RETRIEVABILITY:

Indexed by employees name, project number, procurement number, contract number, travel number, work plan budget number.

SAFEGUARDS:

Access to the systems and their associated data bank is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians. Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation. Access to the computer room and its associated areas where data and reports are stored is delineated in the Volpe ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced. The data banks, for the most part, are related to fiscal year activity.

Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.

Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Computer Center, DTS–23, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained from the System manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager. An individual may gain access to his/her data by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General

Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Personnel Office, Communications Office, Security Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 702

SYSTEM NAME:

Legal Counsel Information Files.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center, Volpe, Office of Chief Counsel, DTS–14, 55 Broadway, Cambridge, MA 02142–1093.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Volpe employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling records relating to Standards of Conduct, post-employment restrictions, or other legal matters involving individual employee(s); individual claims; grievances, personnel actions and related litigation; and employee confidential financial disclosure reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; 28 U.S.C. 1346; 28 U.S.C. ch. 171; 5 U.S.C. ch. 77, 5 U.S.C. ch. 71; 42 U.S.C. 2000e–16; 29 CFR part 1614; 5 U.S.C. App. 4.

PURPOSE(S):

To promote compliance with Standards of Conduct, conflict of interest, and other laws, and to enable legal counsel render consistent legal advice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records and the information they contain may be used for internal management and control, to promote compliance with Standards of Conduct, conflict of interest, and other laws, and to enable legal counsel to render consistent advice in legal matters.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper record folders.

RETRIEVABILITY:

Indexed by employee's name and/or by subject matter.

SAFEGUARDS:

Records are maintained in locked file cabinets and secure safe.

RETENTION AND DISPOSAL:

As prescribed in applicable record retention schedules.

SYSTEM MANAGER AND ADDRESS:

Chief Counsel, DTS–14, Volpe National Transportation Systems Center, Research and Special Programs Administration, United States Department of Transportation, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained from the System manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager.

An individual may gain access to his/her records by written request.

CONTESTING RECORD PROCEDURES:

An individual may seek to contest information contained in his/her records by written request made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is provided by employees, Supervisors, Legal Office, Personnel Office and various Federal administrative agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 703

SYSTEM NAME:

Occupational Safety and Health Reporting System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center, Volpe, Human Resources Management Division, DTS–84, 55 Broadway, Cambridge, MA 02142–1093.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volpe employees, in-house contractor personnel and visitors who have suffered work-related occupational illnesses, injuries or are involved in Government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupational Injuries and Illnesses Survey form. DOT Accident/Injury Reports, DOT forms 3902.1 through 8. Department of Labor, Office of Workers Compensation Programs, OWCP, for payment of medical bills and worker compensation, as applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; Executive Order 12196, Occupational Safety and Health Program for Federal Employees, dated 2/27/80; 5 U.S.C. 7902.

PURPOSE(S):

For accident prevention.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, and also for accident prevention.

The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Workers Compensation Programs, Department of Labor, for payment of medical bills and worker compensation, applicable. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, computerized database, and other paper records.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Records are maintained in locked file cabinets and folders are stamped For Official Accident Prevention Use Only.

RETENTION AND DISPOSAL:

Records are retained for five years and then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Chief, Engineering and Operations Branch, DTS–874, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained from the System manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager. An individual may gain access to his/her records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Documents provided by the individual concerned and immediate supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 704

SYSTEM NAME:

Stand-By Personnel Information.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center, Volpe, Financial Management Division, Budget Branch, DTS–821, 55 Broadway, Cambridge, MA 02142–1093.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volpe technical directorate personnel currently not fully assigned to authorized projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee work project status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; 5 U.S.C. 301.

PURPOSE(S):

For administrative reference and scheduling of projects, budgeting, and overhead classification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these files are intended for internal management and control, including administrative reference and scheduling of work projects, budgeting and overhead classification. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic Files in Excel format.

RETRIEVABILITY:

Stored as spreadsheet identified by pay period ending date.

SAFEGUARDS:

Records are maintained in password protected files with access limited to Budget Branch PCs.

RETENTION AND DISPOSAL:

Files are maintained for one (1) additional year following completion of current fiscal year. Files are then deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Budget Branch, DTS–821, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained from the System manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager. An individual may gain access to his/her records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 707

SYSTEM NAME:

Labor Distribution System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center (Volpe), Financial Management Division, Accounting Branch, DTS–823, 55 Broadway, Cambridge, MA 02142–1093.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Volpe employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information delineating the time and charges, including fringe and project overhead, that Volpe employees worked. The main association of the time and charges is with employee job assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; 5 U.S.C. 301.

PURPOSE(S):

For administrative reference, cost management, and labor assignments and expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:

Administrative reference.

Cost management.

Labor assignments and expenditures as they relate to both the project and the employee.

Reconciliation of Payroll and Labor system data.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b) (12): Disclosures may be made from this system to consumer reporting agencies (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 USC 3701 (a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Excel spreadsheets, magnetic tape and disk.

RETRIEVABILITY:

System data is indexed by employee's number (Social Security Number) and Work Plan Budget, WPB, number within Project Plan Agreement, PPA, number.

Labor Distribution Forms (Excel spreadsheets) are indexed by Volpe Center organization code (DTS #) and SSN.

SAFEGUARDS:

Access to the system and its associated database is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians. Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation. Month-end management reports do not contain SSN data.

Access to the computer room and its associated areas where data and reports are stored is delineated in the Volpe ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The system is permanent unless replaced. The database is related to fiscal year activity. Subsequent to the fiscal year, the database becomes part of the system's history file. Data records are deleted from the database on an as required basis, and subsequently are eliminated from associated reports. Any record deleted from database must have zero dollars associated with it and must be authorized by System Manager, with the reason documented in writing. Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. All reports containing SSN data are shredded. Official record copy reports are subject to retirement in accordance with General Records Schedules, GRS.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Branch, DTS–823, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained through the Chief, Accounting Branch, DTS–823 at the address under System Location.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his/her data by written request. Contest of this data will be made to the System manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Volpe form entitled Labor Distribution Form.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOT/TSC 712

SYSTEM NAME:

Automated Personnel/Communications/Security System.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center (Volpe), Computer Center, DTS–23, 55 Broadway, Cambridge, MA 02142–1093

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Volpe employees and tenants from other government agencies and on-site contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the pertinent information for activities involved with Personnel, Communications, and Security. Contains photographs of Volpe Center employees.

Contains information about an individual relating to:

Social security number.
Salary.
Birth date.
Veteran preference.
Tenure.
Handicap.
Grade.
Marital status.
Service computation date.
Home address and telephone number.
Volpe location including building and telephone number.
Security clearance level and date granted.
CSC title and classification code.
Competitive level.
Parking info—vehicle registration and description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; 5 U.S.C. 301.

PURPOSE(S):

For administrative reference, and as a source for management information for producing summary statistics and registers in support of personnel, communications, and security functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:

Administrative reference.

Source for management information for producing summary statistics and registers in support of the Personnel, Communications and Security functions.

Source for Volpe Center Intranet information.

See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b) (12): Disclosures may be made from this systems to consumer reporting agencies (collecting on behalf of the United States Govt.) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1982 (31 U.S.C. 3701 (a) (3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disk.

Hard copy files (letter size and 5 x 8 cards).

Volpe Center Intranet.

RETRIEVABILITY:

Indexed by employee's number, employee's name.

SAFEGUARDS:

Access to the systems and their associated databases and files is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation. Access to the computer room and its associated areas where data and reports are stored is delineated in the Volpe ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced. The databases are related to both fiscal year and calendar year activity. Subsequent to the appropriate period, the databases become either part of the history file of the system or are maintained by themselves for historical reasons. Data records are deleted from the databases on an as-required basis, and subsequently are eliminated from associated reports. Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end, fiscal-year-end and calendar year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch, DTS–872, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained through the Chief, Administrative Services Branch from the: Department of Transportation, Volpe National Transportation Systems Center, Chief, Computer Center, DTS–23, 55 Broadway, Cambridge, MA 02142–1093.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his/her records by written request. Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Personnel Office, Communications Office, Security Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOT/TSC 714

SYSTEM NAME:

Health Unit Employee Medical Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive.

SYSTEM LOCATION:

Department of Transportation, DOT, Volpe National Transportation Systems Center, Volpe, Human Resources Management Division, DTS–84, Health Unit/Building 1, 9th Floor, 55 Broadway, Cambridge, MA 02142–1093.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volpe employees, tenant organization employees, and support service contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Health Record Cards.
Individual Health Record Case Files.
Register of Visits.
Laser Eye Tests.
Pre-employment Physical Examinations, Health Justification Placement Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 328, Volpe Center Working Capital Fund; Executive Order 12196, Occupational Safety and Health Program for Federal Employees, dated 2/27/80; 5 U.S.C. 7901.

PURPOSE(S):

To maintain a medical history of any person who receives services from the Health Unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these Federal and tenant records are to maintain a medical history of any Volpe employee, including contractor personnel, who receives services from the Health Unit; ensure applicants for licenses to drive Government vehicles meet physical requirements; and lasers are not adversely affecting employee's eyes. The routine uses of these records are to respond to requests from other Doctors, Universities and Insurance Companies, and to submit medical reports to the Department of Labor, Office of Employees Compensation, to meet requirements of the Occupational Safety and Health Act of 1970 and DOT/Volpe Safety Program. See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, forms, logs and other paper records.

RETRIEVABILITY:

Indexed by employee's name and social security number.

SAFEGUARDS:

Records are maintained in locked file cabinets and room secured when no one is there. Information from records is provided only with consent of employee.

RETENTION AND DISPOSAL:

In accordance with GRS No.1: Individual Health Record Cards are maintained until separation and sent to St. Louis. Individual Health Record Case Files are maintained until separation. They are then sent to St. Louis. Registers of visits maintained until 2 years after last date in log or register. Upon termination of employment with Volpe, latest Laser Eye Tests and Government Driver's Tests records are combined with Health Record Case Files and disposed of as part of these files. Pre-employment Physical Examinations, Health Justification Placement Records, and Disability Retirement Examination become part of the official personnel folder, OPF, upon separation, and are transferred to the NPRS, St. Louis, MO, 30 days after separation, where they are disposed of in accordance with GRS. No. 1, Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Management Division, DTS–84, Department of Transportation, Volpe National Transportation Systems Center, 55 Broadway, Cambridge, MA 02142–1093.

NOTIFICATION PROCEDURES:

Information may be obtained through the Chief, Human Resources Management Division, from the resident physician or nurse, Volpe Health Unit.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his/her records by written request. Contest of this data will be made to the System Manager. If administrative resolution is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows: Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee; Health Unit Doctor/Nurse; Volpe Safety Officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Deletions—system number/name	Reason for deleting
DOT/OST 006 (Confidential Statement of Employment and Financial Interests)	Covered under OGE/GOVT–2.
DOT/OST 008 (Departmental Advisory Committee Files, DOT/OST)	Not retrievable by name or personal identifier.
DOT/OST 011 (Discrimination Complaint Investigative Files)	Covered under EEOC/GOVT–1.
DOT/OST 013 (Employee Management Convenience Files)	Covered under OPM/GOVT–1 and OPM/GOVT–2.
DOT/OST 014 (Employment Applications Files)	Covered under OPM/GOVT–5.
DOT/OST 028 (Personnel Convenience Files)	Covered under OPM/GOVT–1.
DOT/OST 043 (Telephone Directory and Locator System)	Covered under DOT/ALL 11.
DOT/OST 063 (Civil Rights Case Tracking System)	Covered under EEOC/GOVT–1.
DOT/OST 032 (Management Operating Records System)	Covered under OPM/GOVT–1 and GSA/GOVT–3.
DOT/ALL 002 (Safety Management Information System)	No longer maintained.
DOT/ALL 004 (Station Message Detail Recording)	Covered under DOT/ALL 011.
DOT/FAA 810 (Discrimination Complaint Files)	Covered under EEOC/GOVT–1.
DOT/FAA 814 (Equal Employment Opportunity Minority/Female Statistical Reporting System).	Covered under OPM/GOVT–7.
DOT/FAA 820 (Pending Legislation (Employee's) Private Relief & Public/Private Laws (Employee's) Private Relief.	No longer maintained.
DOT/FAA 843 (World Home Address System)	No longer maintained.
DOT/FAA 839 (Printing Branch Distribution System)	FAA no longer maintains.
DOT/CG 561 (Port Safety Reporting System Individual Violation Histories)	No longer maintained.
DOT/CG 587 (Investigation of Marine Safety Laws or Regulations)	No longer maintained.
DOT/CG 516 (Coast Guard Military Discrimination Complaints System	No longer maintained.
DOT/CG 517 (Complaints of Discrimination System)	No longer maintained.
DOT/MARAD 007 (Litigation, Claims and Administrative Proceeding Records)	No longer maintained.
DOT/MARAD 019 (Non-Attorney Practitioner Applications and Section 807 Reports)	No longer maintained.
DOT/NHTSA 403 (Active Contract Run)	No longer maintained.
DOT/NHTSA 423 (Vendor Edit Table Listing (employees))	Covered under GSA/GOVT–4.
DOT/NHTSA 424 (Offerors Mailing List)	No longer maintained.
DOT/NHTSA 432 (EEO Counseling Program and Discrimination Complaint File)	Covered by EEOC/GOVT–1.
DOT/NHTSA 435 (Investigations and Security)	No longer maintained.
DOT/NHTSA 451 (Medical Records and Research Data)	Covered under OPM/GOVT–10.
DOT/NHTSA 455 (Debt Complaint File)	No longer maintained.
DOT/NHTSA 457 (Reference Files B Medical Records)	Covered under OPM/GOVT 10.
DOT/NHTSA 458 (Investigations of Alleged Misconduct or Conflict of Interest)	Covered under DOT/OST 100.
DOT/NHTSA 466 (NHTSA Employee Travel Advance and Expense File)	Covered under GSA/GOVT–3.
DOT/NHTSA 471 (National Driver Advisory Committee B Membership/Nominee File)	No longer maintained.
DOT/FTA 175 (Personnel Convenience Files)	Covered under OPM/GOVT–1 and OPM/GOVT–2.
DOT/FTA 178 (Minority Recruitment File)	Covered under OPM/GOVT–5.
DOT/FTA 180 (Occupational Safety and Health Accident Reporting System)	Covered under DOL/GOVT–1.
DOT/FTA 190 (Employee Travel Records)	Covered under GSA/GOVT–4.
DOT/FTA 191 (Travel Advance File)	Covered under GSA/GOVT–3.
DOT/FTA 195 (Confidential Statements of Employment and Financial Interests)	Covered under OGE/GOVT–2.
DOT/FTA 196 (Office of Technical Assistance and Safety (TTS) Mailing List	No longer maintained.
DOT/FRA 104 (Statement of Employment and Financial Interest)	Covered under OGE/GOVT–2.
DOT/FRA 105 (Employee Travel Records)	Covered under GSA/GOVT–4.
DOT/FRA 112 (Personnel & Pay Management Information System)	Covered under DOT/ALL–7, DOT/ALL-11, and OPM/GOVT–1.
DOT/FRA 113 (Regional Personnel Convenience Files)	Covered under OPM/GOVT–1 and OPM/GOVT–2.
DOT/FRA 114 (Transportation Test Center Employee Service Record File)	No longer maintained.
DOT/FRA 115 (Travel Advance Records)	Covered under GSA/GOVT–4.
DOT/FRA 132 (Office of Safety Individual Enforcement Case File)	Covered under DOT/FRA–130.
DOT/TSC 701 (Employee Travel Records)	Covered under GSA/GOVT–4.
DOT/TSC 708 (Combined Federal Campaign Information)	Covered under DOT/ALL–11.
DOT/TSC 709 (Minority Information Files)	Covered under OPM/GOVT–1, OPM/GOVT–2 and OPM/GOVT–5.
DOT/TSC 715 (Bi-Weekly Personnel Status Report)	Covered under OPM/GOVT–1.
DOT/RSPA–003 (Security Management Records)	Covered under DOT/OST 035.
Routine Use (DOT General Routine Use #8)	Covered under Exemption (b)(1) of the Privacy Act.

Dated: March 31, 2000.

Vanester M. Williams,

Privacy Act Coordinator, Department of Transportation.

[FR Doc. 00–8505 Filed 4–10–00; 8:45 am]

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Federal Register

Tuesday,
April 11, 2000

Part IV

Department of Education

National Awards Program for Effective Teacher Preparation; Inviting Applications for New Awards for Fiscal Year 2000 and Eligibility and Selection Criteria; Notices

DEPARTMENT OF EDUCATION

National Awards Program for Effective Teacher Preparation; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of Program: The National Awards Program for Effective Teacher Preparation recognizes entities with effective preparation programs for elementary school teachers or secondary school mathematics teachers that lead to improved student learning. The FY 2000 competition, the first competition under this new awards program, focuses on entities that meet the eligibility and selection criteria for this program, as published elsewhere in this issue of the **Federal Register**.

Eligible Applicants: Institutions of higher education and other entities in the States (including the District of Columbia, Puerto Rico, and the outlying areas) that prepare elementary teachers, or middle or high school mathematics teachers, for initial certification, including alternative certification.

Applications Available: April 7, 2000.

Deadline for Transmittal of Applications: July 3, 2000.

Deadline for Intergovernmental Review: September 1, 2000.

Funds Available: None, although the Department intends to pay the cost of having successful applicants attend a national ceremony at which the awardees will be publicly honored and recognized. The Department also intends to pay some of the costs associated with having successful applicants make presentations on their teacher preparation programs at regional or national conferences.

Estimated Number of Awards: Up to 5.

Note: The Department is not bound by any estimates in this notice.

Page Limit: Applicants are to address the selection criteria that apply to this competition in the application narrative of the application. The application narrative must be limited to the equivalent of no more than 30 pages, plus a one-page abstract, using the following standards:

- A page is 8.5″ x 11″, one-sided only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger.

Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Eligibility, Application, and Selection Criteria: The eligibility, application, and selection criteria, and selection procedures, in the notice of eligibility and selection criteria for this program, as published elsewhere in this issue of the **Federal Register**, apply to this competition.

For Applications and Further Information Contact: Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506E, Washington, DC 20208–5644. Telephone: (202) 219–2203 or FAX to (202) 219–2198. Inquiries also may be sent by e-mail to: sharon horn@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

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To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area, at (202) 512–1530.

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

Program Authority: 20 U.S.C. 8001.

Dated: April 6, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

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DEPARTMENT OF EDUCATION

National Awards Program for Effective Teacher Preparation

AGENCY: Office of Educational Research and Improvement (OERI), Department of Education.

ACTION: Notice of Eligibility And Selection Criteria.

SUMMARY: The Assistant Secretary for OERI announces eligibility and selection criteria to govern competitions under the National Awards Program for Effective Teacher Preparation for fiscal year (FY) 2000 and future years. Using these criteria, the awards program will recognize programs that effectively prepare elementary school teachers or secondary school mathematics teachers and that lead to improved student learning.

EFFECTIVE DATE: These eligibility and selection criteria are effective May 11, 2000.

FOR FURTHER INFORMATION CONTACT: Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506E, Washington, DC 20208–5644. Telephone: (202) 219–2203 or FAX to (202) 219–2198. Inquiries also may be sent by e-mail to: sharon horn@ed.gov If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: This notice announces eligibility and selection criteria to govern applications for recognition that are submitted under the National Awards Program for Effective Teacher Preparation. The criteria established in this notice would be used to select award recipients in the program's initial year, FY 2000, and in subsequent fiscal years.

This new program, which is part of a continuing effort to honor excellence in education, is the result of an increased emphasis across the country on teacher quality and the well-established principle that high-quality K–12 teachers are critical to the ability of children in our nation's schools to achieve to high standards. The program represents the first systematic approach for identifying entities that have successfully linked their programs for preparing teachers to improved student

achievement at the K–12 level. We believe that the current emphasis on heightened academic standards for elementary and secondary students and the need for teachers to gain the knowledge and skills necessary to teach to those standards makes this program, which focuses attention on those teacher preparation programs that are particularly effective in preparing teachers who, in turn, are effective in helping students improve their learning, all the more timely.

The Assistant Secretary for OERI published a Notice of Proposed Eligibility and Selection Criteria for this program in the **Federal Register** on January 21, 2000 (65 FR 3427). As stated in that notice, we recognize that demonstrating the link between teacher preparation programs and the ability of program graduates to improve student learning is not an easy task. Nevertheless, the difficulty involved makes that link no less critical. We intend to select for awards no more than five pre-service teacher preparation programs that are on the leading edge in this effort. Our chief goal in recognizing these programs is to foster an understanding of how these noteworthy programs design their teacher preparation activities to increase K–12 student achievement and how their approaches can be replicated or built upon by other institutions that prepare teachers. For that reason, the criteria for selecting award recipients, as described in this notice, focus significantly on the ability of applicants to provide compelling evidence of effectiveness in preparing teachers who positively impact student learning.

The timeliness of this new awards program is also supported by the fact that institutions producing teachers, and the states that certify them, are increasingly coming under scrutiny as the public seeks higher standards and greater accountability for public schools and school teachers. The Department, as well as many States, is currently implementing new accountability measures and reporting requirements for States and for colleges and universities receiving Federal grants to support teacher training programs. Some institutions have already implemented accountability measures, while others have started to take steps to improve and to become accountable for the teachers they train. We hope that bringing attention to those teacher preparation programs that are effective in this area will serve to assist other programs in their efforts to improve their level of accountability.

In order to align the program with nation-wide efforts to improve achievement levels in math and reading, this awards program will focus, in its initial year, on programs that prepare elementary teachers (since elementary school teachers often teach both math and reading) and programs that prepare middle or high school mathematics teachers or both. Thus, to be selected for an award, applicants must be able to show that their graduates are effective in helping all students improve their learning in reading and mathematics at the elementary level or mathematics at the middle and high school level or both. By ''all students,'' we mean the diverse population of students that graduates of teacher education programs may encounter in the classroom or other educational setting, including regular and special education students, students from diverse backgrounds, and students with limited English proficiency. The selection process will also depend on the ability of applicants to demonstrate that their graduates have a depth of content knowledge in mathematics and reading or both, acquire general and content-specific pedagogical knowledge and skills, and develop skills to examine attitudes and beliefs about learners and the teaching profession.

Note: This notice does not solicit applications. A notice inviting applications under this competition is published elsewhere in this edition of the **Federal Register**.

Analysis of Comments and Changes

In response to the Assistant Secretary's invitation in the notice of proposed eligibility and selection criteria, two parties submitted comments. An analysis of the comments and of the changes in the eligibility and selection criteria since publication of the notice of proposed criteria follows.

Generally, we do not discuss technical and other minor changes; nor do we discuss comments that are unrelated to the content of the eligibility or selection criteria. Substantive issues are addressed below under the appropriate section to which they pertain.

Eligible Applicants

Comments: One commenter questioned whether the proposed eligibility (and selection) criteria placed greater emphasis on achievement in reading, as opposed to mathematics, at the elementary school level.

Discussion: As noted in the preamble discussion above, and in the notice of proposed eligibility and selection criteria, the National Awards Program for Effective Teacher Preparation is focused, in this first year, on the preparation of both reading and mathematics teachers at the K–12 level. It is anticipated that an entity that prepares elementary school teachers will focus its application on increased student learning in reading and mathematics since program graduates teaching in elementary schools typically teach both subjects. Each discipline—reading and math—is given equal emphasis in this awards program. On the other hand, entities that prepare middle school teachers or high school teachers (or both) must focus their applications on increased student learning in mathematics, a discipline routinely taught in middle and high schools.

Changes: None.

Background and Program Description

Comment: One commenter suggested that applicants be required to consider addressing, as part of the background description of their program, any applicable State or district policies affecting their efforts in preparing teachers.

Discussion: In addition to requiring applicants to provide the mission statement, goals and objectives, and components of their teacher preparation program, the Background section of the proposed selection criteria instructed applicants to consider including certain types of information (*e.g.,* recruitment policies, program structure, resources, etc.) as part of a full description of their program. We agree that teacher preparation programs also may be affected by State or local policies regarding, for example, academic course requirements for teachers, or other factors that relate to the training of teachers in a certain geographic region. Thus, we have amended the proposed criteria to include applicable State or district policies among the list of items applicants can consider addressing in their applications. We also note, however, that the list of items to be considered, other than the mission, goals and objectives, and program components, are provided only as examples. Applicants are advised to address any one or more of the identified factors, or other factors, that are most pertinent to their teacher preparation program.

Changes: This section of the proposed selection criteria has been amended to refer to State or district policies as an area that applicants may address as part of the description of their program.

Program's Criteria for Effectiveness

Comment: One commenter suggested that the proposed criteria under this section be modified to require an explanation of the specific standards on

which the applicant's program is based. The commenter indicated that requiring applicants to explain the standards they follow—whether they be State licensure, higher education, K–12, or other applicable standards—will draw attention to the criteria used by award recipients in their efforts to prepare effective teachers.

Discussion: In this section of the proposed selection criteria, the question is posed to applicants, ''What are the criteria the program uses to evaluate [the effectiveness of its teacher preparation program]?'' This question is designed to ensure that each applicant describes the relevant standards that it uses to evaluate its program and guide improvements and modifications. Nevertheless, we agree that referring to specific examples of standards that might be used in this regard (*e.g.,* the standards issued by the National Council for Accreditation of Teacher Education (NCATE) as identified by the commenter, state teacher licensure standards, or other criteria) will further guide applicants in addressing this question.

Changes: This section of the proposed selection criteria has been amended to identify some examples of the types of standards that entities use for purposes of evaluating the effectiveness of their teacher preparation program.

Evidence of Effectiveness

Comment: One commenter asked that applicants be required to demonstrate the impact that their teacher preparation program has on learning for *all* students and not just on certain populations of students.

This commenter also pointed out that applicants may face certain obstacles in collecting data on teachers, or on K–12 students, that is needed to demonstrate the effectiveness of their program. For instance, the commenter noted that it may be difficult for entities preparing teachers to track graduates who teach in other geographic regions, while data on reading or math achievement by K–12 students, if used by an applicant, will vary by State depending upon how often, and the extent to which, students in the State are tested. For these reasons, the commenter suggested that applicants be asked to discuss in the application any intervening factors that impact the evaluation of their teacher preparation program.

Discussion: We fully agree with the concern expressed by the commenter that applicants focus on improved learning for all students and believe that the proposed criteria made clear that selection for an award will be based significantly on the extent to which an applicant can demonstrate that their program for preparing teachers leads to improved student achievement for all students taught by program graduates. As noted above, and in the preamble guidance to the notice of proposed criteria, ''all students'' refers to the diverse population of students that teachers may work with in the classroom (or other appropriate educational setting). Thus, applicants should provide evidence of their program's effectiveness on learning for regular education students, students receiving special education, students from diverse ethnic backgrounds, students with limited English proficiency, students in urban and rural areas, and any other identified population of students, to the extent that program graduates teach such populations and to the extent that such evidence is available.

In addition, we agree with the commenter that applicants are likely to encounter different challenges in collecting data and compiling their evidence of effectiveness. Consequently, this section of the final selection criteria will invite applicants to discuss those challenges and how they have overcome any such obstacles in order to evaluate their program.

Changes: This section of the proposed selection criteria has been amended to include a note inviting applicants to discuss factors affecting their data collection efforts and their success in dealing with these factors in the course of evaluating the effectiveness of their graduates.

Eligibility, Application, and Selection Criteria

Eligible Applicants

Eligible applicants are institutions in the States (including the District of Columbia, Puerto Rico, and the outlying areas) that prepare elementary teachers, or middle or high school mathematics teachers, for initial certification. Institutions of higher education as well as institutions that are not part of a college or university are eligible to apply. Since this program focuses on initial preparation of teachers, alternative certification programs are eligible, while in-service programs are not.

For purposes of this notice, a ''teacher preparation program'' refers to a defined set of experiences that, taken as a whole, prepares participants for initial (or alternative) certification to teach. Detailed instructions for applying for this award, including formatting instructions, are provided within the application package and must be followed to receive an award.

Application Content Requirements

Applicants are free to develop their application in any way they choose as long as they comply with the requirements set out in the application package. In evaluating applications for the National Awards Program for Effective Teacher Preparation, reviewers will look to see whether the application, taken as a whole, demonstrates that the applicant's teacher preparation program leads to improved teacher effectiveness and increased student achievement at the K–12 level. In doing so, reviewers will be guided by the extent to which and how well applicants address the following components of the application, the most important of which concern objective evidence of effectiveness under Section C of the application.

Sections A, B, and D of the application provide reviewers with information describing the teacher preparation program and its potential as an example for others. Reviewers will use the information in these three sections to determine the extent to which there is a logical connection between the various aspects of the program and the results achieved. In other words, they will check for consistency between the information provided in these sections and the applicant's claims of effectiveness under section C.

In section C, applicants provide formative, summative, and confirming evidence that their program is effective in preparing graduates who are able to help all K–12 students improve their learning in reading and mathematics at the elementary level or mathematics at the middle or high school level.

Where appropriate, the following sections of the application include one or more questions that are designed to help applicants formulate their responses.

A. Background and Program Description

In this section, applicants must provide the mission statement, goals and objectives, and the components of their teacher preparation program and explain how these items relate to the effective preparation of elementary teachers or middle and/or high school mathematics teachers.

In responding to this section, applicants are encouraged to provide information about:

1. Recruitment policies for faculty and candidates.

2. Selection procedures for faculty and candidates.

3. Program structure (*e.g.,* course and field experiences, support for preservice and novice teachers, mechanisms for monitoring participants' progress).

4. State or district policies or mandates that affect the components of the teacher preparation program.

5. Resources that support the program.

6. Methods for collaboration between the program and K–12 schools.

7. Graduation or completion criteria and rates.

8. Job placement and retention rates of graduates.

B. Program's Criteria for Effectiveness

In this section, applicants must describe the principles, standards, or other criteria that the applicant uses to judge the effectiveness of its teacher preparation program.

Note: Applications are not being evaluated against a given set of principles for all programs, but are expected to include relevant criteria for guiding program improvement and modifications).

In responding to this section, applicants should consider the following questions:

1. What are the criteria or standards (*e.g.*, NCATE, INTASC, NBPTS, NCTM, state teacher licensure requirements and other appropriate standards) the program uses to evaluate its effectiveness?

2. How does the program ensure that program components such as courses and instructional practices are consistent with the evaluation criteria or standards under Question 1?

C. Evidence of Effectiveness

In this section, applicants must provide three separate types of evidence that demonstrates the effectiveness of their teacher preparation program: formative, summative, and confirming evidence.

''Formative evidence'' refers to the use of data to make adjustments to the program throughout its various stages. These data are collected as participants (*i.e.*, preservice teachers) move through the program.

''Summative evidence'' demonstrates that the program is effective in helping graduates acquire the necessary knowledge and skills to improve student learning. Summative evidence is collected as preservice teachers complete the program.

''Confirming evidence'' links teacher preparation and K–12 student learning by demonstrating that program graduates are effective in helping all K–12 students improve their learning. Confirming evidence is collected on graduates who are employed by schools or districts.

Applicants would supply a brief description for each evidence item submitted. This description must include information about the nature of the data, the methods used to collect the data, and a summary of the data analysis.

In responding to this section, applicants must consider the following questions:

1. What evidence is there that the program, described in section A, gathers data about the effectiveness of the various stages of the program and uses that data to make improvements to the program? (Formative evidence)

2. What evidence is there that the program is effective in helping graduates acquire the knowledge and skills needed to improve student learning in reading and mathematics for all elementary school students or in mathematics for all middle or high school students? (Summative evidence)

Note: Summative evidence in this section should address graduates' content knowledge, pedagogical knowledge and skills, and skills to examine beliefs about learners and teaching as a profession.

3. What evidence is there that the program's graduates are effective in helping all K–12 students improve their learning in reading and mathematics at the elementary level or mathematics at the middle or high school level? (Confirming evidence)

Note: If there are obstacles that affect data collection (*e.g.*, local or State regulations prohibit the release of student data), applicants may describe these factors and explain how they have overcome any obstacles to collecting data for purposes of evaluating the effectiveness of their program.

D. Implications for the Field

A primary goal of this awards program is to share with the public effective examples that might be adopted or otherwise used by others to improve teacher preparation programs throughout the country. In this section, applicants must discuss the challenges they have faced and overcome in administering their teacher preparation program, as well as the resulting lessons they have learned.

In responding to this section, applicants should consider the following:

1. What is at least one significant challenge that the program encountered within the last five years and how was it overcome? (Note: Since demonstrating the link between teacher preparation and K–12 student learning is a primary focus of the awards program, applicants should consider describing challenges related to this issue.)

2. What lessons that would benefit others have been learned about designing, implementing, or evaluating a program that prepares graduates who are effective in helping improve student learning for all K–12 students?

3. What program materials (*e.g.*, videos, Web sites, course outlines, manuals, strategies, processes) are available that could benefit others?

4. How have or could you help others adapt the aspects of your program that contribute most to graduates' effectiveness with K–12 students?

Selection Criteria

Reviewers will evaluate the information provided in each application based on three criteria: rigor, sufficiency, and consistency. These criteria, and the performance levels applicable to each, are identified in the rubric shown in Figure 1. Reviewers will use this rubric as the review instrument to judge the quality of each application.

The Evidence of Effectiveness provided by an applicant under section C, the most critical portion of the application, will be evaluated on the basis of its rigor and sufficiency. The level of ''rigor'' applied to the evidence submitted will be determined by the extent to which the qualitative or quantitative data presented is found to be valid and reliable. The level of ''sufficiency'' applied to the evidence submitted will be determined by the adequacy and the extent of the data provided.

The application as a whole will be evaluated on the basis of its consistency. The level of ''consistency'' of the application will be based on the extent to which there is a logical link between various aspects of the program as described in Sections A, B, and D of the application and the evidence of effectiveness provided under Section C. For example, if an applicant indicates in sections A, B, or D of its application that field experiences are important to the preparation of teachers, then the application should describe the variety of field experiences that are spread over the duration of the program and also include, for purposes of ''consistency,'' documentation of the effectiveness of these experiences.

The rubric in Figure 1 identifies a range of performance levels, from 1 to 4, that reviewers will use to judge the quality of an application with regard to the three criteria—rigor, sufficiency, and consistency. Reviewers will assign a level of the rubric, 1 to 4, for each criterion based on their judgment of how well the information provided in the application matches the descriptions in the rubric of the relevant performance levels. Prior to reviewing applications,

reviewers will receive extensive training in using the rubric to ensure inter-rater reliability.

FIGURE 1.—RUBRIC FOR EVALUATING EVIDENCE OF EFFECTIVENESS

Performance levels	Selection criteria		
	Rigor	Sufficiency	Consistency
4	The evidence is highly credible. The data are valid and indicators are free of bias. Reliability is supported by multi-year data from several sources.	There are extensive data that support claims of effectiveness. The evidence includes data from multiple sources with multiple indicators.	Components of the program are consistent with the vision of the program. Program components are monitored to determine if they are being instituted as designed. Evidence supports an intended, logical link between the program components and the outcomes. The evidence supports the link between program components and program success. The consistencies support the credibility of the evidence.
3	The evidence is credible. Validity has been addressed for most of the data. There may be some questions of bias. Reliability is supported by two or more years of data from at least one data source.	There are adequate data to support the claims of effectiveness. There are multiple sources of evidence and multiple indicators for at least one source.	There are minor inconsistencies between the vision of the program and program components. Some components of program may not be monitored or there may be some inconsistencies between the evidence provided and the identified successful components of the program. The inconsistencies do not weaken the credibility of the evidence.
2	The evidence has limited credibility. The rigor is compromised by issues of bias or validity/reliability. There are no multiyear data from any source.	There are limited data to support the claims of effectiveness. The data are collected from only one or two sources. There are no multiple indicators for the data source(s).	There are several inconsistencies between the vision of the program and program components. There are significant inconsistencies between the evidence provided and the identified successful components of the program. The inconsistencies raise questions about the credibility of the evidence.
1	The evidence has little or no credibility. The rigor is significantly compromised by issues of bias, or there is not enough information to determine rigor. The data lack validity/Reliability. There is no multi-year data.	There are not enough data to support claims of effectiveness. There is only a single source of data.	There are numerous inconsistencies between the vision of the program and its components. The evidence provided is not linked to the components of the program that have been identified as contributing to the program's success. The inconsistencies raise significant questions about the credibility of the evidence.

Selection Procedures

Award recipients will be selected through a five-stage process.

Stage 1. During the first stage, applications will be initially screened by Department staff to determine whether the submitting party meets the eligibility requirements and whether the application contains all necessary information (including the three types of evidence required under section C) and meets the formatting requirements.

Stage 2. The second stage of review, to determine up to 10 semi-finalists, will be conducted by non-Departmental teams representing a broad range of teacher educators, practitioners (*e.g.,* mathematicians, mathematics educators, K–12 teachers, reading specialists), and policymakers (*e.g.,* superintendents, school board members, principals) who will evaluate the quality of the applications against the selection criteria and applicable performance levels.

Stage 3. In the third stage, non-Department expert teams (team members would differ from the reviewers involved in Stages 2) will conduct site visits to verify information presented in the semi-finalists' applications and, to the extent available, to collect additional information. These teams will draft site-visit reports of their findings.

Stage 4. During the fourth stage, a non-Departmental national awards panel (panel members will differ from the reviewers involved Stages 2 and 3) will review the semi-finalist applications and site visit reports. Panel members will then present final recommendations to the Department on which teacher preparation programs merit national recognition.

Stage 5. In the fifth and final stage, the Department will review data collected throughout the review process and select for national recognition no more than 5 applications of the highest quality. The Secretary intends to publicly honor and recognize these awardees at a national ceremony in Washington, DC.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and

obtain information needed to achieve the goals.

These eligibility and selection criteria address the National Education Goal that the Nation's teaching force will have the content knowledge and teaching skills needed to instruct all American students for the next century.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document is intended to provide early notification of our specific plans and actions for this program.

Program Authority: 20 U.S.C. 8001.

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Dated: April 6, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

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Federal Register

Tuesday,
April 11, 2000

Part V

Federal Communications Commission

47 CFR Part 1

Assessment and Collection of Regulatory Fees for Fiscal Year 2000; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 00–58; FCC 00–117]

Assessment and Collection of Regulatory Fees for Fiscal Year 2000

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 2000. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees. For fiscal year 2000 sections 9(b)(2) and (3) provide for annual ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees. These revisions will further the National Performance Review goals of reinventing Government by requiring beneficiaries of Commission services to pay for such services.

DATES: Comments are due on or before April 24, 2000, and reply comments are due on or before May 5, 2000.

FOR FURTHER INFORMATION CONTACT: Terry Johnson, Office of Managing Director at (202) 418–0445 or Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: Adopted: March 29, 2000; Released: April 3, 2000.

By the Commission:

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I. Introduction

1. By this *Notice of Proposed Rulemaking*, the Commission commences a proceeding to revise its Schedule of Regulatory Fees in order to collect the amount of regulatory fees that Congress, pursuant to section 9(a) of the Communications Act, as amended, has required it to collect for Fiscal Year (FY) 2000.[1]

2. Congress has required that we collect $185,754,000 through regulatory fees in order to recover the costs of our enforcement, policy and rulemaking, international and user information activities for FY 2000.[2] This amount is $13,231,000 or approximately 7.67% more than the amount that Congress designated for recovery through regulatory fees for FY 1999.[3] Thus, we are proposing to revise our fees in order to collect the increased amount that Congress has specified. Additionally, we propose to amend the Schedule in order to simplify and streamline it.[4]

3. In proposing to revise our fees, we adjusted the payment units and revenue requirement for each service subject to a fee, consistent with sections 159(b)(2) and (3). In addition, we are proposing changes to the fees pursuant to public interest considerations. The current Schedule of Regulatory Fees is set forth in §§ 1.1152 through 1.1156 of the Commission's rules.[5]

II. Background

4. Section 9(a) of the Communications Act of 1934, as amended, authorizes the Commission to assess and collect

[1] 47 U.S.C. 159(a).

[2] Public Law 105–277 and 47 U.S.C. 159(a)(2).

[3] *Assessment and Collection of Regulatory Fees for Fiscal Year 1999*, FCC 98–200, released June 18, 1999, 64 FR 35831 (Jul. 1, 1999).

[4] 47 U.S.C. 159(b)(3).

[5] 47 CFR 1.1152 through 1.1156.

annual regulatory fees to recover the costs, as determined annually by Congress, that it incurs in carrying out enforcement, policy and rulemaking, international, and user information activities.[6] See Attachment G for a description of these activities. In our *FY 1994 Fee Order*,[7] we adopted the Schedule of Regulatory Fees that Congress established, and we prescribed rules to govern payment of the fees, as required by Congress.[8] Subsequently, we modified the fee Schedule to increase the fees in accordance with the amounts Congress required us to collect in each succeeding fiscal year. We also amended the rules governing our regulatory fee program based upon our experience administering the program in prior years.[9]

5. As noted, for FY 1994 we adopted the Schedule of Regulatory Fees established in section 9(g) of the Act. For fiscal years after FY 1994, however, sections 9(b)(2) and (3), respectively, provide for ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees.[10] Section 9(b)(2), entitled ''Mandatory Adjustments,'' requires that we revise the Schedule of Regulatory Fees to reflect the amount that Congress requires us to recover through regulatory fees.[11]

6. Section 9(b)(3), entitled ''Permitted Amendments,'' requires that we determine annually whether additional adjustments to the fees are warranted, taking into account factors that are in the public interest, as well as issues that are reasonably related to the payer of the fee. These amendments permit us to ''add, delete, or reclassify services in the Schedule to reflect additions, deletions or changes in the nature of its services.'' [12]

7. Section 9(i) requires that we develop accounting systems necessary to adjust our fees pursuant to changes in the costs of regulation of various services that are subject to a fee, and for other purposes.[13] For FY 1997, we relied for the first time on cost accounting data to identify our regulatory costs and to develop our FY 1997 fees based upon these costs. Also, for FY 1997, we limited the increase in the amount of the fee for any service in order to phase in our reliance on cost-based fees for those services whose revenue requirement would be more than 25 percent above the revenue requirement which would have resulted from the ''mandatory adjustments'' to the FY 1997 fees without incorporation of costs. This methodology, which we continued to use for FY 1998, enabled us to develop regulatory fees which we believed would be more reflective of our costs of regulation, and allowed us to make revisions to our fees based on the fullest extent possible, while still consistent with the public interest, on the actual costs of regulating those services that are subject to a fee. However, we found that developing a regulatory fee structure based on cost information did not produce the desired results. We were anticipating that our regulatory costs would level off or, perhaps, decline causing these adjustments to decrease from the 25 percent towards zero. Since our regulatory costs have continued to rise, this methodology was discontinued. Therefore, we chose to base the FY 1999 fees only on the basis of ''Mandatory Adjustments''. Finally, section 9(b)(4)(B) requires us to notify Congress of any permitted amendments 90 days before those amendments go into effect.[14]

III. Discussion

A. Summary of FY 2000 Fee Methodology

8. As noted, Congress has required that the Commission recover $185,754,000 for FY 2000 through the collection of regulatory fees, representing the costs applicable to our enforcement, policy and rulemaking, international, and user information activities.[15]

9. In developing our proposed FY 2000 fee schedule, we determined that we should continue to use the same general methodology for ''Mandatory Adjustments'' to the Fee Schedule that we used in developing the FY 1999 fee schedule because our regulatory costs continue to rise, and using cost information to determine a regulatory fee schedule does not produce the desired result of collecting the amount required by Congress. Therefore, we estimated the number of payment units [16] for FY 2000 in order to determine the aggregate amount of revenue we would collect without any revision to our FY 1999 fees. Then we compared this revenue amount to the $185,754,000 that Congress has required us to collect in FY 2000 and pro-rated the difference among all the existing fee categories.

10. Once we established our tentative FY 2000 fees, we evaluated proposals made by Commission staff concerning ''Permitted Amendments'' to the Fee Schedule and to our collection procedures. These proposals are discussed in paragraphs 15–19 and are factored into our proposed FY 2000 Schedule of Regulatory Fees, set forth in Attachment D.

11. Finally, we have incorporated, as Attachment F, proposed Guidance containing detailed descriptions of each fee category, information on the individual or entity responsible for paying a particular fee and other critical information designed to assist potential fee payers in determining the extent of their fee liability, if any, for FY 2000.[17] In the following paragraphs, we describe in greater detail our proposed methodology for establishing our FY 2000 regulatory fees.

B. Development of FY 2000 Fees

i. Adjustment of Payment Units

12. In calculating FY 2000 regulatory fees for each service, we adjusted the estimated payment units for each service because payment units for many services have changed substantially since we adopted our FY 1999 fees. We obtained our estimated payment units through a variety of means, including our licensee data bases, actual prior year payment records, and industry and trade group projections. Whenever possible, we verified these estimates from multiple sources to ensure the accuracy of these estimates. Attachment B provides a summary of how revised payment units were determined for each fee category.[18]

ii. Calculation of Revenue Requirements

13. We next multiplied the revised payment units for each service by the FY 1999 fees for each category to determine how much revenue we would collect without any change to the FY 1999 Schedule of Regulatory Fees. The

[6] 47 U.S.C. 159(a).

[7] 59 FR 30984 (Jun. 16, 1994).

[8] 47 U.S.C. 159(b), (f)(1).

[9] 47 CFR 1.1151 *et seq.*

[10] 47 U.S.C. 159(b)(2), (b)(3).

[11] 47 U.S.C. 159(b)(2).

[12] 47 U.S.C. 159(b)(3).

[13] 47 U.S.C. 159(i).

[14] 47 U.S.C. 159(b)(4)(B).

[15] 47 U.S.C. 159(a).

[16] Payment units are the number of subscribers, mobile units, pagers, cellular telephones, licenses, call signs, adjusted gross revenue dollars, etc. which represent the base volumes against which fee amounts are calculated.

[17] We also will incorporate a similar Attachment in the *Report and Order* concluding this rulemaking. That Attachment will contain updated information concerning any changes made to the proposed fees adopted by the *Report and Order*.

[18] It is important to also note that Congress' required revenue increase in regulatory fee payments of approximately 7.67 percent in FY 2000 will not fall equally on all payers because payment units have changed in several services. When the number of payment units in a service increase from one year to another, fees do not have to rise as much as they would if payment units had decreased or remained stable. Declining payment units have the opposite effect on fees.

amount of revenue which we would collect without changes to the Fee Schedule is approximately $191.6 million. This amount is approximately $5.9 million more than the amount the Commission is required to collect in FY 2000. We then adjusted the revenue requirements for each category on a proportional basis, consistent with section 9(b)(2) of the Act, to obtain an estimate of the revenue requirements for each fee category so that the Commission could collect $185,754,000 as required by Congress. Attachment C provides detailed calculations showing how we determined the revised revenue amounts to be raised for each service.

iii. Recalculation of Fees

14. Once we determined the revenue requirement for each service and class of licensee, we divided the revenue requirement by the number of estimated payment units (and by the license term, if applicable, for ''small'' fees) to obtain actual fee amounts for each fee category. These calculated fee amounts were then rounded in accordance with section 9(b)(3) of the Act. See Attachment C.

iv. Proposed Changes to Fee Schedule

15. We examined the results of our calculations to determine if further adjustments of the fees and/or changes to payment procedures were warranted based upon the public interest and other criteria established in 47 U.S.C. 159(b)(3).[19] As a result of this review, we are proposing the following ''Permitted Amendments'' to our Fee Schedule:

a. INTELSAT Satellites

16. The Commission, relying on portions of the legislative history of section 9, previously concluded that Comsat was exempt from section 9 fees for its INTELSAT space stations. Assessment and Collection of Regulatory Fees for Fiscal Year 1998, 13 FCC Rcd 19820 (1998), 63 FR 35847 (July 1, 1998); Assessment and Collection of Regulatory Fees for Fiscal Year 1997, 12 FCC Rcd 17161 (1997), 62 FR 37408 (July 11, 1997). In *PanAmSat Corp.* v. *FCC,* 198 F.3d 890 (D.C.Cir.1999), the court found that neither the statute itself nor the legislative history relied upon by the Commission was conclusive on the question of Comsat's liability for section 9 fees in these circumstances. It remanded the issue to the Commission for reconsideration of Comsat's exemption.[20]

17. On March 17, 2000 Congress enacted the Open Market Reorganization for the Betterment of International Telecommunications Act (the ORBIT Act).[21] Section 641[c] of the ORBIT Act provides:

> ''[c] PARITY of TREATMENT—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.'' [22]

In light of this statutory language, it is clear that, for FY 2000, Comsat as the United States signatory to INTELSAT is subject to regulatory fees.[23] We request comment on how we should implement this provision to achieve parity of treatment between Comsat and satellite operators that are subject to regulatory fees. Specifically, we request comment on whether for the year 2000 we should assess regulatory fees for all space stations in geostationary orbit, including satellites that are the subject of Comsat's activities, in the amount of $94,650 per satellite. Such comments also may address how the nature of Comsat services via INTELSAT may provide a basis for a different fee and state what type of fee would be appropriate to achieve parity of treatment.[24]

b. Interstate Telephone Service Providers

18. The Commission is required under the Communications Act of 1934, as amended,[25] to establish procedures that will finance interstate telecommunications relay services (TRS), universal service support mechanisms, administration of the North American Numbering Plan (NANPA), and shared costs of the local number portability (LNPA) program. In a series of separate proceedings, the Commission has already established procedures that permits the administrators of these programs to collect contributions from all providers of telecommunications services in support of the above mandates.[26] In 1999, as part of its paperwork streamlining efforts, the Commission amended its rules and required contributors to file only a single form FCC Form 499–A, Telecommunications Reporting Worksheet, and eliminated FCC Form 431, TRS Fund Worksheet.[27] Previously, Form 431, TRS Fund Worksheet, was used to obtain base revenue data from which telephone services regulatory fees were calculated. Because of this form change, it is no longer feasible to obtain base telephone services revenue data using adjusted gross interstate revenues as derived from data previously provided on FCC Form 431, TRS Fund Worksheet. Therefore, beginning in FY 2000, we are proposing that the interstate telephone services regulatory fee be derived from interstate and international end-user revenues data submitted on FCC Form 499–A, Telecommunications Reporting Worksheet, rather than from data provided on Form 431, TRS Fund Worksheet. A copy of the form and instructions can be downloaded at: <*http://www.fcc.gov/formpage.html*>.

19. All providers of telecommunications services within the United States, with very limited exceptions, must file an FCC Form 499–A, Telecommunications Reporting Worksheet. For this filing, the United States is defined as the contiguous United States, Alaska, Hawaii, American Samoa, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, the Northern Mariana Islands, Palmyra, Puerto Rico, the U.S. Virgin Islands, and Wake Island. Each legal entity that provides interstate telecommunications service for a fee, including each affiliate or subsidiary of an entity, must complete and file separately a copy of the Telecommunications Reporting Worksheet.

20. For purposes of determining who must file Form 499–A, the term ''telecommunications'' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. For the purpose of

[19] In FY 1997 and FY 1998 we limited increases to 25%. For FY 1999 and FY 2000, none of the proposed fee increases exceed 25%.

[20] As directed by the court, the Commission will consider the section 9 satellite fees for FY 1998; however, that consideration will be separate from this proceeding.

[21] Public Law 106–180, 114 Stat. 48 (2000).

[22] Comsat is the United States Signatory to INTELSAT.

[23] As directed by the court, the Commission will also consider the Section 9 fees for FY 1998; however, that consideration will be separate from this proceeding.

[24] Note that without the INTELSAT satellites, the fee per satellite would be $126,525.

[25] 47 U.S.C. 151, 225, 251, 254.

[26] These contributions are separate and apart from regulatory fees collected to fund the Commission's operations.

[27] *1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms,* Report and Order, FCC 99–175, CC Docket No. 98–171 (rel. July 14, 1999), 64 FR 41320 (July 30, 1999)(*Contributor Reporting Requirements Order*).

filing the Telecommunication Reporting Worksheet, the term ''interstate telecommunications'' includes, but is not limited to, the following types of services: wireless telephony including cellular and personal communications services (PCS); paging and messaging services; dispatch services; mobile radio services; operator services; access to interexchange service; special access; wide area telecommunications services (WATS); subscriber toll-free services; 900 services; message telephone services (MTS); private line; telex; telegraph; video services; satellite services; and resale services. For example, all local exchange carriers provide access services and, therefore, provide interstate telecommunications. Included are entities that offer interstate telecommunications services for a fee to the public, even if only a narrow or limited class of users could use the services. Also included are entities that provide interstate telecommunications services to entities other than themselves for a fee on a private, contractual basis. In addition, owners of pay telephones, sometimes referred to as ''pay telephone aggregators,'' must file the worksheet. Most telecommunications carriers must file the worksheet even if they qualify for the *de minimis* exemption under the commission's rules for universal service.[28]

21. With the introduction of a new form, FCC Form 499–A, it is no longer feasible to base the interstate telephone services regulatory fee on the adjusted gross interstate revenues because this data was derived from a previously used form (FCC 431) to contribute to the Telecommunication Relay Services Fund. Therefore, beginning in FY 2000, we are proposing that the interstate and international telephone services regulatory fee be derived from interstate and international end-user revenues as submitted by providers on FCC Form 499–A, Telecommunications Reporting Worksheet, as part of the telecommunications provider reporting requirements. The following providers are exempt from paying the interstate telephone service provider regulatory fees: interstate service providers that have mobile service or satellite service revenue, but no local or toll service; [29] government entities within the meaning of the term 47 CFR 1.1162; and carriers whose payment obligation would be less than $10.[30] Note, the interstate telephone service provider fee is based on interstate and international end-user revenues for local and most toll services only. Filers are not allowed to deduct any expenses from subject interstate and international end-user revenues.

C. Procedures for Payment of Regulatory Fees

22. Generally, we propose to retain the procedures that we have established for the payment of regulatory fees. Section 9(f) requires that we permit ''payment by installments in the case of fees in large amounts, and in the case of small amounts, shall require the payment of the fee in advance for a number of years not to exceed the term of the license held by the payer.'' See 47 U.S.C. 159(f)(1). Consistent with section 9(f), we are again proposing to establish three categories of fee payments, based upon the category of service for which the fee payment is due and the amount of the fee to be paid. The fee categories are (1) ''standard'' fees, (2) ''large'' fees, and (3) ''small'' fees.

i. Annual Payments of Standard Fees

23. As we have in the past, we are proposing to treat regulatory fee payments by certain licensees as ''standard fees'' which are those regulatory fees that are payable in full on an annual basis. Payers of standard fees are not required to make advance payments for their full license term and are not eligible for installment payments. All standard fees are payable in full on the date we establish for payment of fees in their regulatory fee category. The payment dates for each regulatory fee category will be announced either in the *Report and Order* terminating this proceeding or by public notice in the **Federal Register** pursuant to authority delegated to the Managing Director.

ii. Installment Payments for Large Fees

24. While we are mindful that time constraints may preclude an opportunity for installment payments, we propose that regulatees in any category of service with a liability of $12,000 or more be eligible to make installment payments and that eligibility for installment payments be based upon the amount of either a single regulatory fee payment or combination of fee payments by the same licensee or regulatee. We propose that regulatees eligible to make installment payments may submit their required fees in two equal payments (on dates to be announced) or, in the alternative, in a single payment on the date that their final installment payment is due. Due to statutory constraints concerning notification to Congress prior to actual collection of the fees, however, it is unlikely that there will be sufficient time for installment payments, and that regulatees eligible to make installment payments will be required to pay these fees on the last date that fee payments may be submitted. The dates for installment payments, or a single payment, will be announced either in the *Report and Order* terminating this proceeding or by public notice published in the **Federal Register** pursuant to authority delegated to the Managing Director.

iii. Advance Payments of Small Fees

25. As we have in the past, we are proposing to treat regulatory fee payments by certain licensees as ''small'' fees subject to advance payment consistent with the requirements of section 9(f)(2). We propose that advance payments will be required from licensees of those services that we decided would be subject to advance payments in our FY 1994 *Report and Order,* and to those additional payers set forth herein.[31] We are also proposing that payers of advance fees will submit the entire fee due for the full term of their licenses when filing their initial, renewal, or reinstatement application. Regulatees subject to a payment of small fees shall pay the amount due for the current fiscal year multiplied by the number of years in the term of their requested license. In the event that the required fee is adjusted following their payment of the fee, the payer would not be subject to the payment of a new fee until filing an application for renewal or reinstatement of the license. Thus, payment for the full license term would be made based upon the regulatory fee applicable at the time the application is filed. The effective date for payment of small fees established in this proceeding will be announced in our *Report and Order* terminating this proceeding or by public notice published in the **Federal Register** pursuant to authority delegated to the Managing Director.

iv. Minimum Fee Payment Liability

26. As we have in the past, we are proposing that regulatees whose total regulatory fee liability, including all categories of fees for which payment is due by an entity, amounts to less than

[28] 47 CFR 54.708.

[29] However, these service providers may be subject to payment of regulatory fees under other categories, *e.g.* space stations.

[30] See 47 U.S.C. 159(h); *see also* para 29, *infra.*

[31] Applicants for new, renewal and reinstatement licenses in the following services will be required to pay their regulatory fees in advance: Land Mobile Services, Microwave Services, Marine (Ship) Service, Marine (Coast) Service, Private Land Mobile (Other) Services, Aviation (Aircraft) Service, Aviation (Ground) Service, General Mobile Radio Service (GMRS), 218–219 MHz Service (if any applications should be filed), Rural Radio Service, and Amateur Vanity Call Signs.

$10 will be exempted from fee payment in FY 2000.

v. Standard Fee Calculations and Payment Dates

27. As noted, the time for payment of standard fees and any installment payments will be announced in our *Report and Order* terminating this proceeding or will be published in the **Federal Register** pursuant to authority delegated to the Managing Director. For licensees, permittees and holders of other authorizations in the Common Carrier, Mass Media, and Cable Services whose fees are not based on a subscriber, unit, or circuit count, we are proposing that fees be paid for any authorization issued on or before *October 1, 1999.* Regulatory fees are due and payable by the holder of record of the license or permit of the service as of October 1, 1999. A pending change in the status of a license or permit that is not granted as of that date is not effective, and the fee is based on the classification that existed on that date. Where a license or authorization is transferred or assigned after October 1, 1999, the fee shall be paid by the licensee or holder of the authorization on the date that the payment is due.

28. In the case of regulatees whose fees are based upon a subscriber, unit or circuit count, the number of a regulatee's' subscribers, units or circuits on *December 31, 1999,* will be used to calculate the fee payment. [32] Regulatory fees are due and payable by the holder of record of the license or permit of the service as of December 31, 1999. A pending change in the status of a license or permit that is not granted as of that date is not effective, and the fee is based on the classification that existed on that date. Where a license or authorization is transferred or assigned after December 31, 1999, the fee shall be paid by the licensee or holder of the authorization on the date that the payment is due.

D. Schedule of Regulatory Fees

29. The Commission's proposed Schedule of Regulatory Fees for FY 2000 is contained in Attachment D of this *NPRM.*

[32] Cable system operators are to compute their subscribers as follows: Number of single family dwellings + number of individual households in multiple dwelling unit (apartments, condominiums, mobile home parks, etc.) paying at the basic subscriber rate + bulk rate customers + courtesy and free service. **Note:** Bulk-Rate Customers = Total annual bulk-rate charge divided by basic annual subscription rate for individual households. Cable system operators may base their count on ''a typical day in the last full week'' of December 1999, rather than on a count as of December 31, 1999.

IV. Procedural Matters

A. Comment Period and Procedures

30. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before April 24, 2000, and reply comments on or before May 5, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.[33]

31. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. However, if multiple docket or rulemaking numbers appear in the caption of this proceeding, commenters must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by e-mail via Internet. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.>'' A sample form and directions will be sent in reply.

32. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street SW., TW–A325, Washington, DC 20554.

33. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Terry Johnson, Office of Managing Director, Federal Communications Commission, 445 12th Street, SW., 1–C807, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft ™ Word 97 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case MD Docket No. 00–58, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street NW., Washington, DC 20036.

Documents filed in this proceeding will be available for public inspection during regular business hours in the FCC Reference Center, of the Federal Communications Commission, Room CY–A257, 445 12th Street SW., Washington, DC 20554, and will be placed on the Commission's Internet Home Page http://www.fcc.gov.

[33] *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

B. Ex Parte Rules

34. This is a permit-but-disclosed notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed pursuant to the Commission's rules.[34]

C. Initial Regulatory Flexibility Analysis

35. As required by the Regulatory Flexibility Act,[35] the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible impact on small entities of the proposals suggested in this document. The IRFA is set forth as Attachment A. Written public comments are requested with respect to the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the *NPRM,* and must have a separate and distinct heading, designating the comments as responses to the IRFA. The Consumer Information Bureau, Reference Information Center, shall send a copy of this *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

D. Authority and Further Information

36. Authority for this proceeding is contained in sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended.[36] It is ordered that this *NPRM* is adopted. It is further ordered that the Commission's Consumer Information Bureau, Reference Information Center, shall

[34] 47 CFR 1.1202, 1.1203 and 1026(a).

[35] See 5 U.S.C. 603.

[36] 47 U.S.C. 154(i)–(j), 159, & 303(r).

send a copy of this *NPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

37. Further information about this proceeding may be obtained by contacting the Fees Hotline at (202) 418–0192.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Attachment A: Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act (RFA),[37] the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the present *Notice of Proposed Rulemaking, In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2000.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the IRFA provided in paragraph 33. The Commission will send a copy of the *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.[38] In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.[39]

I. Need for, and Objectives of, the Proposed Rules

2. This rulemaking proceeding is initiated to obtain comments concerning the Commission's proposed amendment of its Schedule of Regulatory Fees. For Fiscal Year 2000, we intend to collect regulatory fees in the amount of $185,754,000, the amount that Congress has required the Commission to recover. The Commission seeks to collect the necessary amount through its proposed revised fees, as contained in the attached Schedule of Regulatory Fees, in the most efficient manner possible and without undue burden on the public.

II. Legal Basis

3. This action, including publication of proposed rules, is authorized under sections (4)(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended.[40]

III. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[41] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [42] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[43] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[44] A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' [45] Nationwide, as of 1992, there were approximately 275,801 small organizations.[46] ''Small governmental jurisdiction'' [47] generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' [48] As of 1992, there were approximately 85,006 such jurisdictions in the United States.[49] This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.[50] The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96 percent) are small entities. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

Cable Services or Systems

5. The SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating $11 million or less in revenue annually.[51] This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau data from 1992, there were 1,788 total cable and other pay television services and 1,423 had less than $11 million in revenue.[52]

6. The Commission has developed its own definition of a small cable system operator for purposes of rate regulation. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide.[53] Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995.[54] Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small entity cable system operators.

7. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' [55] The Commission has determined that there are 66,690,000 subscribers in the United States. Therefore, we found that an operator serving fewer than 666,900 subscribers shall be deemed a small operator, if its annual revenues, when combined with

[37] 5 U.S.C. 603. The RFA, 5 U.S.C. 601 *et. seq.* has been amended by the Contract With America Advancement Act of 1996, Public Law No. 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[38] 5 U.S.C. 603(a).

[39] *Id.*

[40] 47 U.S.C. 154(i) and (j), 159, and 303(r).

[41] 5 U.S.C. 603(b)(3).

[42] *Id.* 601(6).

[43] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[44] Small Business Act, 15 U.S.C. 632 (1996).

[45] 5 U.S.C. 601(4).

[46] 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[47] 47 CFR 1.1162

[48] 5 U.S.C. 601(5).

[49] U.S. Dept. of Commerce, Bureau of the Census, ''1992 Census of Governments.''

[50] *Id.*

[51] 13 CFR 121.201, SIC code 4841.

[52] *1992 Economic Census Industry and Enterprise Receipts Size Report,* Table 2D, SIC code 4841 (U.S. Bureau of the Census data under contract to the Office of Advocacy of the U.S. Small Business Administration).

[53] 47 CFR 76.901(e). The Commission developed this definition based on its determination that a small cable system operator is one with annual revenues of $100 million or less. *Implementation of Sections of the 1992 Cable Act: Rate Regulation, Sixth Report and Order and Eleventh Order on Reconsideration,* 10 FCC Rcd 7393 (1995), 60 FR 10534 (Feb. 27, 1995).

[54] Paul Kagan Associates, Inc., *Cable TV Investor,* Feb. 29, 1996 (based on figures for Dec. 30, 1995).

[55] 47 U.S.C. 543(m)(2).

the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate.[56] Based on available data, we find that the number of cable operators serving 666,900 subscribers or less totals 1,450.[57] We do not request nor do we collect information concerning whether cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000,[58] and thus are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

8. *Other Pay Services.* Other pay television services are also classified under Standard Industrial Classification (SIC) 4841, which includes cable systems operators, closed circuit television services, direct broadcast satellite services (DBS),[59] multipoint distribution systems (MDS),[60] satellite master antenna systems (SMATV), and subscription television services.

Common Carrier Services and Related Entities

9. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service* report.[61] However, in a recent news release, the Commission indicated that there are 4,144 interstate carriers.[62] These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone service, providers of telephone exchange service, and resellers.

10. The SBA has defined establishments engaged in providing ''Radiotelephone Communications'' and ''Telephone Communications, Except Radiotelephone'' to be small businesses when they have no more than 1,500 employees.[63] Below, we discuss the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and we then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

11. We have included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.''[64] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope.[65] We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on FCC analyses and determinations in other, non-RFA contexts.

12. *Total Number of Telephone Companies Affected.* The U.S. Bureau of the Census (''Census Bureau'') reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year.[66] This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities or small ILECs because they are not ''independently owned and operated.''[67] For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small ILECs that may be affected by the proposed rules, if adopted.

13. *Wireline Carriers and Service Providers.* The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992.[68] According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons.[69] All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small ILECs. We do not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small ILECs that may be affected by the proposed rules, if adopted.

14. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services (LECs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[70] According to the most recent *Telecommunications Industry Revenue* data, 1,348 incumbent carriers reported that they were engaged in the provision

[56] *Id.* 76.1403(b).

[57] Paul Kagan Associates, Inc., *Cable TV Investor,* Feb. 29, 1996 (based on figures for Dec. 30, 1995).

[58] We do receive such information on a case-by-case basis only if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to § 76.1403(b) of the Commission's rules. *See* 47 CFR 76.1403(d).

[59] Direct Broadcast Services (DBS) are discussed with the international services, *infra.*

[60] Multipoint Distribution Services (MDS) are discussed with the mass media services, *infra.*

[61] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[62] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000)

[63] 13 CFR 121.201, Standard Industrial Classification (SIC) codes 4812 and 4813. *See also* Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual* (1987).

[64] 5 U.S.C. 601(3).

[65] Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of ''small business concern,'' which the RFA incorporates into its own definition of ''small business.'' See 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret ''small business concern'' to include the concept of dominance on a national basis. 13 CFR 121.102(b). Since 1996, out of an abundance of caution, the Commission has included small incumbent LECs in its regulatory flexibility analyses. See, e.g., Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket, 96–98, First Report and Order, 11 FCC Rcd 15499, 16144–45 (1996), 61 FR 45476 (Aug. 29, 1996).

[66] U.S. Department of Commerce, Bureau of the Census, *1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size,* at Firm Size 1–123 (1995) (*1992 Census*).

[67] *See generally* 15 U.S.C. 632(a)(1).

[68] *1992 Census, supra,* at Firm Size 1–123.

[69] 13 CFR 121.201, SIC code 4813.

[70] *Id.*

of local exchange services.[71] We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,348 providers of local exchange service are small entities or small ILECs that may be affected by the proposed rules, if adopted.

15. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[72] According to the most recent *Trends in Telephone Service* data, 171 carriers reported that they were engaged in the provision of interexchange services.[73] We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 171 small entity IXCs that may be affected by the proposed rules, if adopted.

16. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for telephone communications companies other than except radiotelephone (wireless) companies.[74] According to the most recent *Trends in Telephone Service* data, 212 CAP/CLECs carriers and 10 other LECs reported that they were engaged in the provision of competitive local exchange services.[75] We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 212 small entity CAPs and 10 other LECs that may be affected by the proposed rules, if adopted.

17. *Operator Service Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[76] According to the most recent *Trends in Telephone Service* data, 24 carriers reported that they were engaged in the provision of operator services.[77] We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 24 small entity operator service providers that may be affected by the proposed rules, if adopted.

18. *Pay Telephone Operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[78] According to the most recent *Trends in Telephone Service* data, 615 carriers reported that they were engaged in the provision of pay telephone services.[79] We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 615 small entity pay telephone operators that may be affected by the proposed rules, if adopted.

19. *Resellers (including debit card providers).* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies.[80] According to the most recent *Trends in Telephone Service* data, 388 toll and 54 local entities reported that they were engaged in the resale of telephone service.[81] We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 388 small toll entity resellers and 54 small local entity resellers that may be affected by the proposed rules, if adopted.

20. *Toll-Free 800 and 800-Like Service* Subscribers.[82] Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to 800 and 800-like service (''toll free'') subscribers. The most reliable source of information regarding the number of these service subscribers appears to be data the Commission collects on the 800, 888, and 877 numbers in use.[83] According to our most recent data, at the end of January 1999, the number of 800 numbers assigned was 7,692,955; the number of 888 numbers that had been assigned was 7,706,393; and the number of 877 numbers assigned was 1,946,538. We do not have data specifying the number of these subscribers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 7,692,955 small entity 800 subscribers, fewer than 7,706,393 small entity 888 subscribers, and fewer than 1,946,538 small entity

[71] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[72] 13 CFR 121.201, SIC code 4813.

[73] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[74] 13 CFR 121.201, SIC code 4813.

[75] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[76] 13 CFR 121.201, SIC code 4813.

[77] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[78] 13 CFR 121.201, SIC code 4813.

[79] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[80] 13 CFR 121.201, SIC code 4813.

[81] FCC, Common Carrier Bureau, Industry Analysis Division, *Trends in Telephone Service,* Table 19.3 (March 2000).

[82] We include all toll-free number subscribers in this category, including 888 numbers.

[83] FCC, CCB Industry Analysis Division, *FCC Releases, Study on Telephone Trends,* Tbls. 21.2, 21.3 and 21.4 (February 19, 1999).

877 subscribers may be affected by the proposed rules, if adopted.

INTERNATIONAL SERVICES

21. The Commission has not developed a definition of small entities applicable to licensees in the international services. Therefore, the applicable definition of small entity is generally the definition under the SBA rules applicable to Communications Services, Not Elsewhere Classified (NEC).[84] This definition provides that a small entity is expressed as one with $11.0 million or less in annual receipts.[85] According to the Census Bureau, there were a total of 848 communications services providers, NEC, in operation in 1992, and a total of 775 had annual receipts of less than $9.999 million.[86] The Census report does not provide more precise data.

22. *International Broadcast Stations.* Commission records show that there are 20 international broadcast station licensees. We do not request nor collect annual revenue information, and thus are unable to estimate the number of international broadcast licensees that would constitute a small business under the SBA definition. However, the Commission estimates that only six international broadcast stations are subject to regulatory fee payments.

23. *International Public Fixed Radio (Public and Control Stations).* There are 3 licensees in this service subject to payment of regulatory fees. We do not request nor collect annual revenue information, and thus are unable to estimate the number of international broadcast licensees that would constitute a small business under the SBA definition.

24. *Fixed Satellite Transmit/Receive Earth Stations.* There are approximately 2,679 earth station authorizations, a portion of which are Fixed Satellite Transmit/Receive Earth Stations. We do not request nor collect annual revenue information, and thus are unable to estimate the number of the earth stations that would constitute a small business under the SBA definition.

25. *Fixed Satellite Small Transmit/Receive Earth Stations.* There are approximately 2,679 earth station authorizations, a portion of which are Fixed Satellite Small Transmit/Receive Earth Stations. We do not request nor collect annual revenue information, and thus are unable to estimate the number of fixed satellite transmit/receive earth stations that would constitute a small business under the SBA definition.

26. *Fixed Satellite Very Small Aperture Terminal (VSAT) Systems.* These stations operate on a primary basis, and frequency coordination with terrestrial microwave systems is not required. Thus, a single ''blanket'' application may be filed for a specified number of small antennas and one or more hub stations. The Commission has processed 377 applications. We do not request nor collect annual revenue information, and thus are unable to estimate the number of VSAT systems that would constitute a small business under the SBA definition.

27. *Mobile Satellite Earth Stations.* There are 11 licensees. We do not request nor collect annual revenue information, and thus are unable to estimate the number of mobile satellite earth stations that would constitute a small business under the SBA definition.

28. *Radio Determination Satellite Earth Stations.* There are four licensees. We do not request nor collect annual revenue information, and thus are unable to estimate the number of radio determination satellite earth stations that would constitute a small business under the SBA definition.

29. *Space Stations (Geostationary).* Commission records reveal that there are 64 Geostationary Space Station licensees. We do not request nor collect annual revenue information, and thus are unable to estimate the number of geostationary space stations that would constitute a small business under the SBA definition.

30. *Space Stations (Non-Geostationary).* There are 12 Non-Geostationary Space Station licensees, of which only three systems are operational. We do not request nor collect annual revenue information, and thus are unable to estimate the number of non-geostationary space stations that would constitute a small business under the SBA definition.

31. *Direct Broadcast Satellites.* Because DBS provides subscription services, DBS falls within the SBA-recognized definition of ''Cable and Other Pay Television Services.''[87] This definition provides that a small entity is one with $11.0 million or less in annual receipts.[88] As of December 1996, there were eight DBS licensees. However, the Commission does not collect annual revenue data for DBS and, therefore, is unable to ascertain the number of small DBS licensees that would be impacted by these proposed rules. Although DBS service requires a great investment of capital for operation, there are several new entrants in this field that may not yet have generated $11 million in annual receipts, and therefore may be categorized as small businesses, if independently owned and operated.

Mass Media Services

32. *Commercial Radio and Television Services.* The proposed rules and policies will apply to television broadcasting licensees and radio broadcasting licensees.[89] The SBA defines a television broadcasting station that has $10.5 million or less in annual receipts as a small business.[90] Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services.[91] Included in this industry are commercial, religious, educational, and other television stations.[92] Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.[93] Separate establishments primarily engaged in producing taped television program materials are

[84] An exception is the Direct Broadcast Satellite (DBS) Service, *infra.*

[85] 13 CFR 120.121, SIC code 4899.

[86] *1992 Economic Census Industry and Enterprise Receipts Size Report,* Table 2D, SIC code 4899 (U.S. Bureau of the Census data under contract to the Office of Advocacy of the U.S. Small Business Administration).

[87] 13 CFR 120.121, SIC code 4841.

[88] 13 CFR 121.201, SIC code 4841.

[89] While we tentatively believe that the SBA's definition of ''small business'' greatly overstates the number of radio and television broadcast stations that are small businesses and is not suitable for purposes of determining the impact of the proposals on small television and radio stations, for purposes of this *Notice* we utilize the SBA's definition in determining the number of small businesses to which the proposed rules would apply. We reserve the right to adopt, in the future, a more suitable definition of ''small business'' as applied to radio and television broadcast stations or other entities subject to the proposed rules in this *Notice,* and to consider further the issue of the number of small entities that are radio and television broadcasters or other small media entities. *See Report and Order in MM Docket No. 93–48 (Children's Television Programming),* 11 FCC Rcd 10660, 10737–38 (1996), 61 FR 43981 (Aug. 27, 1996), *citing* 5 U.S.C. 601(3).

[90] 13 CFR 121.201, SIC code 4833.

[91] Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, *1992 Census of Transportation, Communications and Utilities, Establishment and Firm Size, Series UC92–S–1,* Appendix A–9 (1995) (*1992 Census, Series UC92–S–1*).

[92] *Id.; see* Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual* (1987), at 283, which describes ''Television Broadcasting Stations'' (SIC code 4833) as:

Establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational and other television stations. Also included here are establishments primarily engaged in television broadcasting and which produce taped television program materials.

[93] *1992 Census, Series UC92–S–1,* at Appendix A–9.

classified under another SIC number.[94] There were 1,509 television stations operating in the nation in 1992.[95] That number has remained fairly constant as indicated by the approximately 1,616 operating television broadcasting stations in the nation as of September 30, 1999.[96] For 1992,[97] the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments.[98] Only commercial stations are subject to regulatory fees.

33. Additionally, the Small Business Administration defines a radio broadcasting station that has $5 million or less in annual receipts as a small business.[99] A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public.[100] Included in this industry are commercial, religious, educational, and other radio stations.[101] Radio broadcasting stations, which primarily are engaged in, radio broadcasting and which produce radio program materials are similarly included.[102] However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number.[103] The 1992 Census indicates that 96 percent (5,861 of 6,127) radio station establishments produced less than $5 million in revenue in 1992.[104] Official Commission records indicate that 11,334 individual radio stations were operating in 1992.[105] As of September 30, 1999, Commission records indicate that 12,615 radio stations were operating, of which 7,832 were FM stations.[106] Only commercial stations are subject to regulatory fees.

34. Thus, the rules may affect approximately 1,616 full power television stations, approximately 1,200 of which are considered small businesses.[107] Additionally, the proposed rules will affect some 12,615 full power radio stations, approximately 11,670 of which are small businesses.[108] These estimates may overstate the number of small entities because the revenue figures on which they are based do not include or aggregate revenues from non-television or non-radio affiliated companies. There are also 2,194 low power television stations (LPTV).[109] Given the nature of this service, we will presume that all LPTV licensees qualify as small entities under the SBA definition.

Alternative Classification of Small Stations

35. An alternative way to classify small radio and television stations is by number of employees. The Commission currently applies a standard based on the number of employees in administering its Equal Employment Opportunity Rule (EEO) for broadcasting.[110] Thus, radio or television stations with fewer than five full-time employees are exempted from certain EEO reporting and record keeping requirements.[111] We estimate that the total number of broadcast stations with 4 or fewer employees is approximately 5,186, of which 340 are television stations.[112]

Auxiliary, Special Broadcast and Other Program Distribution Services

36. This service involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit back to the station). The Commission has not developed a definition of small entities applicable to broadcast auxiliary licensees. Therefore, the applicable definitions of small entities are those, noted previously, under the SBA rules applicable to radio broadcasting stations and television broadcasting stations.[113]

37. There are currently 3,237 FM translators and boosters, and 2,964 TV translators.[114] The FCC does not collect financial information on any broadcast facility, and the Department of Commerce does not collect financial information on these auxiliary broadcast facilities. We believe, however, that most, if not all, of these auxiliary facilities could be classified as small businesses by themselves. We also recognize that most commercial translators and boosters are owned by a parent station which, in some cases, would be covered by the revenue definition of small business entity discussed above. These stations would likely have annual revenues that exceed the SBA maximum to be designated as a small business (either $5 million for a radio station or $10.5 million for a TV station). Furthermore, they do not meet the Small Business Act's definition of a ''small business concern'' because they are not independently owned and operated.[115]

38. *Multipoint Distribution Service (MDS).* This service involves a variety of transmitters, which are used to relay programming to the home or office, similar to that provided by cable television systems.[116] In connection with the 1996 MDS auction, the Commission defined small businesses as entities that had annual average gross revenues for the three preceding years

[94] *Id.,* SIC code 7812 (Motion Picture and Video Tape Production); SIC code 7922 (Theatrical Producers and Miscellaneous Theatrical Services) (producers of live radio and television programs).

[95] FCC News Release No. 31327 (Jan. 13, 1993); *1992 Census, Series UC92–S–1,* at Appendix A–9.

[96] FCC News Release, ''Broadcast Station Totals as of September 30, 1999.''

[97] A census to determine the estimated number of Communications establishments is performed every five years, in years ending with a ''2'' or ''7.'' See *1992 Census, Series UC92–S–1,* at III.

[98] The amount of $10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at $9,999,999 and began at $10,000,000. No category for $10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

[99] 13 CFR 121.201, SIC code 4832.

[100] *1992 Census, Series UC92–S–1,* at Appendix A–9.

[101] *Id.*

[102] *Id.*

[103] *Id.*

[104] The Census Bureau counts radio stations located at the same facility as one establishment. Therefore, each co-located AM/FM combination counts as one establishment.

[105] FCC News Release, No. 31327 (Jan. 13, 1993).

[106] FCC News Release, ''Broadcast Station Totals as of September 30, 1999.''

[107] We use the 77 percent figure of TV stations operating at less than $10 million for 1992 and apply it to the 1997 total of 1558 TV stations to arrive at 1,200 stations categorized as small businesses.

[108] We use the 96% figure of radio station establishments with less than $5 million revenue from the Census data and apply it to the 12,088 individual station count to arrive at 11,605 individual stations as small businesses.

[109] FCC News Release, No. 7033 (Mar. 6, 1997).

[110] The Commission's definition of a small broadcast station for purposes of applying its EEO rules was adopted prior to the requirement of approval by the SBA pursuant to section 3(a) of the Small Business Act, 15 U.S.C. 632(a), as amended by section 222 of the Small Business Credit and Business Opportunity Enhancement Act of 1992, Public Law 102–366, 222(b)(1), 106 Stat. 999 (1992), as further amended by the Small Business Administration Reauthorization and Amendments Act of 1994, Public Law 103–403, 301, 108 Stat. 4187 (1994). However, this definition was adopted after public notice and the opportunity for comment. *See Report and Order* in Docket No. 18244, 23 FCC 2d 430 (1970), 35 FR 8925 (Jun. 6, 1970).

[111] *See, e.g.,* 47 CFR 73.3612 (Requirement to file annual employment reports on Form 395 applies to licensees with five or more full-time employees). *See also, Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding,* FCC 00–20, released February 2, 2000 (''*Review of EEO Rules*'').

[112] *See Review of EEO Rules,* Appendix B, Sec. C [from compilation of 1997 Broadcast Station Annual Employment Reports (FCC Form 395–B), Equal Employment Opportunity Staff, Mass Media Bureau, FCC].

[113] 13 CFR 121.201, SIC code 4832.

[114] FCC News Release, *Broadcast Station Totals as of September 30, 1999,* No. 71831 (Jan. 21, 1997).

[115] 15 U.S.C. 632.

[116] For purposes of this item, MDS includes both the single channel Multipoint Distribution Service (MDS) and the Multichannel Multipoint Distribution Service (MMDS).

not in excess of $40 million.[117] This definition of a small entity in the context of MDS auctions has been approved by the SBA.[118] These stations were licensed prior to implementation of section 309(j) of the Communications Act of 1934, as amended.[119] Licenses for new MDS facilities are now awarded to auction winners in Basic Trading Areas (BTAs) and BTA-like areas.[120] The MDS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 BTAs. Of the 67 auction winners, 61 meet the definition of a small business. There are 2,050 MDS stations currently licensed. Thus, we conclude that there are 1,634 MDS providers that are small businesses as deemed by the SBA and the Commission's auction rules. It is estimated, however, that only 1,650 MDS licensees are subject to regulatory fees, and the number which are small businesses is unknown.

Wireless and Commercial Mobile Services

39. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons.[121] According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.[122] Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent *Telecommunications Industry Revenue* data, 808 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data.[123] We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 808 small cellular service carriers that may be affected by the proposed rules, if adopted.

40. *220 MHz Radio Service—Phase I Licensees.* The 220 MHz service has both Phase I and Phase II licenses. Phase I licensing was conducted by lotteries in 1992 and 1993. There are approximately 1,515 such non-nationwide licensees and four nationwide licensees currently authorized to operate in the 220 MHz band. The Commission has not developed a definition of small entities specifically applicable to such incumbent 220 MHz Phase I licensees. To estimate the number of such licensees that are small businesses, we apply the definition under the SBA rules applicable to Radiotelephone Communications companies. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons.[124] According to the Bureau of the Census, only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees.[125] Therefore, if this general ratio continues in 1999 in the context of Phase I 220 MHz licensees, we estimate that nearly all such licensees are small businesses under the SBA's definition.

41. *220 MHz Radio Service—Phase II Licensees.* The Phase II 220 MHz service is a new service, and is subject to spectrum auctions. In the 220 MHz *Third Report and Order,* we adopted criteria for defining small businesses and very small businesses for purposes of determining their eligibility for special provisions such as bidding credits and installment payments.[126] We have defined a small business as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $15 million for the preceding three years. Additionally, a very small business is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years.[127] The SBA has approved these definitions.[128] An auction of Phase II licenses commenced on September 15, 1998, and closed on October 22, 1998.[129] Nine hundred and eight (908) licenses were auctioned in 3 different-sized geographic areas: three nationwide licenses, 30 Regional Economic Area Group Licenses, and 875 Economic Area (EA) Licenses. Of the 908 licenses auctioned, 693 were sold. Companies claiming small business status won: one of the Nationwide licenses, 67% of the Regional licenses, and 54% of the EA licenses. As of January 22, 1999, the Commission announced that it was prepared to grant 654 of the Phase II licenses won at auction.[130]

42. *Private and Common Carrier Paging.* The Commission has proposed a two-tier definition of small businesses in the context of auctioning licenses in the Common Carrier Paging and exclusive Private Carrier Paging services. Under the proposal, a small business will be defined as either (1) an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than $3 million, or (2) an entity that, together with affiliates and controlling principals, has average gross revenues for the three preceding calendar years of not more than $15 million. Because the SBA has not yet approved this definition for paging services, we will utilize the SBA's definition applicable to radiotelephone companies, *i.e.,* an entity employing no more than 1,500 persons.[131] At present, there are approximately 24,000 Private Paging licenses and 74,000 Common Carrier Paging licenses. According to the most recent *Telecommunications Industry Revenue* data, 172 carriers reported that they were engaged in the provision of either paging or ''other mobile'' services, which are placed together in the data.[132] We do not have

[117] 47 CFR 1.2110 (a)(1).

[118] *Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding,* 10 FCC Rcd 9589 (1995), 60 FR 36524 (Jul. 17, 1995).

[119] 47 U.S.C. 309(j).

[120] *Id.* A Basic Trading Area (BTA) is the geographic area by which the Multipoint Distribution Service is licensed. *See* Rand McNally *1992 Commercial Atlas and Marketing Guide,* 123rd Edition, pp. 36–39.

[121] 13 CFR 121.201, SIC code 4812.

[122] *1992 Census, Series UC92–S–1,* at Table 5, SIC code 4812.

[123] *Trends in Telephone Service,* Table 19.3 (March 2000).

[124] 13 CFR 121.201, Standard Industrial Classification (SIC) code 4812.

[125] U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92–S–1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms; 1992, SIC code 4812 (issued May 1995).

[126] 220 MHz Third Report and Order, 12 FCC Rcd 10943, 11068–70, at paras. 291–295 (1997).

[127] 220 MHz Third Report and Order, 12 FCC Rcd at 11068–69, para. 291.

[128] *See* Letter from A. Alvarez, Administrator, SBA, to D. Phythyon, Chief, Wireless Telecommunications Bureau, FCC (Jan. 6, 1998).

[129] *See generally* Public Notice, ''220 MHz Service Auction Closes,'' Report No. WT 98–36 (Wireless Telecom. Bur. Oct. 23, 1998).

[130] Public Notice, ''FCC Announces It is Prepared to Grant 654 Phase II 220 MHz Licenses After Final Payment is Made,'' Report No. AUC–18–H, DA No. 99–229 (Wireless Telecom. Bur. Jan. 22, 1999).

[131] 13 CFR 121.201, SIC code 4812.

[132] *Trends in Telephone Service,* Table 19.3 (February 19, 1999).

data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of paging carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 172 small paging carriers that may be affected by the proposed rules, if adopted. We estimate that the majority of private and common carrier paging providers would qualify as small entities under the SBA definition.

43. *Mobile Service Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. As noted above in the section concerning paging service carriers, the closest applicable definition under the SBA rules is that for radiotelephone (wireless) companies,[133] and the most recent *Telecommunications Industry Revenue* data shows that 172 carriers reported that they were engaged in the provision of either paging or ''other mobile'' services.[134] Consequently, we estimate that there are fewer than 172 small mobile service carriers that may be affected by the proposed rules, if adopted.

44. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined ''small entity'' for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. [135] For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. [136] These regulations defining ''small entity'' in the context of broadband PCS auctions have been approved by the SBA. [137] No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. [138] Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

45. *Narrowband PCS.* The Commission has auctioned nationwide and regional licenses for narrowband PCS. There are 11 nationwide and 30 regional licensees for narrowband PCS. The Commission does not have sufficient information to determine whether any of these licensees are small businesses within the SBA-approved definition for radiotelephone companies. At present, there have been no auctions held for the major trading area (MTA) and basic trading area (BTA) narrowband PCS licenses. The Commission anticipates a total of 561 MTA licenses and 2,958 BTA licenses will be awarded by auction. Such auctions have not yet been scheduled, however. Given that nearly all radiotelephone companies have no more than 1,500 employees and that no reliable estimate of the number of prospective MTA and BTA narrowband licensees can be made, we assume, for purposes of this IRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

46. *Rural Radiotelephone Service.* The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service.[139] A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS).[140] We will use the SBA's definition applicable to radiotelephone companies, *i.e.,* an entity employing no more than 1,500 persons.[141] There are approximately 1,000 licensees in the Rural Radiotelephone Service, and we estimate that almost all of them qualify as small entities under the SBA's definition.

47. *Air-Ground Radiotelephone Service.* The Commission has not adopted a definition of small entity specific to the Air-Ground Radiotelephone Service.[142] Accordingly, we will use the SBA's definition applicable to radiotelephone companies, *i.e.,* an entity employing no more than 1,500 persons.[143] There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and we estimate that almost all of them qualify as small under the SBA definition.

48. *Specialized Mobile Radio (SMR).* The Commission awards bidding credits in auctions for geographic area 800 MHz and 900 MHz SMR licenses to firms that had revenues of no more than $15 million in each of the three previous calendar years.[144] In the context of 900 MHz SMR, this regulation defining ''small entity'' has been approved by the SBA; approval concerning 800 MHz SMR is being sought.

49. The proposed fees in the NPRM apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. We assume, for purposes of this IRFA, that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

50. For geographic area licenses in the 900 MHz SMR band, there are 60 who qualified as small entities. For the 800 MHz SMR's, 38 are small or very small entities.

51. *Private Land Mobile Radio (PLMR).* PLMR systems serve an essential role in a range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories. The Commission has not developed a definition of small entity specifically applicable to PLMR licensees due to the vast array of PLMR users. For the purpose of determining whether a licensee is a small business as defined by the SBA, each licensee would need

[133] 13 CFR 121.201, SIC code 4812.

[134] *Trends in Telephone Service,* Table 19.3 (February 19, 1999).

[135] *See Amendment of Parts 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Report and Order,* FCC 96–278, WT Docket No. 96–59, paras. 57–60 (released Jun. 24, 1996), 61 FR 33859 (Jul. 1, 1996); *see also* 47 CFR 24.720(b).

[136] *See Amendment of Parts 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Report and Order,* FCC 96–278, WT Docket No. 96–59, para. 60 (1996), 61 FR 33859 (Jul. 1, 1996).

[137] *See, e.g.,* Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93–253, *Fifth Report and Order,* 9 FCC Rcd 5532, 5581–84 (1994).

[138] FCC News, *Broadband PCS, D, E and F Block Auction Closes,* No. 71744 (released Jan. 14, 1997).

[139] The service is defined in § 22.99 of the Commission's Rules, 47 CFR 22.99.

[140] BETRS is defined in §§ 22.757 and 22.759 of the Commission's Rules, 47 CFR 22.757 and 22.759.

[141] 13 CFR 121.201, SIC code 4812.

[142] The service is defined in § 22.99 of the Commission's Rules, 47 CFR 22.99.

[143] 13 CFR 121.201, SIC code 4812.

[144] 47 CFR 90.814(b)(1).

to be evaluated within its own business area.

52. The Commission is unable at this time to estimate the number of small businesses which could be impacted by the rules. However, the Commission's 1994 Annual Report on PLMRs [145] indicates that at the end of fiscal year 1994 there were 1,087,267 licensees operating 12,481,989 transmitters in the PLMR bands below 512 MHz. Because any entity engaged in a commercial activity is eligible to hold a PLMR license, the proposed rules in this context could potentially impact every small business in the United States.

53. *Amateur Radio Service.* We estimate that 8,000 applicants will apply for vanity call signs in FY 2000. All are presumed to be individuals. All other amateur licensees are exempt from payment of regulatory fees.

54. *Aviation and Marine Radio Service.* Small businesses in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. Therefore, the applicable definition of small entity is the definition under the SBA rules for radiotelephone communications.[146]

55. Most applicants for recreational licenses are individuals. Approximately 581,000 ship station licensees and 131,000 aircraft station licensees operate domestically and are not subject to the radio carriage requirements of any statute or treaty. Therefore, for purposes of our evaluations and conclusions in this IRFA, we estimate that there may be at least 712,000 potential licensees which are individuals or are small entities, as that term is defined by the SBA. We estimate, however, that only 16,800 will be subject to FY 2000 regulatory fees.

56. *Fixed Microwave Services.* Microwave services include common carrier,[147] private-operational fixed,[148] and broadcast auxiliary radio services.[149] At present, there are approximately 22,015 common carrier fixed licensees and 61,670 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this IRFA, we will utilize the SBA's definition applicable to radiotelephone companies—*i.e.,* an entity with no more than 1,500 persons.[150] We estimate, for this purpose, that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

57. *Public Safety Radio Services.* Public Safety radio services include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services.[151] There are a total of approximately 127,540 licensees within these services. Governmental entities [152] as well as private businesses comprise the licensees for these services. As indicated *supra* in paragraph four of this IRFA, all governmental entities with populations of less than 50,000 fall within the definition of a small entity.[153] All licensees in this category are exempt from the payment of regulatory fees.

58. *Personal Radio Services.* Personal radio services provide short-range, low power radio for personal communications, radio signaling, and business communications not provided for in other services. The services include the citizen's band (CB) radio service, general mobile radio service (GMRS), radio control radio service, and family radio service (FRS).[154] Inasmuch as the CB, GMRS, and FRS licensees are individuals, no small business definition applies for these services. We are unable at this time to estimate the number of other licensees that would qualify as small under the SBA's definition; however, only GMRS licensees are subject to regulatory fees.

59. *Offshore Radiotelephone Service.* This service operates on several UHF TV broadcast channels that are not used for TV broadcasting in the coastal area of the states bordering the Gulf of Mexico.[155] At present, there are approximately 55 licensees in this service. We are unable at this time to estimate the number of licensees that would qualify as small under the SBA's definition for radiotelephone communications.

60. *Wireless Communications Services.* This service can be used for fixed, mobile, radiolocation and digital audio broadcasting satellite uses. The Commission defined ''small business'' for the wireless communications services (WCS) auction as an entity with average gross revenues of $40 million for each of the three preceding years, and a ''very small business'' as an entity with average gross revenues of $15 million for each of the three preceding years. The Commission auctioned geographic area licenses in the WCS service. In the auction, there were seven winning bidders that qualified as very small business entities, and one that qualified as a small business entity. We conclude that the number of geographic

[145] Federal Communications Commission, *60th Annual Report, Fiscal Year 1994,* at 116.

[146] 13 CFR 121.201, SIC code 4812.

[147] 47 CFR 101 *et seq.* (formerly, part 21 of the Commission's Rules).

[148] Persons eligible under parts 80 and 90 of the Commission's rules can use Private Operational-Fixed Microwave services. *See* 47 CFR parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee's commercial, industrial, or safety operations.

[149] Auxiliary Microwave Service is governed by part 74 of Title 47 of the Commission's Rules. *See* 47 CFR 74 *et seq.* Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

[150] 13 CFR 121.201, SIC 4812.

[151] With the exception of the special emergency service, these services are governed by Subpart B of part 90 of the Commission's Rules, 47 CFR 90.15 through 90.27. The police service includes 26,608 licensees that serve state, county, and municipal enforcement through telephony (voice), telegraphy (code) and teletype and facsimile (printed material). The fire radio service includes 22,677 licensees comprised of private volunteer or professional fire companies as well as units under governmental control. The local government service that is presently comprised of 40,512 licensees that are state, county, or municipal entities that use the radio for official purposes not covered by other public safety services. There are 7,325 licensees within the forestry service which is comprised of licensees from state departments of conservation and private forest organizations who set up communications networks among fire lookout towers and ground crews. The 9,480 state and local governments are licensed to highway maintenance service provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. The 1,460 licensees in the Emergency Medical Radio Service (EMRS) use the 39 channels allocated to this service for emergency medical service communications related to the delivery of emergency medical treatment. 47 CFR 90.15 through 90.27. The 19,478 licensees in the special emergency service include medical services, rescue organizations, veterinarians, handicapped persons, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities. 47 CFR 90.33 through 90.55.

[152] 47 CFR 1.1162.

[153] 5 U.S.C. 601(5).

[154] Licensees in the Citizens Band (CB) Radio Service, General Mobile Radio Service (GMRS), Radio Control (R/C) Radio Service and Family Radio Service (FRS) are governed by Subpart D, Subpart A, Subpart C, and Subpart B, respectively, of part 95 of the Commission's Rules. 47 CFR 95.401 through 95.428; 95.1 through 95.181; 95.201 through 95.225; 47 CFR 95.191 through 95.194.

[155] This service is governed by subpart I of part 22 of the Commission's Rules. *See* 47 CFR 22.1001 through 22.1037.

area WCS licensees affected includes these eight entities.

IV. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

61. With certain exceptions, the Commission's Schedule of Regulatory Fees applies to all Commission licensees and regulatees. Most licensees will be required to count the number of licenses or call signs authorized, complete and submit an FCC Form 159 (''FCC Remittance Advice''), and pay a regulatory fee based on the number of licenses or call signs.[156] Interstate telephone service providers must compute their annual regulatory fee based on their interstate and international end-user revenue using information they already supply to the Commission in compliance with the Form 499–A, Telecommunications Reporting Worksheet, and they must complete and submit the FCC Form 159. Compliance with the fee schedule will require some licensees to tabulate the number of units (*e.g.,* cellular telephones, pagers, cable TV subscribers) they have in service, and complete and submit an FCC Form 159. Licensees ordinarily will keep a list of the number of units they have in service as part of their normal business practices. No additional outside professional skills are required to complete the FCC Form 159, and it can be completed by the employees responsible for an entity's business records.

62. Each licensee must submit the FCC Form 159 to the Commission's lockbox bank after computing the number of units subject to the fee. As an option, licensees are permitted to file electronically or on computer diskette to minimize the burden of submitting multiple copies of the FCC Form 159. This latter, optional procedure may require additional technical skills. Applicants who pay small fees in advance supply fee information as part of their application and do not need to use FCC Form 159.

63. Licensees and regulatees are advised that failure to submit the required regulatory fee in a timely manner will subject the licensee or regulatee to a late payment fee of 25 percent in addition to the required fee.[157] Until payment is received, no new or pending applications will be processed, and existing authorizations may be subject to rescission.[158] Further, in accordance with the Debt Collection Improvement Act of 1996, federal agencies may bar a person or entity from obtaining a federal loan or loan insurance guarantee if that person or entity fails to pay a delinquent debt owed to any federal agency.[159] Nonpayment of regulatory fees is a debt owed the United States pursuant to 31 U.S.C. 3711 *et seq.*, and the *Debt Collection Improvement Act of 1996,* Public Law 194–134. Appropriate enforcement measures, e.g., interest as well as administrative and judicial remedies, may be exercised by the Commission. Thus, debts owed to the Commission may result in a person or entity being denied a federal loan or loan guarantee pending before another federal agency until such obligations are paid.[160]

64. The Commission's rules currently provide for relief in exceptional circumstances. Persons or entities that believe they have been placed in the wrong regulatory fee category or are experiencing extraordinary and compelling financial hardship, upon a showing that such circumstances override the public interest in reimbursing the Commission for its regulatory costs, may request a waiver, reduction or deferment of payment of the regulatory fee.[161] However, timely submission of the required regulatory fee must accompany requests for waivers or reductions. This will avoid any late payment penalty if the request is denied. The fee will be refunded if the request is granted. In exceptional and compelling instances (where payment of the regulatory fee along with the waiver or reduction request could result in reduction of service to a community or other financial hardship to the licensee), the Commission will accept a petition to defer payment along with a waiver or reduction request.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

65. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. As described in Section IV of this IRFA, *supra,* we have created procedures in which all fee-filing licensees and regulatees use a single form, FCC Form 159, and have described in plain language the general filing requirements. We have also created Attachment F, *infra,* which gives ''Detailed Guidance on Who Must Pay Regulatory Fees.'' Because the collection of fees is statutory, our efforts at proposing alternatives are constrained and, throughout these annual fee proceedings, have been largely directed toward simplifying the instructions and necessary procedures for all filers. At this time, we invite comment on other alternatives that might simplify our fee procedures or otherwise benefit small entities, while remaining consistent with our statutory responsibilities in this proceeding.

66. *The Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY 1999,* Public Law 105–277 requires the Commission to revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress, pursuant to Section 9(a) of the Communications Act, as amended, has required the Commission to collect for Fiscal Year (FY) 2000.[162] As noted, we seek comment on the proposed methodology for implementing these statutory requirements and any other potential impact of these proposals on small entities.

67. With the use of actual cost accounting data for computation of

[156] The following categories are exempt from the Commission's Schedule of Regulatory Fees: Amateur radio licensees (except applicants for vanity call signs) and operators in other non-licensed services (*e.g.,* Personal Radio, part 15, ship and aircraft). Governments and non-profit (exempt under section 501(c) of the Internal Revenue Code) entities are exempt from payment of regulatory fees and need not submit payment. Non-commercial educational broadcast licensees are exempt from regulatory fees as are licensees of auxiliary broadcast services such as low power auxiliary stations, television auxiliary service stations, remote pickup stations and aural broadcast auxiliary stations where such licenses are used in conjunction with commonly owned non-commercial educational stations. Emergency Alert System licenses for auxiliary service facilities are also exempt as are instructional television fixed service licensees. Regulatory fees are automatically waived for the licensee of any translator station that: (1) Is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support. Receive only earth station permittees are exempt from payment of regulatory fees. A regulatee will be relieved of its fee payment requirement if its total fee due, including all categories of fees for which payment is due by the entity, amounts to less than $10.

[157] 47 U.S.C. 1.1164(a).

[158] 47 U.S.C. 1.1164(c).

[159] Public Law 104–134, 110 Stat. 1321 (1996).

[160] 31 U.S.C. 7701(c)(2)(B).

[161] 47 U.S.C. 1.1166.

[162] 47 U.S.C. 159(a).

regulatory fees, we found that some fees which were very small in previous years would have increased dramatically. The methodology proposed in this *NPRM* minimizes this impact by limiting the amount of increase and shifting costs to other services which, for the most part, are larger entities.

68. Several categories of licensees and regulatees are exempt from payment of regulatory fees. *See, e.g.,* footnote 149, *supra,* and Attachment F of the *NPRM, infra.*

VI. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules

69. None.

Attachment B—Sources of Payment Unit Estimates for FY 2000

In order to calculate individual service fees for FY 2000, we adjusted FY 1999 payment units for each service to more accurately reflect expected FY 2000 payment liabilities. We obtained our updated estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections when available. We tried to obtain verification for these estimates from multiple sources and, in all cases, we compared FY 2000 estimates with actual FY 1999 payment units to ensure that our revised estimates were reasonable. Where appropriate, we adjusted and/or rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units cannot yet be estimated exactly. These include an unknown number of waivers and/or exemptions that may occur in FY 2000 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical or other reasons. Therefore, when we note, for example, that our estimated FY 2000 payment units are based on FY 1999 actual payment units, it does not necessarily mean that our FY 2000 projection is *exactly* the same number as FY 1999. It means that we have either rounded the FY 2000 number or adjusted it slightly to account for these variables.

Fee category	Sources of payment unit estimates
Land Mobile (All), Microwave, 218–219 MHz[163], Marine (Ship & Coast), Aviation (Aircraft & Ground), GMRS, Amateur Vanity Call Signs, Domestic Public Fixed.	Based on Wireless Telecommunications Bureau (WTB) projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration the licensing of portions of these services on a voluntary basis.
CMRS Mobile Services	Based on industry estimates of growth between FY 1999 and FY 2000 and Wireless Telecommunications Bureau projections of new applications and average number of mobile units associated with each application.
CMRS Messaging Services	Based on industry estimates of the number of units in operation.
AM/FM Radio Stations	Based on actual FY 1999 payment units.
UHF/VHF Television Stations	Based on actual FY 1999 payment units.
AM/FM/TV Construction Permits	Based on actual FY 1999 payment units.
LPTV, Translators and Boosters	Based on actual FY 1999 payment units.
Auxiliaries	Based on Wireless Telecommunications Bureau (WTB) projections.
MDS/MMDS	Based on actual FY 1999 payment units.
Cable Antenna Relay Service (CARS)	Based on actual FY 1999 payment units.
Cable Television System Subscribers	Based on Cable Services Bureau and industry estimates of subscribership.
Interstate Telephone Service Providers	Based on actual FY 1999 interstate revenues associated with the Telecommunications Reporting Worksheet, adjusted to take into consideration FY 2000 revenue growth in this industry as estimated by the Common Carrier Bureau.
Earth Stations	Based on actual FY 1999 payment units.
Space Stations (GSOs & NGSOs)	Based on International Bureau licensee data bases.
International Bearer Circuits	Based on actual FY 1999 payment units.
International HF Broadcast Stations, International Public Fixed Radio Service.	Based on actual FY 1999 payment units.

ATTACHMENT C: CALCULATION OF REVENUE REQUIREMENTS AND PRO-RATA FEES

Fee category	FY 2000 payment units	×	FY 1999 fee	×	Payment years	=	Computed FY 2000 revenue requirement	Pro-rated revenue requirement[1]	Rounded new FY 2000 regulatory fee	Expected FY 2000 revenue
PLMRS (Exclusive Use)	3,800		13		5		247,000	239,408	13	239,408
Microwave	6,250		13		10		812,500	787,525	13	787,525
218–219 MHz (Formerly IVDS)	0		13		10		0	0	0	0
Marine (Ship)	6,300		7		10		441,000	427,444	7	427,444
GMRS/PLMRS (Shared Use)	59,000		7		5		2,065,000	2,001,526	7	2,001,526
Aviation (Aircraft)	3,300		7		10		231,000	223,889	7	223,889

[163] The Wireless Telecommunications Bureau's staff advises that they do not anticipate receiving any applications for 218–219 MHz (formerly IVDS) in FY 2000.

ATTACHMENT C: CALCULATION OF REVENUE REQUIREMENTS AND PRO-RATA FEES—Continued

Fee category	FY 2000 payment units	×	FY 1999 fee	×	Payment years	=	Computed FY 2000 revenue requirement	Pro-rated revenue requirement [1]	Rounded new FY 2000 regulatory fee	Expected FY 2000 revenue
Marine (Coast)	1,500		7		5		52,500	50,886	7	50,886
Aviation (Ground)	1,750		7		5		61,250	59,367	7	59,367
Amateur Vanity Call Signs	8,000		1.4		10		112,000	108,557	1.4	112,000
AM Class A	72		1,942		1		139,824	135,526	1,875	135,000
AM Class B	1,155		1,491		1		1,722,105	1,669,171	1,450	1,674,750
AM Class C	806		738		1		594,828	576,544	715	576,290
AM Class D	2,001		970		1		1,940,970	1,881,308	940	1,880,940
FM Classes A, B1 & C3	2,656		1,491		1		3,960,096	3,838,370	1,445	3,851,200
FM Classes B, C, C1 & C2	2,555		1,942		1		4,961,810	4,809,293	1,875	4,790,625
AM Construction Permits	60		260		1		15,600	15,120	250	15,000
FM Construction Permits	341		780		1		265,980	257,804	755	257,455
Satellite TV	70		1,300		1		91,000	88,203	1,250	87,500
Satellite TV Construction Permit	4		460		1		1,840	1,783	445	1,780
VHF Markets 1–10	44		41,225		1		1,813,900	1,758,144	39,950	1,757,800
VHF Markets 11–25	54		34,325		1		1,853,550	1,796,575	33,275	1,796,850
VHF Markets 26–50	67		23,475		1		1,572,825	1,524,479	22,750	1,524,250
VHF Markets 51–100	115		13,150		1		1,512,250	1,465,766	12,750	1,466,250
VHF Remaining Markets	195		3,400		1		663,000	642,621	3,300	643,500
VHF Construction Permits	19		2,775		1		52,725	51,104	2,700	51,300
UHF Markets 1–10	70		15,550		1		1,088,500	1,055,041	15,075	1,055,250
UHF Markets 11–25	75		11,775		1		883,125	855,979	11,425	856,875
UHF Markets 26–50	102		7,300		1		744,600	721,712	7,075	721,650
UHF Markets 51–100	148		4,350		1		643,800	624,011	4,225	625,300
UHF Remaining Markets	163		1,175		1		191,525	185,638	1,150	187,450
UHF Construction Permits	93		2,900		1		269,700	261,410	2,800	260,400
Auxiliaries	22,500		12		1		270,000	261,701	12	261,701
International HF Broadcast	5		520		1		2,600	2,520	505	2,525
LPTV/Translators/Boosters	2,710		290		1		785,900	761,743	280	758,800
CARS	1,687		55		1		92,785	89,933	53	89,933
Cable Systems	66,690,000		0.48		1		32,011,200	31,027,233	0.47	31,027,233
Interstate Telephone Service Providers	73,900,000,000		0.00121		1		89,419,000	86,670,419	0.00117	86,670,419
CMRS Mobile Services (Cellular/Public Mobile)	82,000,000		0.32		1		26,240,000	25,433,429	0.31	25,433,429
CMRS Messaging Services	38,900,000		0.04		1		1,556,000	1,508,171	0.04	1,508,171
MDS/MMDS/LMDS	3,036		285		1		865,260	838,663	275	834,900
International Bearer Circuits	595,614		7		1		4,169,298	4,041,141	7	4,041,141
International Public Fixed	3		410		1		1,230	1,192	395	1,185
Earth Stations	2,679		180		1		482,220	467,397	175	468,825
Space Stations (Geostationary)	63.5		130,550		1		6,201,125	6,010,513	94,650	6,010,275
Space Stations (Non-geostationary)	3		180,800		1		542,400	525,728	175,250	525,750
Total Estimated Revenue Collected							191,644,821	185,754,000		185,753,420

ATTACHMENT C: CALCULATION OF REVENUE REQUIREMENTS AND PRO-RATA FEES—Continued

Fee category	FY 2000 payment units	×	FY 1999 fee	×	Payment years	=	Computed FY 2000 revenue requirement	Pro-rated revenue requirement [1]	Rounded new FY 2000 regulatory fee	Expected FY 2000 revenue
Total Revenue Requirement	.....		.....		.....		185,754,000	185,754,000	.....	185,754,000
Difference	.....		.....		.....		5,890,821	0	.....	(243)

[1] 0.969261778 factor applied.

ATTACHMENT D: FY 2000 SCHEDULE OF REGULATORY FEES

[Proposed]

Fee category	Annual regulatory fee (U.S. $'s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	13
Microwave (per license) (47 CFR part 101)	13
218–219 MHz (Formerly Interactive Video Data Service) (per license) (47 CFR part 95)	13
Marine (Ship) (per station) (47 CFR part 80)	7
Marine (Coast) (per license) (47 CFR part 80)	7
General Mobile Radio Service (per license) (47 CFR part 95)	7
PLMRS (Shared Use) (per license) (47 CFR part 90)	7
Aviation (Aircraft) (per station) (47 CFR part 87)	7
Aviation (Ground) (per license) (47 CFR part 87)	7
Amateur Vanity Call Signs (per call sign) (47 CFR part 97)	1.40
CMRS Mobile Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.31
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.04
Multipoint Distribution Services (Includes MMDS & LMDS)(per call sign) (47 CFR parts 21 and 101)	275
AM Radio Construction Permits	250
FM Radio Construction Permits	755
TV (47 CFR part 73) VHF Commercial:	
Markets 1–10	39,950
Markets 11–25	33,275
Markets 26–50	22,750
Markets 51–100	12,750
Remaining Markets	3,300
Construction Permits	2,700
TV (47 CFR part 73) UHF Commercial:	
Markets 1–10	15,075
Markets 11–25	11,425
Markets 26–50	7,075
Markets 51–100	4,225
Remaining Markets	1,150
Construction Permits	2,800
Satellite Television Stations (All Markets)	1,250
Construction Permits—Satellite Television Stations	445
Low Power TV, TV/FM Translators & Boosters (47 CFR part 74)	280
Broadcast Auxiliary (47 CFR part 74)	12
CARS (47 CFR part 78)	53
Cable Television Systems (per subscriber) (47 CFR part 76)	.47
Interstate Telephone Service Providers (per revenue dollar)	.00117
Earth Stations (47 CFR part 25)	175
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes Direct Broadcast Satellite Service (per operational station) (47 CFR part 100)	94,650
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	175,250
International Bearer Circuits (per active 64KB circuit)	7
International Public Fixed (per call sign) (47 CFR part 23)	395
International (HF) Broadcast (47 CFR part 73)	505

RADIO STATION REGULATORY FEES

Population served	AM class A	AM class B	AM class C	AM class D	FM classes A, B1 & C3	FM classes B, C, C1 & C2
<20,000	400	300	200	250	300	400
20,001–50,000	800	625	300	425	625	800
50.001–125,000	1,325	850	425	650	850	1,325
125,001–400,000	1,950	1,350	625	775	1,350	1,950
400,001–1,000,000	2,725	2,200	1,200	1,450	2,200	2,725

RADIO STATION REGULATORY FEES—Continued

Population served	AM class A	AM class B	AM class C	AM class D	FM classes A, B1 & C3	FM classes B, C, C1 & C2
>1,000,000	4,375	3,575	1,725	2,225	3,575	4,375

ATTACHMENT E: COMPARISON BETWEEN FY 1999 & FY 2000 PROPOSED REGULATORY FEES

Fee category	Annual regulatory fee FY 1999	NPRM proposed fee FY 2000	Annual regulatory fee FY 2000
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	13	13	
Microwave (per license) (47 CFR part 101)	13	13	
218–219 MHz (Formerly Interactive Video Data Service) (per license) (47 CFR part 95)	13	13	
Marine (Ship) (per station) (47 CFR part 80)	7	7	
Marine (Coast) (per license) (47 CFR part 80)	7	7	
General Mobile Radio Service (per license) (47 CFR part 95)	7	7	
PLMRS (Shared Use) (47 CFR part 90)	7	7	
Aviation (Aircraft) (per station) (47 CFR part 87)	7	7	
Aviation (Ground) (per license) (47 CFR part 87)	7	7	
Amateur Vanity Call Signs (per call sign) (47 CFR part 97)	1.40	1.40	
CMRS Mobile Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.32	.31	
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.04	.04	
Multipoint Distribution Services (Includes MMDS and LMDS)(per call sign) (47 CFR part 21 and 101)	285	275	
AM Construction Permits	260	250	
FM Construction Permits	780	755	
TV (47 CFR part 73) VHF Commercial:			
Markets 1–10	41,225	39,950	
Markets 11–25	34,325	33,275	
Markets 26–50	23,475	22,750	
Markets 51–100	13,150	12,750	
Remaining Markets	3,400	3,300	
Construction Permits	2,775	2,700	
TV (47 CFR part 73) UHF Commercial:			
Markets 1–10	15,550	15,075	
Markets 11–25	11,775	11,425	
Markets 26–50	7,300	7,075	
Markets 51–100	4,350	4,225	
Remaining Markets	1,175	1,150	
Construction Permits	2,900	2,800	
Satellite Television Stations (All Markets)	1,300	1,250	
Construction Permits—Satellite Television Stations	460	445	
Low Power TV, TV/FM Translators & Boosters (47 CFR part 74)	290	280	
Broadcast Auxiliary (47 CFR part 74)	12	12	
CARS (47 CFR part 78)	55	53	
Earth Stations (47 CFR part 25)	180	175	
Cable Television Systems (per subscriber) (47 CFR part 76)	.48	.47	
Interstate Telephone Service Providers (per revenue dollar)	.00121	.00117	
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes Direct Broadcast Satellite Service (per operational station) (47 CFR part 100)	130,550	94,650	
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	180,800	175,250	
International Bearer Circuits (per active 64KB circuit)	7	7	
International Public Fixed (per call sign) (47 CFR part 23)	410	395	
International (HF) Broadcast (47 CFR part 73)	520	505	

FY 1999 RADIO STATION REGULATORY FEES

Population served	AM class A	AM class B	AM class C	AM class D	FM classes A, B1 & C3	FM classes B, C, C1 & C2
<20,000	430	325	225	275	325	430
20,001–50,000	825	650	325	450	650	825
50,001–125,000	1,350	875	450	675	875	1,350
125,001–400,000	2,000	1,400	675	825	1,400	2,000
400,001–1,000,000	2,750	2,250	1,250	1,500	2,250	2,750
>1,000,000	4,400	3,600	1,750	2,250	3,600	4,400

FY 2000 RADIO STATION REGULATORY FEES

Population served	AM class A	AM class B	AM class C	AM class D	FM classes A, B1 & C3	FM classes B, C, C1 & C2
<20,000	400	300	200	250	300	400
20,001–50,000	800	625	300	425	625	800
50,001–125,000	1,325	850	425	650	850	1,325
125,001–400,000	1,950	1,350	625	775	1,350	1,950
400,001–1,000,000	2,725	2,200	1,200	1,450	2,200	2,725
>1,000,000	4,375	3,575	1,725	2,225	3,575	4,375

Attachment F: Detailed Guidance on Who Must Pay Regulatory Fees

1. The guidelines below provide an explanation of regulatory fee categories established by the Schedule of Regulatory Fees in section 9 (g) of the Communications Act,[164] as modified in the instant *NPRM.* Where regulatory fee categories need interpretation or clarification, we have relied on the legislative history of section 9, our own experience in establishing and regulating the Schedule of Regulatory Fees for Fiscal Years (FY) 1994, 1995, 1996, 1997, 1998 and 1999 and the services subject to the fee schedule. The categories and amounts set out in the schedule have been modified to reflect changes in the number of payment units, additions and changes in the services subject to the fee requirement and the benefits derived from the Commission's regulatory activities, and to simplify the structure of the schedule. The schedule may be similarly modified or adjusted in future years to reflect changes in the Commission's budget and in the services regulated by the Commission.[165]

2. *Exemptions.* Governments and nonprofit entities are exempt from paying regulatory fees and should not submit payment. A nonprofit entity is required to have on file with the Commission an IRS Determination Letter documenting that it is exempt from taxes under section 501 of the Internal Revenue Code or the certification of a governmental authority attesting to its nonprofit status. In instances where the IRS Determination Letter or the letter of certification from a governmental authority attesting to its nonprofit status is not sufficiently current, the nonprofit entity may be asked to submit more current documentation. The governmental exemption applies even where the government-owned or community-owned facility is in competition with a commercial operation. Other specific exemptions are discussed below in the descriptions of other particular service categories.

1. Private Wireless Radio Services

3. Two levels of statutory fees were established for the Private Wireless Radio Services—exclusive use services and shared use services. Thus, licensees who generally receive a higher quality communication channel due to exclusive or lightly shared frequency assignments will pay a higher fee than those who share marginal quality assignments. This dichotomy is consistent with the directive of section 9, that the regulatory fees reflect the benefits provided to the licensees.[166] In addition, because of the generally small amount of the fees assessed against Private Wireless Radio Service licensees, applicants for new licenses and reinstatements and for renewal of existing licenses are required to pay a regulatory fee covering the entire license term, with only a percentage of all licensees paying a regulatory fee in any one year. Applications for modification or assignment of existing authorizations do not require the payment of regulatory fees. The expiration date of those authorizations will reflect only the unexpired term of the underlying license rather than a new license term.

a. Exclusive Use Services

4. *Private Land Mobile Radio Services (PLMRS) (Exclusive Use):* Regulatees in this category include those authorized under part 90 of the Commission's Rules to provide limited access Wireless Radio service that allows high quality voice or digital communications between vehicles or to fixed stations to further the business activities of the licensee. These services, using the 220–222 MHz band and frequencies at 470 MHz and above, may be offered on a private carrier basis in the Specialized Mobile Radio Services (SMRS).[167] For FY 2000, PMRS licensees will pay a $13 annual regulatory fee per license, payable for an entire five or ten year license term at the time of application for a new, renewal, or reinstatement license.[168] The total regulatory fee due is either $65 for a license with a five-year term or $130 for a license with a 10-year term.

5. *Microwave Services:* These services include private and commercial microwave systems and private and commercial carrier systems authorized under part 101 of the Commission's Rules to provide telecommunications services between fixed points on a high quality channel of communications. Microwave systems are often used to relay data and to control railroad, pipeline, and utility equipment. Commercial systems typically are used for video or data transmission or distribution. For FY 2000, Microwave licensees will pay a $13 annual regulatory fee per license, payable for an entire ten-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $130 for the ten-year license term.

6. *218–219 MHz (Formerly Interactive Video Data Service (IVDS)):* The 218–219 MHz service is a two-way, point-to-multi-point radio service allocated high quality channels of communications and authorized under part 95 of the Commission's Rules. The 218–219 MHz service provides information, products, and services, and also the capability to obtain responses from subscribers in a specific service area. The 218–219 MHz service is offered on a private carrier basis. The Commission does not anticipate receiving any applications in the 218–219 MHz service during FY 2000. However, for FY 2000, we propose that the annual regulatory fee for 218–219 MHz licensees be set at $13 should there be any applications submitted. The total regulatory fee due would be $130 for the ten-year license term.

[164] 47 U.S.C. 159(g)

[165] 47 U.S.C. 159(b)(2), (3).

[166] 47 U.S.C. 159(b)(1)(A).

[167] This category only applies to licensees of shared-use private 220–222 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected not to change to the Commercial Mobile Radio Service (CMRS). Those who have elected to change to the CMRS are referred to paragraph 14 of this Attachment.

[168] Although this fee category includes licenses with ten-year terms, the estimated volume of ten-year license applications in FY 2000 is less than one-tenth of one percent and, therefore, is statistically insignificant.

b. Shared Use Services

7. *Marine (Ship) Service:* This service is a shipboard radio service authorized under part 80 of the Commission's Rules to provide telecommunications between watercraft or between watercraft and shore-based stations. Radio installations are required by domestic and international law for large passenger or cargo vessels. Radio equipment may be voluntarily installed on smaller vessels, such as recreational boats. The Telecommunications Act of 1996 gave the Commission the authority to license certain ship stations by rule rather than by individual license. The Commission exercises that authority. Thus, private boat operators sailing entirely within domestic U.S. waters and who are not otherwise required by treaty or agreement to carry a radio, are no longer required to hold a marine license, and they will not be required to pay a regulatory fee. For FY 2000, parties required to be licensed and those choosing to be licensed for Marine (Ship) Stations will pay a $7 annual regulatory fee per station, payable for an entire ten-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $70 for the ten-year license term.

8. *Marine (Coast) Service:* This service includes land-based stations in the maritime services, authorized under part 80 of the Commission's Rules, to provide communications services to ships and other watercraft in coastal and inland waterways. For FY 2000, licensees of Marine (Coast) Stations will pay a $7 annual regulatory fee per call sign, payable for the entire five-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $35 per call sign for the five-year license term.

9. *Private Land Mobile Radio Services (PLMRS) (Shared Use):* These services include Land Mobile Radio Services operating under parts 90 and 95 of the Commission's Rules. Services in this category provide one- or two-way communications between vehicles, persons or fixed stations on a shared basis and include radiolocation services, industrial radio services, and land transportation radio services. For FY 2000, licensees of services in this category will pay a $7 annual regulatory fee per call sign, payable for an entire five-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $35 for the five-year license term.

10. *Aviation (Aircraft) Service:* These services include stations authorized to provide communications between aircraft and between aircraft and ground stations and include frequencies used to communicate with air traffic control facilities pursuant to part 87 of the Commission's Rules. The Telecommunications Act of 1996 gave the Commission the authority to license certain aircraft radio stations by rule rather than by individual license. The commission exercises that authority. Thus, private aircraft operators flying entirely within domestic U.S. airspace and who are not otherwise required by treaty or agreement to carry a radio are no longer required to hold an aircraft license, and they will not be required to pay a regulatory fee. For FY 2000, parties required to be licensed and those choosing to be licensed for Aviation (Aircraft) Stations will pay a $7 annual regulatory fee per station, payable for the entire ten-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee due is $70 per station for the ten-year license term.

11. *Aviation (Ground) Service:* This service includes stations authorized to provide ground-based communications to aircraft for weather or landing information, or for logistical support pursuant to part 87 of the Commission's Rules. Certain ground-based stations which only serve itinerant traffic, i.e., possess no actual units on which to assess a fee, are exempt from payment of regulatory fees. For FY 2000, licensees of Aviation (Ground) Stations will pay a $7 annual regulatory fee per license, payable for the entire five-year license term at the time of application for a new, renewal, or reinstatement license. The total regulatory fee is $35 per call sign for the five-year license term.

12. *General Mobile Radio Service (GMRS):* These services include Land Mobile Radio licensees providing personal and limited business communications between vehicles or to fixed stations for short-range, two-way communications pursuant to part 95 of the Commission's Rules. For FY 2000, GMRS licensees will pay a $7 annual regulatory fee per license, payable for an entire five-year license term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $35 per license for the five-year license term.

c. Amateur Radio Vanity Call Signs

13. *Amateur Vanity Call Signs:* This category covers voluntary requests for specific call signs in the Amateur Radio Service authorized under part 97 of the Commission's Rules. Applicants for Amateur Vanity Call-Signs will continue to pay a $1.40 annual regulatory fee per call sign, as prescribed in the FY 1999 fee schedule, payable for an entire ten-year license term at the time of application for a vanity call sign until the FY 2000 fee schedule becomes effective. The total regulatory fee due would be $14 per license for the ten-year license term.[169] For FY 2000, Amateur Vanity Call Sign applicants will again pay a $1.40 annual regulatory fee per call sign, payable for an entire ten-year term at the time of application for a new, renewal or reinstatement license. The total regulatory fee due is $14 per call sign for the ten-year license term.

d. Commercial Wireless Radio Services

14. *Commercial Mobile Radio Services (CMRS) Mobile Services:* The Commercial Mobile Radio Service (CMRS) is an ''umbrella'' descriptive term attributed to various existing broadband services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS Mobile Services include certain licensees which formerly were licensed as part of the Private Radio Services (*e.g.*, Specialized Mobile Radio Services) and others formerly licensed as part of the Common Carrier Radio Services (*e.g.*, Public Mobile Services and Cellular Radio Service). While specific rules pertaining to each covered service remain in separate parts 22, 24, 27, 80 and 90, general rules for CMRS are contained in part 20. CMRS Mobile Services will include: Specialized Mobile Radio Services (part 90);[170] Broadband Personal Communications Services (part 24), Public Coast Stations (part 80); Public Mobile Radio (Cellular, 800 MHz Air-Ground Radiotelephone, and Offshore Radio Services) (part 22); and Wireless Communications Service (part 27). Each licensee in this group will pay an annual regulatory fee for each mobile or cellular unit (mobile or telephone number), assigned to its customers, including resellers of its

[169] Section 9(h) exempts ''amateur radio operator licenses under part 97 of the Commission's rules (47 CFR part 97)'' from the requirement. However, section 9(g)'s fee schedule explicitly includes ''Amateur vanity call signs'' as a category subject to the payment of a regulatory fee.

[170] This category does not include licensees of private shared-use 220 MHz and 470 MHz and above in the Specialized Mobile Radio (SMR) service who have elected to remain non-commercial. Those who have elected not to change to the Commercial Mobile Radio Service (CMRS) are referred to paragraph 4 of this Attachment.

services. For FY 2000, the regulatory fee is $.31 per unit.

15. *Commercial Mobile Radio Services (CMRS) Messaging Services:* The Commercial Mobile Radio Service (CMRS) is an ''umbrella'' descriptive term attributed to various existing narrowband services authorized to provide interconnected mobile radio services for profit to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public. CMRS Messaging Services include certain licensees which formerly were licensed as part of the Private Radio Services (*e.g.*, Private Paging and Radiotelephone Service), licensees formerly licensed as part of the Common Carrier Radio Services (*e.g.*, Public Mobile One-Way Paging), licensees of Narrowband Personal Communications Service (PCS) (*e.g.*, one-way and two-way paging), and 220–222 MHz Band and Interconnected Business Radio Service. While specific rules pertaining to each covered service remain in separate parts 22, 24 and 90, general rules for CMRS are contained in part 20. Each licensee in the CMRS Messaging Services will pay an annual regulatory fee for each unit (pager, telephone number, or mobile) assigned to its customers, including resellers of its services. For FY 2000, the regulatory fee is $.04 per unit.

16. Finally, we are reiterating our definition of CMRS payment units to make it clear that fees are assessable on each PCS or cellular telephone and each one-way or two-way pager capable of receiving or transmitting information, whether or not the unit is ''active'' on the ''as-of'' date for payment of these fees. The unit becomes ''feeable'' if the end user or assignee of the unit has possession of the unit and the unit is capable of transmitting or receiving voice or non-voice messages or data and the unit is either owned and operated by the licensee of the CMRS system or a reseller, or the end user of a unit has a contractual agreement for the provision of a CMRS service from a licensee of a CMRS system or a reseller of a CMRS service. The responsible payer of the regulatory fee is the CMRS licensee. For example, John Doe purchases a pager and contractually obtains paging services from Paging Licensee X. Paging Licensee X is responsible for paying the applicable regulatory fee for this unit. Likewise, Cellular Licensee Y donates cellular phones to a high school and the high school either pays for or obtains free cellular service from Cellular Licensee Y. In this situation, Cellular Licensee Y is responsible for paying the applicable regulatory fees for these units.

2. Mass Media Services

17. The regulatory fees for the Mass Media fee category apply to broadcast licensees and permittees. Noncommercial Educational Broadcasters are exempt from regulatory fees.

a. Commercial Radio

18. These categories include licensed Commercial AM (Classes A, B, C, and D) and FM (Classes A, B, B1, C, C1, C2, and C3) Radio Stations operating under part 73 of the Commission's Rules.[171] We have combined class of station and city grade contour population data to formulate a schedule of radio fees which differentiate between stations based on class of station and population served. In general, higher class stations and stations in metropolitan areas will pay higher fees than lower class stations and stations located in rural areas. The specific fee that a station must pay is determined by where it ranks after weighting its fee requirement (determined by class of station) with its population. The regulatory fee classifications for Radio Stations for FY 2000 are as follows:

FY 2000 RADIO STATION REGULATORY FEES

Population served	AM class A	AM class B	AM class C	AM class D	FM classes A, B1 & C3	FM classes B, C, C1 & C2
<20,000	400	300	200	250	300	400
20,001–50,000	800	625	300	425	625	800
50,001–125,000	1,325	850	425	650	850	1,325
125,001–400,000	1,950	1,350	625	775	1,350	1,950
400,001–1,000,000	2,725	2,200	1,200	1,450	2,200	2,725
>1,000,000	4,375	3,575	1,725	2,225	3,575	4,375

19. Licensees may determine the appropriate fee payment by referring to a list which will be provided as an attachment to the final *Report and Order* in this proceeding. This same information will be available on the FCC's internet world wide web site (http://www.fcc.gov) by calling the FCC's National Call Center (1–888–225–5322), and may be included in the Public Notices mailed to each licensee for which we have a current address on file (**Note:** Non-receipt of a Public Notice does not relieve a licensee of its obligation to submit its regulatory fee payment).

b. Construction Permits—Commercial AM Radio

20. This category includes holders of permits to construct new Commercial AM Stations. For FY 2000, permittees will pay a fee of $250 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable and licensees would be required to pay the applicable fee for the designated group within which the station appears.

c. Construction Permits—Commercial FM Radio

This category includes holders of permits to construct new Commercial FM Stations. For FY 2000, permittees will pay a fee of $755 for each permit held. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a regulatory fee based upon the designated group within which the station appears.

d. Commercial Television Stations

22. This category includes licensed Commercial VHF and UHF Television Stations covered under part 73 of the Commission's Rules, except commonly owned Television Satellite Stations, addressed separately below. Markets are Nielsen Designated Market Areas (DMA) as listed in the *Television&Cable Factbook,* Stations Volume No. 68, 2000

[171] The Commission acknowledges that certain stations operating in Puerto Rico and Guam have been assigned a higher level station class than would be expected if the station were located on the mainland. Although this results in a higher regulatory fee, we believe that the increased interference protection associated with the higher station class is necessary and justifies the fee.

Edition, Warren Publishing, Inc. The fees for each category of station are as follows:

VHF Markets 1–10—$39,950
VHF Markets 11–25—33,275
VHF Markets 26–50—22,750
VHF Markets 51–100—12,750
VHF Remaining Markets—3,300
UHF Markets 1–10—$15,075
UHF Markets 11–25—11,425
UHF Markets 26–50—7,075
UHF Markets 51–100—4,225
UHF Remaining Markets—1,150

e. Commercial Television Satellite Stations

23. Commonly owned Television Satellite Stations in any market (authorized pursuant to Note 5 of § 73.3555 of the Commission's Rules) that retransmit programming of the primary station are assessed a fee of $1,250 annually. Those stations designated as Television Satellite Stations in the 2000 Edition of the *Television and Cable Factbook* are subject to the fee applicable to Television Satellite Stations. All other television licensees are subject to the regulatory fee payment required for their class of station and market.

f. Construction Permits—Commercial VHF Television Stations

24. This category includes holders of permits to construct new Commercial VHF Television Stations. For FY 2000, VHF permittees will pay an annual regulatory fee of $2,700. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

g. Construction Permits—Commercial UHF Television Stations

25. This category includes holders of permits to construct new UHF Television Stations. For FY 2000, UHF Television permittees will pay an annual regulatory fee of $2,800. Upon issuance of an operating license, this fee would no longer be applicable. Instead, licensees would pay a fee based upon the designated market of the station.

h. Construction Permits—Satellite Television Stations

26. The fee for UHF and VHF Television Satellite Station construction permits for FY 2000 is $445. An individual regulatory fee payment is to be made for each Television Satellite Station construction permit held.

i. Low Power Television, FM Translator and Booster Stations, TV Translator and Booster Stations

27. This category includes Low Power UHF/VHF Television stations operating under part 74 of the Commission's Rules with a transmitter power output limited to 1 kW for a UHF facility and, generally, 0.01 kW for a VHF facility. Low Power Television (LPTV) stations may retransmit the programs and signals of a TV Broadcast Station, originate programming, and/or operate as a subscription service. This category also includes translators and boosters operating under part 74 which rebroadcast the signals of full service stations on a frequency different from the parent station (translators) or on the same frequency (boosters). The stations in this category are secondary to full service stations in terms of frequency priority. We have also received requests for waivers of the regulatory fees from operators of community based Translators. These Translators are generally not affiliated with commercial broadcasters, are nonprofit, nonprofitable, or only marginally profitable, serve small rural communities, and are supported financially by the residents of the communities served. We are aware of the difficulties these Translators have in paying even minimal regulatory fees, and we have addressed those concerns in the ruling on reconsideration of the FY 1994 *Report and Order*. Community based Translators are exempt from regulatory fees. For FY 2000, licensees in low power television, FM translator and booster, and TV translator and booster category will pay a regulatory fee of $280 for each license held.

j. Broadcast Auxiliary Stations

28. This category includes licensees of remote pickup stations (either base or mobile) and associated accessory equipment authorized pursuant to a single license, Aural Broadcast Auxiliary Stations (Studio Transmitter Link and Inter-City Relay) and Television Broadcast Auxiliary Stations (TV Pickup, TV Studio Transmitter Link, TV Relay) authorized under part 74 of the Commission's Rules. Auxiliary Stations are generally associated with a particular television or radio broadcast station or cable television system. This category does not include translators and boosters (see paragraph 26 *infra*). For FY 2000, licensees of Commercial Auxiliary Stations will pay a $12 annual regulatory fee on a per call sign basis.

k. Multipoint Distribution Service

29. This category includes Multipoint Distribution Service (MDS), Local Multipoint Distribution (LMDS), and Multichannel Multipoint Distribution Service (MMDS), authorized under parts 21 and 101 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. For FY 2000, MDS, LMDS, and MMDS stations will pay an annual regulatory fee of $275 per call sign.

3. Cable Services

a. Cable Television Systems

30. This category includes operators of Cable Television Systems, providing or distributing programming or other services to subscribers under part 76 of the Commission's Rules. For FY 2000, Cable Systems will pay a regulatory fee of $.47 per subscriber.[172] Payments for Cable Systems are to be made on a per subscriber basis as of December 31, 1999. Cable Systems should determine their subscriber numbers by calculating the number of single family dwellings, the number of individual households in multiple dwelling units, *e.g.,* apartments, condominiums, mobile home parks, etc., paying at the basic subscriber rate, the number of bulk rate customers and the number of courtesy or fee customers. In order to determine the number of bulk rate subscribers, a system should divide its bulk rate charge by the annual subscription rate for individual households. See FY 1994 *Report and Order*, Appendix B at paragraph 31.

b. Cable Antenna Relay Service

31. This category includes Cable Antenna Relay Service (CARS) stations used to transmit television and related audio signals, signals of AM and FM Broadcast Stations, and cablecasting from the point of reception to a terminal point from where the signals are distributed to the public by a Cable Television System. For FY 2000, licensees will pay an annual regulatory fee of $53 per CARS license.

4. Common Carrier Services

a. Commercial Microwave (Domestic Public Fixed Radio Service)

32. This category includes licensees in the Point-to-Point Microwave Radio Service, Local Television Transmission Radio Service, and Digital Electronic Message Service, authorized under part 101 of the Commission's Rules to use microwave frequencies for video and data distribution within the United States. These services are now included in the Microwave category (see paragraph 5 *infra*).

[172] Cable systems are to pay their regulatory fees on a per subscriber basis rather than per 1,000 subscribers as set forth in the statutory fee schedule. See FY 1994 *Report and Order* at paragraph 100.

b. Interstate Telephone Service Providers

33. This category includes all providers of local and telephone services to end users. Covered services include the interstate and international portion of wireline and fixed wireless local exchange service, local and long distance private line services for both voice and data, dedicated and network packet and packet-like services, long distance message telephone services, and other local and toll services. Providers of such services are referred to herein as ''interstate telephone service providers''.

Interstate service providers include CAP/CLECs, incumbent local exchange carriers (local telephone operating companies), Interexchange carriers (long distance telephone companies), wireless telephone service carriers that provide fixed local or toll services (Cellular, Personal Communications Service, and Specialized Mobile Radio), local resellers, OSPs (operator service providers that enable customers to make away from home calls and to place calls with alternative billing arrangements), payphone service providers, pre-paid card, private service providers, satellite carriers that provide fixed local or message toll services, shared tenant service providers, toll resellers, *and other* local and other service providers.

In order to avoid imposing any double payment burden on resellers, we base the regulatory fee on end-user revenues. Accordingly, interstate telephone service providers, including resellers, must submit fee payments based upon their proportionate share of interstate and international end-user revenues for local and toll services. We use the terms end-user revenues, local service and toll service, based on the methodology used for calculating contributions to the Universal Service support mechanisms.[173] Interstate telephone service providers do not pay the Common Carrier regulatory fee on revenue from the provision of intrastate local and toll services, wireless monthly and local message services, satellite toll services, carrier's carrier telecommunications services, customer premises equipment, Internet service and non-telecommunications services. For FY 2000, carriers must multiply their interstate and international revenue from subject local and toll services by the factor 0.00117 to determine the appropriate fee for this category of service. Regulatees may want to use the following worksheet to determine their fee payment:

CALENDAR 1999 REVENUE INFORMATION

[Show amounts in whole dollars]

1	Service provided by U.S. carriers that both originates and terminates in foreign points. Form 499–A Line 412(e).	
2	Interstate end-user revenue from all telecommunications services. Form 499–A Line 420(d)	
3	International end-user revenue from all telecommunications services exception international-to-international. Form 499–A Line 420(e).	
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3)	
5	End user interstate mobile service monthly and activation charges. Form 499–A Line 409(d)	
6	End user international mobile service monthly and activation charges. Form 499–A Line 409(e)	
7	End user interstate mobile service message charges including roaming charges but excluding toll charges. Form 499–A Line 410(d).	
8	End user international mobile service message charges including roaming charges but excluding toll charges. Form 499–A Line 410(e).	
9	End user interstate satellite service. Form 499–A Line 416(d)	
10	End user international satellite service. Form 499–A Line 416(e)	
11	Total end user interstate and international mobile and satellite service revenue. (Sum lines 5 through 10).	
12	Total end-user interstate and international revenues from local and subject toll services (Line 4 minus Line 11).	
13	Common carrier fee factor	.00117
14	2000 Regulatory Fee (Line 12 times Line 13) [1]	

[1] You are exempt from filing if the amount on line 14 is less than $10.

5. International Services

a. Earth Stations

34. Very Small Aperture Terminal (VSAT) Earth Stations, equivalent C-Band Earth Stations and antennas, and earth station systems comprised of very small aperture terminals operate in the 12 and 14 GHz bands and provide a variety of communications services to other stations in the network. *VSAT* systems consist of a network of technically-identical small Fixed-Satellite Earth Stations which often include a larger hub station. VSAT Earth Stations and C-Band Equivalent Earth Stations are authorized pursuant to part 25 of the Commission's Rules. *Mobile Satellite Earth Stations,* operating pursuant to part 25 of the Commission's Rules under blanket licenses for mobile antennas (transceivers), are smaller than one meter and provide voice or data communications, including position location information for mobile platforms such as cars, buses, or trucks.[174] *Fixed-Satellite Transmit/Receive and Transmit-Only Earth Station antennas,* authorized or registered under part 25 of the Commission's Rules, are operated by private and public carriers to provide telephone, television, data, and other forms of communications. Included in this category are telemetry, tracking and control (TT&C) earth stations, and earth station uplinks. For FY 2000, licensees of VSATs, Mobile Satellite Earth Stations, and Fixed-Satellite Transmit/Receive and Transmit-Only Earth Stations will pay a fee of $175 per authorization or registration *as well as*

[173] *See* 1998 Biennial Regulatory Review—Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Report and Order, FCC 99–175, CC Docket No. 98–171 (rel. July 14, 1999), 64 FR 41320 (Jul. 30, 1999) (Contributor Reporting Requirements Order).

[174] Mobile earth stations are hand-held or vehicle-based units capable of operation while the operator or vehicle is in motion. In contrast, transportable units are moved to a fixed location and operate in a stationary (fixed) mode. Both are assessed the same regulatory fee for FY 2000.

a separate fee of $175 for each associated Hub Station.

35. *Receive-only earth stations.* For FY 2000, there is no regulatory fee for receive-only earth stations.

b. Space Stations (Geostationary Orbit)

36. Geostationary Orbit (also referred to as Geosynchronous) Space Stations are domestic and international satellites positioned in orbit to remain approximately fixed relative to the earth. Most are authorized under part 25 of the Commission's Rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. In addition, this category includes Direct Broadcast Satellite (DBS) Service which includes space stations authorized under part 100 of the Commission's rules to transmit or re-transmit signals for direct reception by the general public encompassing both individual and community reception. For FY 2000, entities authorized to operate geostationary space stations (including DBS satellites) will be assessed an annual regulatory fee of $94,650 per operational station in orbit. Payment is required for any geostationary satellite that has been launched and tested and is authorized to provide service.

c. Space Stations (Non-Geostationary Orbit)

37. Non-Geostationary Orbit Systems (such as Low Earth Orbit (LEO) Systems) are space stations that orbit the earth in non-geosynchronous orbit. They are authorized under part 25 of the Commission's rules to provide communications between satellites and earth stations on a common carrier and/or private carrier basis. For FY 2000, entities authorized to operate Non-Geostationary Orbit Systems (NGSOs) will be assessed an annual regulatory fee of $175,250 per operational system in orbit. Payment is required for any NGSO System that has one or more operational satellites operational. In our FY 1997 *Report and Order* at paragraph 75 we retained our requirement that licensees of LEOs pay the LEO regulatory fee upon their certification of operation of a single satellite pursuant to section 25.120(d). We require payment of this fee following commencement of operations of a system's first satellite to insure that we recover our regulatory costs related to LEO systems from licensees of these systems as early as possible so that other regulatees are not burdened with these costs any longer than necessary. Because section 25.120(d) has significant implications beyond regulatory fees (such as whether the entire planned cluster is operational in accordance with the terms and conditions of the license) we are clarifying our current definition of an operational LEO satellite to prevent misinterpretation of our intent as follows:

> Licensees of Non-Geostationary Satellite Systems (such as LEOs) are assessed a regulatory fee upon the commencement of operation of a system's first satellite as reported annually pursuant to §§ 25.142(c), 25.143(e), 25.145(g), or upon certification of operation of a single satellite pursuant to § 25.120(d).

d. International Bearer Circuits

38. Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers (either domestic or international) activating the circuit in any transmission facility for the provision of service to an end user or resale carrier. Payment of the fee for bearer circuits by non-common carrier submarine cable operators is required for circuits sold on an indefeasible right of use (IRU) basis or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. *Compare* FY 1994 *Report and Order* at 5367. Payment of the international bearer circuit fee is also required by non-common carrier satellite operators for circuits sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. The fee is based upon active 64 kbps circuits, or equivalent circuits. Under this formulation, 64 kbps circuits or their equivalent will be assessed a fee. Equivalent circuits include the 64 kbps circuit equivalent of larger bit stream circuits. For example, the 64 kbps circuit equivalent of a 2.048 Mbps circuit is 30 64 kbps circuits. Analog circuits such as 3 and 4 kHz circuits used for international service are also included as 64 kbps circuits. However, circuits derived from 64 kbps circuits by the use of digital circuit multiplication systems are not equivalent 64 kbps circuits. Such circuits are not subject to fees. Only the 64 kbps circuit from which they have been derived will be subject to payment of a fee. For FY 2000, the regulatory fee is $7 for each active 64 kbps circuit or equivalent. For analog television channels we will assess fees as follows:

Analog television channel size in MHz	Number of equivalent 64 kbps circuits
36	630
24	288
18	240

e. International Public Fixed

39. This fee category includes common carriers authorized under part 23 of the Commission's Rules to provide radio communications between the United States and a foreign point via microwave or HF troposcatter systems, other than satellites and satellite earth stations, but not including service between the United States and Mexico and the United States and Canada using frequencies above 72 MHz. For FY 2000, International Public Fixed Radio Service licensees will pay a $395 annual regulatory fee per call sign.

f. International (HF) Broadcast

40. This category covers International Broadcast Stations licensed under part 73 of the Commission's Rules to operate on frequencies in the 5,950 kHz to 26,100 kHz range to provide service to the general public in foreign countries. For FY 2000, International HF Broadcast Stations will pay an annual regulatory fee of $505 per station license.

Attachment G: Description of FCC Activities

Authorization of Service: The authorization or licensing of radio stations, telecommunications equipment, and radio operators, as well as the authorization of common carrier and other services and facilities. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with authorization activities.[175]

Policy and Rulemaking: Formal inquiries, rulemaking proceedings to establish or amend the Commission's rules and regulations, action on petitions for rulemaking, and requests for rule interpretations or waivers; economic studies and analyses; spectrum planning, modeling, propagation-interference analyses, and allocation; and development of equipment standards. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with policy and rulemaking activities.

[175] Although Authorization of Service is described in this exhibit, it is *not* one of the activities included as a feeable activity for regulatory fee purposes pursuant to section 9(a)(1) of the Act. 47 U.S.C. 159(a)(1).

Enforcement: Enforcement of the Commission's rules, regulations and authorizations, including investigations, inspections, compliance monitoring, and sanctions of all types. Also includes the receipt and disposition of formal and informal complaints regarding common carrier rates and services, the review and acceptance/rejection of carrier tariffs, and the review, prescription and audit of carrier accounting practices. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with enforcement activities.

Public Information Services: The publication and dissemination of Commission decisions and actions, and related activities; public reference and library services; the duplication and dissemination of Commission records and databases; the receipt and disposition of public inquiries; consumer, small business, and public assistance; and public affairs and media relations. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with public information activities.

Attachment H: Factors, Measurements and Calculations That Go Into Determining Station Signal Contours and Associated Population Coverages

AM Stations

Specific information on each day tower, including field ratio, phasing, spacing and orientation was retrieved, as well as the theoretical pattern RMS figure (mV/m @ 1 km) for the antenna system. The standard, or modified standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in sections 73.150 and 73.152 of the Commission's rules.[176] Radiation values were calculated for each of 72 radials around the transmitter site (every 5 degrees of azimuth). Next, estimated soil conductivity data was retrieved from a database representing the information in FCC Figure M3. Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the city grade (5 mV/m) contour was predicted for each of the 72 radials. The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

FM Stations

The maximum of the horizontal and vertical HAAT (m) and ERP (kW) was used. Where the antenna HAMSL was available, it was used in lieu of the overall HAAT figure to calculate specific HAAT figures for each of 72 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the propagation curves specified in section 73.313 of the Commission's rules to predict the distance to the city grade (70 dBuV/m or 3.17 mV/m) contour for each of the 72 radials.[177] The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

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[176] 47 U.S.C. 73.150 and 73.152.

[177] 47 U.S.C. 73.313.

Federal Register

Tuesday,
April 11, 2000

Part VI

Department of Education

34 CFR Parts 75 and 611

Teacher Quality Enhancement Grants Program; Final Rule and Notice

DEPARTMENT OF EDUCATION

34 CFR Parts 75 and 611

Teacher Quality Enhancement Grants Program

AGENCY: Office of Postsecondary Education, Department of Education

ACTION: Final regulations.

SUMMARY: The Assistant Secretary for Postsecondary Education issues regulations for the three grant programs included in the Teacher Quality Enhancement Grants Program, sections 202–204 of the Higher Education Act of 1965, as amended (HEA). These regulations contain selection criteria that will be used to select applicants for awards under the State Program, Partnership Program, and Teacher Recruitment Program. These regulations also contain certain other requirements that would apply to the programs.

DATES: These regulations are effective May 11, 2000.

FOR FURTHER INFORMATION CONTACT: Kathy Price, Higher Education Programs, Office of Postsecondary Education, Office of Policy, Planning, and Innovation, 1990 K Street, NW, Washington, D.C. 20006–8525: Telephone: (202) 502–7775. Inquiries also may be sent by e-mail to: Kathy—Price@ed.gov or by FAX to: (202) 502–7775. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 1998, the President signed into law the Higher Education Amendments of 1998 (Pub. L. 105–244). This law addresses the Nation's need to ensure that new teachers enter the classroom prepared to teach all students to high standards by authorizing, as Title II of the Higher Education Act (HEA), the Teacher Quality Enhancement Grants for States and Partnerships (Teacher Quality Programs). The new Teacher Quality Enhancement Grants Program provides an historic opportunity to effect positive change in the recruitment, preparation, licensing, and on-going support of teachers in America.

The new Teacher Quality Enhancement Grants Program consists of three different competitive grant programs: (1) The State Grants Program, which is designed to help States promote a broad array of improvements in teacher licensure, certification, preparation, and recruitment; (2) the Partnership Grants for Improving Teacher Preparation Program, which is designed to have schools of education, schools of arts and sciences, high-need local educational agencies (LEAs), and others work together to ensure that new teachers have the content knowledge and skills their students need of them when they enter the classroom; and (3) the Teacher Recruitment Grants Program, which is designed to help schools and school districts with severe teacher shortages to secure the high-quality teachers that they need. Together, these programs are designed to increase student achievement by supporting comprehensive approaches to improving teacher quality.

State Grants Program (State Program)

The State Grants Program offers a unique opportunity to support far-reaching efforts to redesign teacher education. Through the policy leadership of Governors, State legislatures, and other important partners, the program can assure the statewide support so essential to bringing about the important policy changes needed in teacher recruitment, preparation, licensing and certification, and retention. States are in the position to increase the expectations for newly state-certified and licensed teachers as well as test for and reward high-quality teaching.

Under the program, each State may develop a program application that focuses on activities it chooses to conduct in one or more areas that are key to improving the quality of new teachers. In this regard, areas in which a State may propose to focus include:

Teacher licensure, certification, and preparation policies and practices, including rigorous alternative routes to certification;

- Reforms that hold institutions of higher education (IHE) with teacher preparation programs accountable for preparing teachers who are highly competent in academic content areas and possess strong teaching skills;
- Wholesale redesign of teacher preparation programs, in collaboration with the schools of arts and sciences, in ways that promote stronger academic content and subject-matter knowledge of students in those programs;
- Improved linkages between IHEs and K–12 schools, with more time spent by college faculty and teacher education students in K–12 classrooms, and greater use of technology in the teacher education programs;
- Use of new strategies to attract, prepare, support, and retain highly competent teachers in high-poverty urban and rural areas;
- Redesign and improvement of existing teacher professional development programs to improve the content knowledge, technology skills, and teaching skills of practicing teachers;
- Improved accountability for high-quality teaching through performance-based compensation and the expeditious removal of incompetent or unqualified teachers while ensuring due process; and
- Efforts to address the problem of social promotion and to prepare teachers to deal with the issues raised by ending social promotion.

Partnership Grants for Improving Teacher Education (Partnership Program)

The purpose of the Partnership Program is to improve student learning by bringing about fundamental change and improvement in traditional teacher education programs. Through multi-year awards to a limited number of highly-committed partnerships, the Partnership Program is intended to ensure that new teachers have the content knowledge and teaching skills they need when they enter the classroom. Section 203(a) and (b) of the HEA provides that partnerships eligible for awards must comprise, at a minimum, a partnership institution, a school of arts and science, and a high-need LEA as the law defines these terms. Partnerships also may include other entities that can contribute expertise, resources or both to the teacher preparation project. A key aspect of the program is the active participation of all members of the partnership in the design and implementation of project activities.

By law, successful applicants must propose to implement certain activities:

- The reform of teacher preparation programs so that these programs become accountable for producing teachers who are highly competent in the academic content areas in which they plan to teach;
- The provision of high quality and sustained pre-service clinical experiences and mentoring for new teachers, together with a substantial increase in the interaction between teachers, principals, and higher education faculty; and
- The creation of opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers

in fields in which they are or will be certified to teach.

Beyond these minimum requirements, the Partnership Program supports activities that propose to educate teachers in ways that reflect up-to-date knowledge from research and effective practice, and embody high teaching standards. These activities include the preparation of teachers to work with diverse student populations so that all students they will teach can achieve to high State and local content and performance standards, and implementation of instructional programs whose effectiveness has been demonstrated through research.

The Partnership Program also seeks to—

- Offer alternative routes into teaching to individuals who may have had careers in other professions, in the military or in other fields, and to educational paraprofessionals;
- Prepare teachers to successfully integrate technology into teaching and learning;
- Require prospective teachers to participate in intensive, structured, and clinically-based experiences with master teachers;
- Offer continuous assistance to graduates during their initial years in the classroom; and
- Prepare school principals, superintendents, and other school administrators to employ strong management and leadership skills that can help increase student achievement.

Teacher Recruitment Grants Program (Teacher Recruitment Program)

The Teacher Recruitment Program is designed to address the challenge of America's teacher shortage by making significant and lasting systemic changes to the ways that teachers are recruited, prepared, and supported as new teachers in high-need schools. The Teacher Recruitment Program supports projects that use funds to—

- Award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher training program;
- Provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs; and
- Provide for follow-up services to former scholarship recipients during their first three years of teaching.

Alternatively, funds may be used to develop and implement effective mechanisms to ensure that high-need LEAs and schools are able to effectively recruit highly qualified teachers.

Both States and eligible partnerships may receive awards under the Teacher Recruitment Program. For both States and partnerships, effective relationships and partnerships among all those who will implement project activities are keys to effective Teacher Recruitment Program activities. In particular, out of these partnerships and relationships will come (1) the recruitment strategies that are so vital to meeting the severe teaching needs of the high-need LEAs, (2) the kind of teacher preparation programs, which are built around effective support from both schools of education and schools of arts and science and other areas of the IHE, that recruited individuals will need in order to be effective teachers to the diverse student populations in those LEAs, and (3) the support services these individuals will need once they begin to teach.

The Teacher Recruitment Program also anticipates that projects will provide prospective teachers with high-quality teacher preparation and induction programs that—

- Set high standards for teaching;
- Reflect the best research and practice known across the country; and
- Prepare teachers to use technology in their classrooms.

Finally, all three of the Teacher Quality Enhancement Grant Programs anticipate that when program funding ceases, the work that States and partnerships have begun will be sustained. Therefore, the ability and willingness of grantees to sustain activities after the end of the project are key determinants of success. Section 205(a)(2) of Title II permits an eligible state or eligible partnership to receive only one grant award under each of the State, Partnership, and Teacher Recruitment Programs.

On February 11, 2000, the Secretary published a notice of proposed rulemaking (NPRM) for this part in the **Federal Register** (65 FR 6936–6946). In the preamble to the NPRM, the Secretary discussed on pages 6938 through 6940 the content of proposed regulations for these programs. The major issues addressed by the NPRM included—

- The content of selection criteria for grant competitions conducted under the three Teacher Quality Programs;
- The use of a pre-application process to determine which applicants should be invited to submit full applications under the Partnership Program and Teacher Recruitment Program;
- The elements of a workplan that all applicants for any of the three Teacher Quality Programs would be required to submit with their full applications;
- The applicability of a maximum eight-percent indirect cost rate for all IHE and nonprofit organizations in their use of Teacher Quality Program funds.
- The requirement that recipients of State Program grants provide for each year of their grant, from non-federal sources, an amount equal to 50 percent of the State Program grant award to carry out the activities supported by the grant.

As noted in the section of this preamble entitled ''Analysis of Comments and Changes,'' these final regulations correct a few errors contained in the NPRM, such as the proposed requirement that applicants for Partnership or Teacher Recruitment Program grant awards submit a detailed workplan with their pre-applications rather than, as intended, with their full program applications. Otherwise, while these regulations in a few places clarify language that had been proposed, there are no differences between the final regulations and those proposed in the February 11, 2000 NPRM.

In addition, these regulations include two technical changes for which public comment is not necessary. First, these regulations correct an error made in the final regulations governing scholarships provided with Teacher Quality Program funds, which were published in the **Federal Register** on January 12, 2000 (65 FR 1780–1787). As published, § 611.43(d) requires grantees offering a scholarship to ensure that the scholarship agreement the recipient executes includes the current rate of interest, as provided by the Department. This provision was not included in the proposed regulations to govern the scholarships published on November 5, 1999 at 64 FR 60632–60646, but was added to the final regulations to clarify the grantees' responsibility to add the applicable interest rate annually to the approved scholarship agreements. We added this provision to establish the interest rate that would apply to any scholarship funds received under that agreement in the event the scholarship recipient failed to meet the service obligation and instead had to repay the scholarship.

However, the terms of the scholarship agreement provide that the recipient is not liable for repayment of the scholarship until the Department first has determined that he or she has not fulfilled the service obligation. Therefore, in accordance with 31 U.S.C. 3717, the rate of interest that should apply to the amount of scholarship that a recipient must repay for failure to meet the service obligation is the rate in effect when the indebtedness is established, not the rate in effect when the recipient received the scholarship. Section 611.43(d) has been amended to

reflect this change by deleting the additional provision added to the final regulations. Scholarship recipients who have executed scholarship agreements with a stated rate of interest prior to the effective date of these regulations will be given a choice of—

- Retaining this rate of interest for the portion of their scholarship they have received prior to the effective date of these regulations; or
- Having the interest rate in effect if and when the recipient fails to meet the service obligation apply to both this portion of the scholarship and to scholarship amount received after the regulations' effective date.

In addition, these regulations amend § 75.60(b) of the Education Department General Administrative Regulations (EDGAR). Section 75.60(b) contains a list of Departmental scholarship, fellowship, discretionary grant, and loan programs for which an individual who has received financial assistance must be current in any payments that are due as a condition of eligibility for financial assistance under this or other Department programs. When § 75.60 was proposed on August 18, 1992 (53 FR 31580), the Department announced its intent to apply this rule generally to all Department scholarship or fellowship programs to which part 75 applies. Since part 75 applies to the Teacher Quality Programs and to all other Department discretionary grant programs, we now are adding the Teacher Quality Programs to the list of programs in § 75.60 that are covered by this rule.

Analysis of Comments and Changes

In response to the Assistant Secretary's invitation in the NPRM, we received two comments. An analysis of the comments follows. Generally, we do not address technical and other minor changes—and suggested changes the law does not authorize the Secretary to make.

Comment: The commenters questioned several aspects of the proposed regulations, and asked us to clarify the language of a number of provisions. For example, they objected to language in proposed § 611.2 that would have all those who wish to receive grant awards under the Partnership or Teacher Recruitment Programs submit detailed workplans as part of those pre-applications. One commenter requested that we revisit page limitations of pre-applications in view of the changes in criteria from those used last year under the Partnership program for FY 1999 grants. The commenter asked that we clarify how the Department would implement the tie-breaking measure for applications with the most impact on the nation's Empowerment Zones and Enterprise Communities § 611.2), specifically whether we would use factors such as the number of affected Empowerment Zones and Enterprise Communities, or the number of teachers whom a proposed project would recruit to teach in their schools. The commenter also asked that we clarify how the competitive preference for the State Grants Program (§ 611.13) would work, and how the preference differs from more general State Program activities that the statute authorizes. Finally, the commenter recommended that we clarify aspects of the pre-application and general application selection criteria for the Partnership Program, and general selection criteria for the State Program, to clarify these criteria and the points to be awarded under them.

Discussion: In view of the comment, we have modified the proposed regulations in a number of ways. Sections 611.2 and 611.3 now clarify that only applicants submitting a full application for a Teacher Quality Program grant must submit a detailed workplan. Those submitting pre-applications under the Partnership or Teacher Recruitment Programs will not need to submit workplans with their pre-applications. The final regulations also correct several technical errors that the commenter identified in the proposed regulations. The program application packages, and not these regulations, identify the maximum number of points that reviewers will award applications under the elements of each criterion.

We continue to believe that the proposed language in § 611.2, which would resolve any ties in scoring applications on the basis of a project's relative impact on the nation's Empowerment Zones and Enterprise Communities, is adequate. It provides the Department the latitude to resolve ties on a case-by-case basis in ways that permit us comprehensively to examine the likely impact of a project on the nation's Empowerment Zones and Enterprise Communities. With regard to the proposed competitive preference in § 611.13, we agree with the commenter that each of the three activities entitling an applicant to a preference mirrors activities that section 202 of Title II authorizes. However, the competitive preference in § 611.13 reflects statutory requirements of section 205(b)(2) of the HEA, in which Congress identified certain allowable State Program activities as deserving of this preference.

Changes: The final regulations for this part have been revised accordingly.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These regulations address the National Education Goal that the Nation's teaching force will have the content knowledge and teaching skills needed to instruct all American students for the next century.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control numbers assigned to the collections of information in these final regulations at the end of the affected sections of the regulations.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, two regulations announced included in these final regulations are being issued without public comment. The correction of § 611.43(d) reflects a legal requirement governing when a Teacher Quality program scholarship recipient incurs liability for failure to meet the service obligation, and hence no public comment is needed. The amendment to § 75.60(b) of EDGAR, which includes the Teacher Quality Enhancement Grants Program in the list of Department programs for which individuals must be current in their payments or be ineligible for further financial assistance provided by Department programs is a technical amendment. The Department already took public comment on the content of § 75.60(b) before the regulation was published as a final regulation on August 18, 1992 (53 FR 31580). Therefore, under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed regulations are unnecessary and contrary to the public interest.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372

and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, we intend this document to provide early notification of specific plans and actions for this program.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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(Catalog of Federal Domestic Assistance Number 84.336: Teacher Quality Enhancement Grants Program)

List of Subjects

34 CFR part 75

Administrative practice and procedure, Education Department, Grant programs—education, Grant administration, Incorporation by reference, Performance reports, Reporting and recordkeeping requirements, Unobligated funds.

34 CFR part 611

Colleges and universities, Elementary and secondary education, Grant programs—education.

Dated: April 5, 2000.

Claudio R. Prieto,

Acting Assistant Secretary for Postsecondary Education.

For the reasons stated in the preamble, the Secretary amends parts 75 and 611 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474

2. Section 75.60 is amended by adding a new paragraph (b) (7) to read as follows:

§ 75.60 Individuals ineligible to receive assistance.

* * * * *

(b) * * *

(7) A scholarship awarded under the Teacher Quality Enhancement Grants Program (20 U.S.C. 1021 *et seq.*).

PART 611—TEACHER QUALITY ENHANCEMENT GRANTS PROGRAM

1. The authority citation for part 611 continues to read as follows:

Authority: 20 U.S.C. 1021 *et seq.*, unless otherwise noted.

2–3. Sections 611.2 and 611.3 are added to Subpart A of part 611 to read as follows:

§ 611.2 What management plan must be included in a Teacher Quality Enhancement Grants Program application?

(a) In addition to a description of the proposed multiyear project, timeline, and budget information required by 34 CFR 75.112 and 75.117 and other applicable law, an applicant for a grant under this part must submit with its application under paragraphs (a)(1), (a)(2)(iii), or (a)(3)(iii) of § 611.3, as appropriate, a management plan that includes a proposed multiyear workplan.

(b) At a minimum, this workplan must identify, for each year of the project—

(1) The project's overall objectives;

(2) Activities that the applicant proposes to implement to promote each project objective;

(3) Benchmarks and timelines for conducting project activities and achieving the project's objectives;

(4) The individual who will conduct and coordinate these activities;

(5) Measurable outcomes that are tied to each project objective, and the evidence by which success in achieving these objectives will be measured; and

(6) Any other information that the Secretary may require.

(c)(1) In any application for a grant that is submitted on behalf of a partnership, the workplan also must identify which partner will be responsible for which activities.

(2) In any application for a grant that is submitted on behalf of a State, the workplan must identify which entities in the State will be responsible for which activities.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.3 What procedures does the Secretary use to award a grant?

The Secretary uses the selection procedures in 34 CFR 75.200 through 75.222 except that—

(a) *Application procedures for each program.* (1) For the State Grants Program, the Secretary evaluates applications for new grants on the basis of the selection criteria and competitive preference contained in §§ 611.11 through 611.13.

(2) For the Partnership Grants Program, the Secretary—

(i) Uses a two-stage application process to determine which applications to fund;

(ii) Uses the selection criteria in §§ 611.21 through 611.22 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(iii) For those applicants invited to submit full applications, uses the selection criteria and competitive preference in §§ 611.23–611.25 to evaluate the full program applications.

(3) For the Teacher Recruitment Grants Program, the Secretary—

(i) Uses a two-stage application process to determine which applications to fund;

(ii) Uses the selection criteria in § 611.31 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(iii) For those applicants invited to submit full applications, uses the selection criteria in § 611.32 to evaluate the full program applications.

(b) *Required budgets in pre-applications.* An applicant that submits a pre-application for a Partnership Program or Teacher Recruitment Program grant under paragraphs (b)(2)(ii) and (b)(3)(ii) must also submit any budgetary information that the

Secretary may require in the program application package.

(c) *Tie-breaking procedures.* In the event that two or more applicants are ranked equally for the last available award under any program, the Secretary selects the applicant whose activities will focus (or have most impact) on LEAs and schools located in one (or more) of the Nation's Empowerment Zones and Enterprise Communities.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

4. Subpart B, consisting of §§ 611.11 through 611.13, is added to part 611, to read as follows:

Subpart B—State Grants Program

611.11 What are the program's general selection criteria?
611.12 What additional selection criteria are used for an application proposing teacher recruitment activities?
611.13 What competitive preference doe the Secretary provide?

§ 611.11 What are the program's general selection criteria?

Subpart B—State Grants Program

In evaluating the quality of applications, the Secretary uses the following selection criteria.

(a) *Quality of project design.* (1) The Secretary considers the quality of the project design.

(2) In determining the quality of the project design, the Secretary considers the extent to which—

(i) The project design will result in systemic change in the way that all new teachers are prepared, and includes partners from all levels of the education system;

(ii) The Governor and other relevant executive and legislative branch officials, the K–16 education system or systems, and the business community are directly involved in and committed to supporting the proposed activities;

(iii) Project goals and performance objectives are clear, measurable outcomes are specified, and a feasible plan is presented for meeting them;

(iv) The project is likely to initiate or enhance and supplement systemic State reforms in one or more of the following areas: teacher recruitment, preparation, licensing, and certification;

(v) The applicant will ensure that a diversity of perspectives is incorporated into operation of the project, including those of parents, teachers, employers, academic and professional groups, and other appropriate entities; and

(vi) The project design is based on up-to-date knowledge from research and effective practice.

(b) *Significance.* (1) The Secretary considers the significance of the project.

(2) In determining the significance of the project, the Secretary considers the extent to which—

(i) The project involves the development or demonstration of promising new strategies or exceptional approaches in the way new teachers are recruited, prepared, certified, and licensed;

(ii) Project outcomes lead directly to improvements in teaching quality and student achievement as measured against rigorous academic standards;

(iii) The State is committed to institutionalize the project after federal funding ends; and

(iv) Project strategies, methods, and accomplishments are replicable, thereby permitting other States to benefit from them.

(c) *Quality of resources.* (1) The Secretary considers the quality of the project's resources.

(2) In determining the quality of the project resources, the Secretary considers the extent to which—

(i) Support available to the project, including personnel, equipment, supplies, and other resources, is sufficient to ensure a successful project;

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project; and

(iii) The applicant's matching share of the budgeted costs demonstrates a significant commitment to successful completion of the project and to project continuation after federal funding ends.

(d) *Quality of management plan.* (1) The Secretary considers the quality of the project's management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the workplan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The adequacy of procedures to ensure feedback and continuous improvements in the operation of the project.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.12 What additional selection criteria are used for an application proposing teacher recruitment activities?

In reviewing applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in § 611.11(a) (Quality of project design), the Secretary considers the extent to which the project addresses—

(1) Systemic changes in the ways that new teachers are to be recruited, supported and prepared; and

(2) Systemic efforts to recruit, support, and prepare prospective teachers from disadvantaged and other underrepresented backgrounds.

(b) In addition to the elements contained in § 611.11(b) (Significance), the Secretary considers the applicant's commitment to continue recruitment activities, scholarship assistance, and preparation and support of additional cohorts of new teachers after funding under this part ends.

(c) In addition to the elements contained in § 611.11(c) (Quality of resources), the Secretary considers the impact of the project on high-need LEAs and high-need schools based upon—

(1) The amount of scholarship assistance the project will provide students from federal and non-federal funds;

(2) The number of students who will receive scholarships; and

(3) How those students receiving scholarships will benefit from high-quality teacher preparation and an effective support system during their first three years of teaching.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.13 What competitive preference does the Secretary provide?

The Secretary provides a competitive preference on the basis of how well the State's proposed activities in any one or more of the following statutory priorities are likely to yield successful and sustained results:

(a) Initiatives to reform State teacher licensure and certification requirements so that current and future teachers possess strong teaching skills and academic content knowledge in the subject areas in which they will be certified or licensed to teach.

(b) Innovative reforms to hold higher education institutions with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas and have strong teaching skills.

(c) Innovative efforts to reduce the shortage (including the high turnover) of highly competent teachers in high-poverty urban and rural areas.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

5. Subpart C, consisting of §§ 611.21 through 611.25, is added to part 611, to read as follows:

Subpart C—Partnership Grants Program

611.21 What are the program's selection criteria for pre-applications?
611.22 What additional selection criteria are used for pre-application that proposes teacher recruitment activities?
611.23 What are the program's general selection criteria for full applications?
611.24 What additional selection criteria are used for a full application that proposes teacher recruitment activities?
611.25 What competitive preference does the Secretary provide?

Subpart C—Partnership Grants Program

§ 611.21 What are the program's selection criteria for pre-applications?

In evaluating the quality of pre-applications, the Secretary uses the following selection criteria.

(a) *Project goals and objectives.* (1) The Secretary considers the goals and objectives of the project design.

(2) In determining the quality of the project goals and objectives, the Secretary considers the following factors:

(i) The extent to which the partnership's vision will produce significant and sustainable improvements in teacher education.

(ii) The needs the partnership will address.

(iii) How the partnership and its activities would be sustained once federal support ends.

(b) *Partnering commitment.* (1) The Secretary considers the partnering commitment embodied in the project.

(2) In determining the quality of the partnering commitment, the Secretary considers the following factors:

(i) Evidence of how well the partnership would be able to accomplish objectives working together that its individual members could not accomplish working separately.

(ii) The significance of the roles given to each principal partner in implementing project activities.

(c) *Quality and comprehensiveness of key project components.* (1) The Secretary considers the quality and comprehensiveness of key project components in the process of preparing new teachers.

(2) In determining the quality and comprehensiveness of key project components in the process of preparing new teachers, the Secretary considers the extent to which—

(i) Specific activities are designed and would be implemented to ensure that students preparing to be teachers are adequately prepared, including activities designed to ensure that they have improved content knowledge, are able to use technology effectively to promote instruction, and participate in extensive, supervised clinical experiences;

(ii) Specific activities are designed and would be implemented to ensure adequate support for those who have completed the teacher preparation program during their first years as teachers; and

(iii) The project design reflects up-to-date knowledge from research and effective practice.

(d) *Specific project outcomes.* (1) The Secretary considers the specific outcomes the project would produce in the preparation of new teachers.

(2) In determining the specific outcomes the project would produce in the preparation of new teachers, the Secretary considers the following factors:

(i) The extent to which important aspects of the partnership's existing teacher preparation system would change.

(ii) The way in which the project would demonstrate success using high-quality performance measures.

(Approved by the Office of Management and Budget under control number 1840–0007.)
(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.22 What additional selection criteria are used for a pre-application that proposes teacher recruitment activities?

In reviewing pre-applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in § 611.21(a) (Project goals and objectives), the Secretary considers the extent to which—

(1) The partnership's vision responds to LEA needs for a diverse and high quality teaching force, and will lead to reduced teacher shortages in these high-need LEAs; and

(2) The partnership will sustain its work after federal funding has ended by recruiting, providing scholarship assistance, training and supporting additional cohorts of new teachers.

(b) In addition to the elements contained in § 611.21(c) (Quality and comprehensiveness of key project components), the Secretary considers the extent to which the project will—

(1) Significantly improve recruitment of new students, including those from disadvantaged and other underrepresented backgrounds; and

(2) Provide scholarship assistance and adequate training to preservice students, as well as induction support for those who become teachers after graduating from the teacher preparation program.

(c) In addition to the elements contained in § 611.21(d) (Specific project outcomes), the Secretary considers the extent to which the project addresses the number of new teachers to be produced and their ability to teach effectively in high-need schools.

(Approved by the Office of Management and Budget under control number 1840–0007.)
(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.23 What are the program's general selection criteria for full applications?

In evaluating the quality of applications, the Secretary uses the following selection criteria.

(a) *Quality of project design.* (1) The Secretary considers the quality of the project design.

(2) In determining the quality of the project design, the Secretary considers the following factors:

(i) The extent of evidence of institution-wide commitment to high quality teacher preparation that includes significant policy and practice changes supported by key leaders, and which result in permanent changes to ensure that preparing teachers is a central mission of the entire university.

(ii) The extent to which the partnership creates and sustains collaborative mechanisms to integrate professional teaching skills, including skills in the use of technology in the classroom, with strong academic content from the arts and sciences.

(iii) The extent of well-designed and extensive preservice clinical experiences for students, including mentoring and other forms of support, implemented through collaboration between the K–12 and higher education partners.

(iv) Whether a well-planned, systematic induction program is established for new teachers to increase their chances of being successful in high-need schools.

(v) The strength of linkages within the partnership between higher education and high-need schools or school districts so that all partners have important roles in project design, implementation, governance and evaluation.

(vi) Whether the project design is based on up-to-date knowledge from research and effective practice, especially on how students learn.

(b) *Significance of project activities.* (1) The Secretary considers the significance of project activities.

(2) In determining the significance of the project activities, the Secretary considers the following factors:

(i) How well the project involves promising new strategies or exceptional approaches in the way new teachers are recruited, prepared and inducted into the teaching profession.

(ii) The extent to which project outcomes include preparing teachers to teach to their State's highest K–12 standards, and are likely to result in improved K–12 student achievement.

(iii) The extent to which the partnership has specific plans to institutionalize the project after federal funding ends.

(iv) The extent to which the partnership is committed to disseminating effective practices to others and is willing to provide technical assistance about ways to improve teacher education.

(v) How well the partnership will integrate its activities with other education reform efforts underway in the State or communities where the partners are located, and will coordinate its work with local, State or federal teacher training, teacher recruitment, or professional development programs.

(c) *Quality of resources.* (1) The Secretary considers the quality of resources of project activities.

(2) In determining the quality of resources, the Secretary considers the extent to which—

(i) Support available to the project, including personnel, equipment, supplies, and other resources, is sufficient to ensure a successful project;

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project; and

(iii) The applicant's matching share of the budgeted costs demonstrates a significant commitment to successful completion of the project and to project continuation after federal funding ends.

(d) *Quality of management plan.* (1) The Secretary considers the quality of the management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the work plan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The extent to which the project has an effective, inclusive, and responsive governance and decision-making structure that will permit all partners to participate in and benefit from project activities, and to use evaluation results to ensure continuous improvements in the operations of the project.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.24 What additional selection criteria are used for a full application that proposes teacher recruitment activities?

In reviewing full applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in § 611.23(a) (Quality of project design), the Secretary considers the extent to which the project reflects—

(1) A commitment to recruit, support and prepare additional well-qualified new teachers for high-need schools;

(2) Appropriate academic and student support services; and

(3) A comprehensive strategy for addressing shortages of well-qualified and well-trained teachers in high-need LEAs, especially teachers from disadvantaged and other underrepresented backgrounds.

(b) In addition to the elements contained in § 611.23(b) (Significance of project activities), the Secretary considers the extent to which the project promotes the recruitment, scholarship assistance, preparation, and support of additional cohorts of new teachers.

(c) In addition to the elements contained in § 611.23(c) (Quality of resources), the Secretary considers the impact of the project on high-need LEAs and high-need schools based upon—

(1) The amount of scholarship assistance the project will provide students from federal and non-federal funds;

(2) The number of students who will receive scholarships; and

(3) How those students receiving scholarships will benefit from high-quality teacher preparation and an effective support system during their first three years of teaching.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.25 What competitive preference does the Secretary provide?

The Secretary provides a competitive preference on the basis of how well the project includes a significant role for private business in the design and implementation of the project.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

6. Subpart D, consisting of §§ 611.31 and 611.32, is added to part 611, to read as follows:

Subpart D—Teacher Recruitment Grants Program

611.31 What are the program's selection criteria for pre-applications?
611.32 What are the program's general selection criteria?

Subpart D—Teacher Recruitment Grants Program

§ 611.31 What are the program's selection criteria for pre-applications?

In evaluating pre-applications, the Secretary considers the following criteria:

(a) *Project goals and objectives.* (1) The Secretary considers the goals and objectives of the project design.

(2) In determining the quality of the project goals and objectives, the Secretary considers how the partnership or State applicant intends to—

(i) Produce significant and sustainable improvements in teacher recruitment, preparation, and support; and

(ii) Reduce teacher shortages in high-need LEAs and schools, and improve student achievement in the schools in which teachers who participate in its project will teach.

(b) *Partnership commitment.* (1) The Secretary considers the partnering commitment embodied in the project.

(2) In determining the quality of the partnering commitment, the Secretary considers the following factors:

(i) What the partnership, or the State and its cooperating entities, can accomplish by working together that could not be achieved by working separately.

(ii) How the project proposed by the partnership or State is driven by the needs of LEA partners.

(c) *Quality of key project components.* (1) The Secretary considers the quality of key project components.

(2) In determining the quality of key project components, the Secretary considers the following factors:

(i) The extent to which the project would make significant and lasting systemic changes in how the applicant recruits, trains, and supports new

teachers, and reflects knowledge gained from research and practice.

(ii) The extent to which the project would be implemented in ways that significantly improve recruitment, scholarship assistance to preservice students, training, and induction support for new entrants into teaching.

(d) *Specific project outcomes.* (1) The Secretary considers the specific outcomes the project would produce in the recruitment, preparation, and placement of new teachers.

(2) In determining the specific outcomes the project would produce in the recruitment, preparation, and placement of new teachers, the Secretary considers the following factors:

(i) The number of teachers to be produced and the quality of their preparation.

(ii) The partnership's or State's commitment to sustaining the work of the project after federal funding has ended by recruiting, providing scholarship assistance, training, and supporting additional cohorts of new teachers.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.32 What are the program's general selection criteria?

In evaluating the quality of full applications, the Secretary uses the following selection criteria.

(a) *Quality of the project design.* (1) The Secretary considers the quality of the project design for ensuring that activities to recruit and prepare new teachers are a central mission of the project.

(2) In considering the quality of the project design for ensuring that activities to recruit and prepare new teachers are a central mission of the project, the Secretary considers the extent to which the project design—

(i) Shows evidence of institutional or (in the case of a State applicant) State-level commitment both to recruitment of additional new teachers, and to high-quality teacher preparation that includes significant policy and practice changes supported by key leaders and that result in permanent changes to current institutional practices;

(ii) Creates and sustains collaborative mechanisms to integrate professional teaching skills, including skills in the use of technology in the classroom, with academic content provided by the school of arts and sciences;

(iii) Includes well-designed academic and student support services as well as carefully planned and extensive preservice clinical experiences for students, including mentoring and other forms of support, that are implemented through collaboration between the K–12 and higher education partners;

(iv) Includes establishment of a well-planned, systematic induction program for new teachers that increases their chances of being successful in high-need schools;

(v) Includes strong linkages among the partner institutions of higher education and high-need schools and school districts (or, in the case of a State applicant, between the State and these entities in its project), so that all those who would implement the project have important roles in project design, implementation, governance, and evaluation;

(vi) Responds to the shortages of well-qualified and well-trained teachers in high-need school districts, especially from disadvantaged and other underrepresented backgrounds; and

(vii) Is based on up-to-date knowledge from research and effective practice.

(b) *Significance.* (1) The Secretary considers the significance of the project.

(2) In determining the significance of the project, the Secretary considers the extent to which—

(i) The project involves promising new strategies or exceptional approaches in the way new teachers are recruited, prepared, and inducted into the teaching profession;

(ii) Project outcomes include measurable improvements in teacher quality and in the number of well-prepared new teachers, that are likely to result in improved K–12 student achievement;

(iii) The project will be institutionalized after federal funding ends, including recruitment, scholarship assistance, preparation, and support of additional cohorts of new teachers;

(iv) The project will disseminate effective practices to others, and provide technical assistance about ways to improve teacher recruitment and preparation; and

(v) The project will integrate its activities with other education reform activities underway in the State or communities in which the project is based, and will coordinate its work with local, State, and federal teacher recruitment, training, and professional development programs.

(c) *Quality of resources.* (1) The Secretary considers the quality of the project's resources.

(2) In determining the quality of the project's resources, the Secretary considers the extent to which—

(i) The amount of support available to the project, including personnel, equipment, supplies, student scholarship assistance, and other resources is sufficient to ensure a successful project.

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project.

(iii) The applicant's matching share of budgeted costs demonstrates a significant commitment to successful completion of the project, and to project continuation after federal funding ends.

(d) *Quality of management plan.* (1) The Secretary considers the quality of the project's management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the workplan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The extent to which the project has an effective, inclusive, and responsive governance and decisionmaking structure that will permit all partners to participate in and benefit from project activities, and to use evaluation results to continuously improve project operations.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Approved by the Office of Management and Budget under control number 1840–0007.)

(Authority: 20 U.S.C. 1021 *et seq.*)

7. Section 611.43 is amended by revising paragraph (d) to read as follows:

§ 611.43 What are the consequences of a scholarship recipient's failure to meet the service obligation?

* * * * *

(d) *Interest.* In accordance with 31 U.S.C. 3717 and 34 CFR part 30, the Secretary charges interest on the unpaid balance that the scholarship recipient owes. However, except as provided in § 611.44(d), the Secretary does not charge interest for the period of time that precedes the date on which the scholarship recipient is required to begin repayment.

* * * * *

8. Subpart F of part 611 is revised to read as follows:

Subpart F—Other Grant Conditions

Subpart F—Other Grant Conditions

611.61 What is the maximum indirect cost rate that applies to a recipient's use of program funds?
611.62 What are a grantee's matching requirements?

§ 611.61 What is the maximum indirect cost rate that applies to a recipient's use of program funds?

Notwithstanding 34 CFR 75.560–75.562 and 34 CFR 80.22, the maximum indirect cost rate that any recipient of funds under the Teacher Quality Enhancement Grants Program may use to charge indirect costs to these funds is the lesser of—

(a) The rate established by the negotiated indirect cost agreement; or

(b) Eight percent.

(Authority: 20 U.S.C. 1021 *et seq.*)

§ 611.62 What are a grantee's matching requirements?

(a)(1) Each State receiving a grant under the State Grants Program or Teacher Recruitment Grants Program must provide, from non-federal sources, an amount equal to 50 percent of the amount of the grant to carry out the activities supported by the grant.

(2) The 50 percent match required by paragraph (a)(1) of this section must be made annually during the project period, with respect to each grant award the State receives.

(b) Each partnership receiving a grant under the Partnership Grant Program or the Teacher Recruitment Grant Program must provide, from non-federal sources, an amount equal to—

(1) 25 percent of the grant award for the first year of the grant;

(2) 35 percent of the grant award for the second year of the grant; and

(3) 50 percent of the grant award for each succeeding year of the grant.

(c) The match from non-federal sources required by paragraphs (a) and (b) of this section may be made in cash or in kind.

(Authority: 20 U.S.C. 1021 *et seq.*)

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DEPARTMENT OF EDUCATION

[CFDA No. 84.336]

Teacher Quality Enhancement Grants Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of Program: The program provides grants to States and to partnerships to promote improvements in the quality of new teachers with the ultimate goal of increasing student achievement in the nation's pre-K–12 classrooms. For FY 2000, a new competition will be conducted under the State Grants Program (State Program) and the Partnership Program for Improving Teacher Education (Partnership Program). The purpose of the State Program is to improve the quality of a State's teaching force by supporting the implementation of comprehensive statewide reform activities in areas such as teacher licensing and certification, accountability for high-quality teacher preparation, and recruitment. The purpose of the Partnership Program is to promote significant improvements in teacher education by strengthening the vital role of K–12 educators in the design and implementation of effective teacher education programs, and by increasing collaboration among these practitioners and departments of arts and sciences and schools of education.

Eligible Applicants: State Grants (including the District of Columbia, Puerto Rico and the insular areas)—States that did not receive an FY 1999 grant under the State Program.

Partnership Grants—Partnerships comprised, at a minimum, of an institution of higher education with an eligible teacher preparation program, a school of arts and sciences, and a high-need local educational agency (LEA). These terms are defined in section 203 of the Higher Education Act and in regulations for this program in 34 CFR 611.1. Partnerships that received an FY 1999 grant under this program are not eligible for this competition.

Applications Available: April 11, 2000.

Deadline for Transmittal of Applications: State Grants—June 12, 2000.

Partnership Grants—Pre-applications: May 26, 2000; Final Applications: August 15, 2000.

Deadline for Intergovernmental Review: August 9, 2000.

Available Funds: State Grants—$7,900,000; Partnership Grants—$6,300,000.

Estimated Range of Awards: State Grants—$1,000,000–$2,000,000 per year; Partnership Grants—$1,000,000–$2,000,000 per year.

Estimated Average Size of Awards: State Grants—$1.5 million per year; Partnership Grants—$1.5 million per year.

Estimated Number of Awards: State Grants—6; Partnership Grants—5.

Note: The Department is not bound by any estimates in this notice.

Project Period: State Grants—up to 36 months; Partnership Grants—up to 60 months.

Page Limits:

Note: The application narrative is where you, the applicant, address the selection criteria reviewers use in evaluating your pre-application or application.

Pre-applications for Partnership Grants—If you are submitting a pre-application for a Partnership grant, you must limit your pre-application narrative to the equivalent of no more than 10 pages and your estimated budget information to the equivalent of no more than three pages.

State Grants and Final Applications for Partnership Grants—If you are submitting an application for a State grant or a final application for a Partnership grant, you must limit your narrative to the equivalent of no more than 50 pages and your accompanying work plan to the equivalent of no more than 10 pages. Submit the work plan as an appendix. In addition, you must limit your budget narrative to the equivalent of no more than 10 pages and your evaluation plan to the equivalent of no more than five pages.

For the pre-application or application narrative, work plan, budget narrative, and evaluation plan, the following standards apply:

- A page is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text, including titles, headings, quotations, references, and captions.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).
- For tables, charts, or graphs also use a font that is either 12-point or larger or no smaller than 10 pitch.

Our reviewers will not read any of the specified sections of your application that

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98 and 99. (b) The regulations for this program in 34 CFR part 611, published in this edition of the **Federal Register**.

Pre-Application Technical Workshops: We will be conducting four regional technical assistance workshops to assist prospective applicants.

1. *Tempe:* April 13, 2000, 8:30 a.m. to 1:00 p.m., Arizona State University, Payne Bldg., Room 129, Tempe, Arizona (Registration: 8:30 to 9:00 a.m.) Contact Person: Kathy Langerman, (480) 965–3146 or klang@asu.edu

2. *Boston:* April 18, 2000, 8:30 a.m. to 1:00 p.m., Boston College, Lower Dining Hall, Heights Room, 140 Commonwealth Avenue, Chestnut Hill, Massachusetts (Registration: 8:30 to 9:00 a.m.) Contact Person: Pamela Herrup, (617) 552–0763 or herrup@bc.edu

3. *Milwaukee:* April 20, 2000, 8:30 a.m. to 1:00 p.m., University of Wisconsin-Milwaukee, University Center for Continuing Education (UCCE), 161 W. Wisconsin Avenue, Room 7970, Milwaukee, Wisconsin (Registration: 8:30 to 9:00 a.m.) Contact Person: Linda Post, (414) 229–4884 or lpost@uwm.edu

4. *Miami:* April 25, 2000, 8:30 a.m. to 1:00 p.m., University of Miami, University Center, Section A, Flamingo Ballroom, 1306 Stanford Drive, Coral Gables, Florida (Registration: 8:30 to 9:00 a.m.) Contact Person: Martha Kairuz (305) 284–5937 or mkairuz@umiami.ir.miami.edu

Any interested parties are invited to attend these workshops.

Assistance to Individuals with Disabilities at the Technical Assistance Workshops—The meeting sites are accessible to individuals with disabilities. The Department will provide a sign language interpreter at each of the scheduled workshops. An individual with a disability who will need an auxiliary aid or service other than an interpreter to participate in the meeting (*e.g.*, assistive listening device, or materials in an alternate format) should notify the Department at least two weeks before the scheduled workshop date. Although we will attempt to meet a request received after this date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it. Requests for assistance should be directed by contacting the Teacher Quality Program Office as directed in the **FOR FURTHER INFORMATION CONTACT** section. There is no pre-registration for these workshops. For additional workshop information, you may visit the Teacher Quality website at: http://www.ed.gov/offices/OPE/heatqp/index.html or contact the

person designated as contact for each workshop site listed.

FOR FURTHER INFORMATION OR APPLICATIONS: Brenda Shade, Teacher Quality Program, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street NW, Room 6152, Washington, DC 20006–8525. Telephone Number: (202) 502–7773. The e-mail address for Ms. Shade is Brenda__Shade@ed.gov

The fax number is (202) 502–7699. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION OR APPLICATIONS CONTACT** section.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:
http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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

Program Authority: 20 U.S.C. 1021 et seq.

Dated: April 5, 2000.

Claudio R. Prieto,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 00–8891 Filed 4–10–00; 8:45 am]

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Federal Register

Tuesday,
April 11, 2000

Part VII

Environmental Protection Agency

Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6576–3]

Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations

AGENCY: Environmental Protection Agency (EPA, or Agency).

ACTION: Final Policy Statement.

SUMMARY: EPA today issues its revised final policy on ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,'' commonly referred to as the ''Audit Policy.'' The purpose of this Policy is to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, promptly disclose and expeditiously correct violations of Federal environmental requirements. Incentives that EPA makes available for those who meet the terms of the Audit Policy include the elimination or substantial reduction of the gravity component of civil penalties and a determination not to recommend criminal prosecution of the disclosing entity. The Policy also restates EPA's long-standing practice of not requesting copies of regulated entities' voluntary audit reports to trigger Federal enforcement investigations. Today's revised Audit Policy replaces the 1995 Audit Policy (60 FR 66706), which was issued on December 22, 1995, and took effect on January 22, 1996. Today's revisions maintain the basic structure and terms of the 1995 Audit Policy while clarifying some of its language, broadening its availability, and conforming the provisions of the Policy to actual Agency practice. The revisions being released today lengthen the prompt disclosure period to 21 days, clarify that the independent discovery condition does not automatically preclude penalty mitigation for multi-facility entities, and clarify how the prompt disclosure and repeat violation conditions apply to newly acquired companies. The revised Policy was developed in close consultation with the U.S. Department of Justice (DOJ), States, public interest groups and the regulated community. The revisions also reflect EPA's experience implementing the Policy over the past five years.

DATES: This revised Policy is effective May 11, 2000.

FOR FURTHER INFORMATION CONTACT: Catherine Malinin Dunn (202) 564–2629 or Leslie Jones (202) 564–5123. Documentation relating to the development of this Policy is contained in the environmental auditing public docket (#C–94–01). An index to the docket may be obtained by contacting the Enforcement and Compliance Docket and Information Center (ECDIC) by telephone at (202) 564–2614 or (202) 564–2119, by fax at (202) 501–1011, or by email at docket.oeca@epa.gov. ECDIC office hours are 8:00 am to 4:00 pm Monday through Friday except for Federal holidays. An index to the docket is available on the Internet at www.epa.gov/oeca/polguid/enfdock.html. Additional guidance regarding interpretation and application of the Policy is also available on the Internet at www.epa.gov/oeca/ore/apolguid.html.

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I. Explanation of Policy

A. Introduction

On December 22, 1995, EPA issued its final policy on ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations'' (60 FR 66706) (Audit Policy, or Policy). The purpose of the Policy is to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental law. Benefits available to entities that make disclosures under the terms of the Policy include reductions in the amount of civil penalties and a determination not to recommend criminal prosecution of disclosing entities.

Today, EPA issues revisions to the 1995 Audit Policy. The revised Policy reflects EPA's continuing commitment to encouraging voluntary self-policing while preserving fair and effective enforcement. It lengthens the prompt disclosure period to 21 days, clarifies that the independent discovery condition does not automatically preclude Audit Policy credit in the multi-facility context, and clarifies how the prompt disclosure and repeat violations conditions apply in the acquisitions context. The revised final Policy takes effect May 11, 2000.

B. Background and History

The Audit Policy provides incentives for regulated entities to detect, promptly disclose, and expeditiously correct violations of Federal environmental requirements. The Policy contains nine conditions, and entities that meet all of them are eligible for 100% mitigation of any gravity-based penalties that otherwise could be assessed. (''Gravity-based'' refers to that portion of the penalty over and above the portion that represents the entity's economic gain from noncompliance, known as the ''economic benefit.'') Regulated entities that do not meet the first condition—systematic discovery of violations—but meet the other eight conditions are eligible for 75% mitigation of any gravity-based civil penalties. On the criminal side, EPA will generally elect not to recommend criminal prosecution

by DOJ or any other prosecuting authority for a disclosing entity that meets at least conditions two through nine—regardless of whether it meets the systematic discovery requirement—as long as its self-policing, discovery and disclosure were conducted in good faith and the entity adopts a systematic approach to preventing recurrence of the violation.

The Policy includes important safeguards to deter violations and protect public health and the environment. For example, the Policy requires entities to act to prevent recurrence of violations and to remedy any environmental harm that may have occurred. Repeat violations, those that result in actual harm to the environment, and those that may present an imminent and substantial endangerment are not eligible for relief under this Policy. Companies will not be allowed to gain an economic advantage over their competitors by delaying their investment in compliance. And entities remain criminally liable for violations that result from conscious disregard of or willful blindness to their obligations under the law, and individuals remain liable for their criminal misconduct.

When EPA issued the 1995 Audit Policy, the Agency committed to evaluate the Policy after three years. The Agency initiated this evaluation in the Spring of 1998 and published its preliminary results in the **Federal Register** on May 17, 1999 (64 FR 26745). The evaluation consisted of the following components:

- An internal survey of EPA staff who process disclosures and handle enforcement cases under the 1995 Audit Policy;
- A survey of regulated entities that used the 1995 Policy to disclose violations;
- A series of meetings and conference calls with representatives from industry, environmental organizations, and States;
- Focused stakeholder discussions on the Audit Policy at two public conferences co-sponsored by EPA's Office of Enforcement and Compliance Assurance (OECA) and the Vice President's National Partnership for Reinventing Government, entitled ''Protecting Public Health and the Environment through Innovative Approaches to Compliance'';
- A **Federal Register** notice on March 2, 1999, soliciting comments on how EPA can further protect and improve public health and the environment through new compliance and enforcement approaches (64 FR 10144); and
- An analysis of data on Audit Policy usage to date and discussions amongst EPA officials who handle Audit Policy disclosures.

The same May 17, 1999, **Federal Register** notice that published the evaluation's preliminary results also proposed revisions to the 1995 Policy and requested public comment. During the 60-day public comment period, the Agency received 29 comment letters, copies of which are available through the Enforcement and Compliance Docket and Information Center. (See contact information at the beginning of this notice.) Analysis of these comment letters together with additional data on Audit Policy usage has constituted the final stage of the Audit Policy evaluation. EPA has prepared a detailed response to the comments received; a copy of that document will also be available through the Docket and Information Center as well on the Internet at www.epa.gov/oeca/ore/apolguid.html.

Overall, the Audit Policy evaluation revealed very positive results. The Policy has encouraged voluntary self-policing while preserving fair and effective enforcement. Thus, the revisions issued today do not signal any intention to shift course regarding the Agency's position on self-policing and voluntary disclosures but instead represent an attempt to fine-tune a Policy that is already working well.

Use of the Audit Policy has been widespread. As of October 1, 1999, approximately 670 organizations had disclosed actual or potential violations at more than 2700 facilities. The number of disclosures has increased each of the four years the Policy has been in effect.

Results of the Audit Policy User's Survey revealed very high satisfaction rates among users, with 88% of respondents stating that they would use the Policy again and 84% stating that they would recommend the Policy to clients and/or their counterparts. No respondents stated an unwillingness to use the Policy again or to recommend its use to others.

The Audit Policy and related documents, including Agency interpretive guidance and general interest newsletters, are available on the Internet at www.epa.gov/oeca/ore/apolguid. Additional guidance for implementing the Policy in the context of criminal violations can be found at www.epa.gov/oeca/oceft/audpol2.html.

In addition to the Audit Policy, the Agency's revised Small Business Compliance Policy (''Small Business Policy'') is also available for small entities that employ 100 or fewer individuals. The Small Business Policy provides penalty mitigation, subject to certain conditions, for small businesses that make a good faith effort to comply with environmental requirements by discovering, disclosing and correcting violations. EPA has revised the Small Business Policy at the same time it revised the Audit Policy. The revised Small Business Policy will be available on the Internet at www.epa.gov/oeca/smbusi.html.

C. Purpose

The revised Policy being announced today is designed to encourage greater compliance with Federal laws and regulations that protect human health and the environment. It promotes a higher standard of self-policing by waiving gravity-based penalties for violations that are promptly disclosed and corrected, and which were discovered systematically—that is, through voluntary audits or compliance management systems. To provide an incentive for entities to disclose and correct violations regardless of how they were detected, the Policy reduces gravity-based penalties by 75% for violations that are voluntarily discovered and promptly disclosed and corrected, even if not discovered systematically.

EPA's enforcement program provides a strong incentive for compliance by imposing stiff sanctions for noncompliance. Enforcement has contributed to the dramatic expansion of environmental auditing as measured in numerous recent surveys. For example, in a 1995 survey by Price Waterhouse LLP, more than 90% of corporate respondents who conduct audits identified one of the reasons for doing so as the desire to find and correct violations before government inspectors discover them. (A copy of the survey is contained in the Docket as document VIII–A–76.)

At the same time, because government resources are limited, universal compliance cannot be achieved without active efforts by the regulated community to police themselves. More than half of the respondents to the same 1995 Price Waterhouse survey said that they would expand environmental auditing in exchange for reduced penalties for violations discovered and corrected. While many companies already audit or have compliance management programs in place, EPA believes that the incentives offered in this Policy will improve the frequency and quality of these self-policing efforts.

D. Incentives for Self-Policing

Section C of the Audit Policy identifies the major incentives that EPA

provides to encourage self-policing, self-disclosure, and prompt self-correction. For entities that meet the conditions of the Policy, the available incentives include waiving or reducing gravity-based civil penalties, declining to recommend criminal prosecution for regulated entities that self-police, and refraining from routine requests for audits. (As noted in Section C of the Policy, EPA has refrained from making routine requests for audit reports since issuance of its 1986 policy on environmental auditing.)

1. Eliminating Gravity-Based Penalties

In general, civil penalties that EPA assesses are comprised of two elements: the economic benefit component and the gravity-based component. The economic benefit component reflects the economic gain derived from a violator's illegal competitive advantage. Gravity-based penalties are that portion of the penalty over and above the economic benefit. They reflect the egregiousness of the violator's behavior and constitute the punitive portion of the penalty. For further discussion of these issues, see ''Calculation of the Economic Benefit of Noncompliance in EPA's Civil Penalty Enforcement Cases,'' 64 FR 32948 (June 18, 1999) and ''A Framework for Statute-Specific Approaches to Penalty Assessments,'' #GM–22 (1984), U.S. EPA General Enforcement Policy Compendium.

Under the Audit Policy, EPA will not seek gravity-based penalties for disclosing entities that meet all nine Policy conditions, including systematic discovery. (''Systematic discovery'' means the detection of a potential violation through an environmental audit or a compliance management system that reflects the entity's due diligence in preventing, detecting and correcting violations.) EPA has elected to waive gravity-based penalties for violations discovered systematically, recognizing that environmental auditing and compliance management systems play a critical role in protecting human health and the environment by identifying, correcting and ultimately preventing violations.

However, EPA reserves the right to collect any economic benefit that may have been realized as a result of noncompliance, even where the entity meets all other Policy conditions. Where the Agency determines that the economic benefit is insignificant, the Agency also may waive this component of the penalty.

EPA's decision to retain its discretion to recover economic benefit is based on two reasons. First, facing the risk that the Agency will recoup economic benefit provides an incentive for regulated entities to comply on time. Taxpayers whose payments are late expect to pay interest or a penalty; the same principle should apply to corporations and other regulated entities that have delayed their investment in compliance. Second, collecting economic benefit is fair because it protects law-abiding companies from being undercut by their noncomplying competitors, thereby preserving a level playing field.

2. 75% Reduction of Gravity-based Penalties

Gravity-based penalties will be reduced by 75% where the disclosing entity does not detect the violation through systematic discovery but otherwise meets all other Policy conditions. The Policy appropriately limits the complete waiver of gravity-based civil penalties to companies that conduct environmental auditing or have in place a compliance management system. However, to encourage disclosure and correction of violations even in the absence of systematic discovery, EPA will reduce gravity-based penalties by 75% for entities that meet conditions D(2) through D(9) of the Policy. EPA expects that a disclosure under this provision will encourage the entity to work with the Agency to resolve environmental problems and begin to develop an effective auditing program or compliance management system.

3. No Recommendations for Criminal Prosecution

In accordance with EPA's Investigative Discretion Memo dated January 12, 1994, EPA generally does not focus its criminal enforcement resources on entities that voluntarily discover, promptly disclose and expeditiously correct violations, unless there is potentially culpable behavior that merits criminal investigation. When a disclosure that meets the terms and conditions of this Policy results in a criminal investigation, EPA will generally not recommend criminal prosecution for the disclosing entity, although the Agency may recommend prosecution for culpable individuals and other entities. The 1994 Investigative Discretion Memo is available on the Internet at http://www.epa.gov/oeca/ore/ aed/comp/acomp/a11.html.

The ''no recommendation for criminal prosecution'' incentive is available for entities that meet conditions D(2) through D(9) of the Policy. Condition D(1) ''systematic discovery'' is not required to be eligible for this incentive, although the entity must be acting in good faith and must adopt a systematic approach to preventing recurring violations. Important limitations to the incentive apply. It will not be available, for example, where corporate officials are consciously involved in or willfully blind to violations, or conceal or condone noncompliance. Since the regulated entity must satisfy conditions D(2) through D(9) of the Policy, violations that cause serious harm or which may pose imminent and substantial endangerment to human health or the environment are not eligible. Finally, EPA reserves the right to recommend prosecution for the criminal conduct of any culpable individual or subsidiary organization.

While EPA may decide not to recommend criminal prosecution for disclosing entities, ultimate prosecutorial discretion resides with the U.S. Department of Justice, which will be guided by its own policy on voluntary disclosures (''Factors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Compliance or Disclosure Efforts by the Violator,'' July 1, 1991) and by its 1999 Guidance on Federal Prosecutions of Corporations. In addition, where a disclosing entity has met the conditions for avoiding a recommendation for criminal prosecution under this Policy, it will also be eligible for either 75% or 100% mitigation of gravity-based civil penalties, depending on whether the systematic discovery condition was met.

4. No Routine Requests for Audit Reports

EPA reaffirms its Policy, in effect since 1986, to refrain from routine requests for audit reports. That is, EPA has not and will not routinely request copies of audit reports to trigger enforcement investigations. Implementation of the 1995 Policy has produced no evidence that the Agency has deviated, or should deviate, from this Policy. In general, an audit that results in expeditious correction will reduce liability, not expand it. However, if the Agency has independent evidence of a violation, it may seek the information it needs to establish the extent and nature of the violation and the degree of culpability.

For discussion of the circumstances in which EPA might request an audit report to determine Policy eligibility, see the explanatory text on cooperation, section I.E.9.

E. Conditions

Section D describes the nine conditions that a regulated entity must

meet in order for the Agency to decline to seek (or to reduce) gravity-based penalties under the Policy. As explained in section I.D.1 above, regulated entities that meet all nine conditions will not face gravity-based civil penalties. If the regulated entity meets all of the conditions except for D(1)—systematic discovery—EPA will reduce gravity-based penalties by 75%. In general, EPA will not recommend criminal prosecution for disclosing entities that meet at least conditions D(2) through D(9).

1. Systematic Discovery of the Violation Through an Environmental Audit or a Compliance Management System

Under Section D(1), the violation must have been discovered through either (a) an environmental audit, or (b) a compliance management system that reflects due diligence in preventing, detecting and correcting violations. Both ''environmental audit'' and ''compliance management system'' are defined in Section B of the Policy.

The revised Policy uses the term ''compliance management system'' instead of ''due diligence,'' which was used in the 1995 Policy. This change in nomenclature is intended solely to conform the Policy language to terminology more commonly in use by industry and by regulators to refer to a systematic management plan or systematic efforts to achieve and maintain compliance. No substantive difference is intended by substituting the term ''compliance management system'' for ''due diligence,'' as the Policy clearly indicates that the compliance management system must reflect the regulated entity's due diligence in preventing, detecting and correcting violations.

Compliance management programs that train and motivate employees to prevent, detect and correct violations on a daily basis are a valuable complement to periodic auditing. Where the violation is discovered through a compliance management system and not through an audit, the disclosing entity should be prepared to document how its program reflects the due diligence criteria defined in Section B of the Policy statement. These criteria, which are adapted from existing codes of practice—such as Chapter Eight of the U.S. Sentencing Guidelines for organizational defendants, effective since 1991—are flexible enough to accommodate different types and sizes of businesses and other regulated entities. The Agency recognizes that a variety of compliance management programs are feasible, and it will determine whether basic due diligence criteria have been met in deciding whether to grant Audit Policy credit.

As a condition of penalty mitigation, EPA may require that a description of the regulated entity's compliance management system be made publicly available. The Agency believes that the availability of such information will allow the public to judge the adequacy of compliance management systems, lead to enhanced compliance, and foster greater public trust in the integrity of compliance management systems.

2. Voluntary Discovery

Under Section D(2), the violation must have been identified voluntarily, and not through a monitoring, sampling, or auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement. The Policy provides three specific examples of discovery that would not be voluntary, and therefore would not be eligible for penalty mitigation: emissions violations detected through a required continuous emissions monitor, violations of NPDES discharge limits found through prescribed monitoring, and violations discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement. The exclusion does not apply to violations that are discovered pursuant to audits that are conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement. In general, EPA supports the implementation of EMSs that promote compliance, prevent pollution and improve overall environmental performance. Precluding the availability of the Audit Policy for discoveries made through a comprehensive EMS that has been implemented pursuant to a settlement agreement might discourage entities from agreeing to implement such a system.

In some instances, certain Clean Air Act violations discovered, disclosed and corrected by a company prior to issuance of a Title V permit are eligible for penalty mitigation under the Policy. For further guidance in this area, see ''Reduced Penalties for Disclosures of Certain Clean Air Act Violations,'' Memorandum from Eric Schaeffer, Director of the EPA Office of Regulatory Enforcement, dated September 30, 1999. This document is available on the Internet at www.epa.gov/oeca/ore/apolguid.html.

The voluntary requirement applies to discovery only, not reporting. That is, any violation that is voluntarily discovered is generally eligible for Audit Policy credit, regardless of whether reporting of the violation was required after it was found.

3. Prompt Disclosure

Section D(3) requires that the entity disclose the violation in writing to EPA within 21 calendar days after discovery. If the 21st day after discovery falls on a weekend or Federal holiday, the disclosure period will be extended to the first business day following the 21st day after discovery. If a statute or regulation requires the entity to report the violation in fewer than 21 days, disclosure must be made within the time limit established by law. (For example, unpermitted releases of hazardous substances must be reported immediately under 42 U.S.C. 9603.) Disclosures under this Policy should be made to the appropriate EPA Regional office or, where multiple Regions are involved, to EPA Headquarters. The Agency will work closely with States as needed to ensure fair and efficient implementation of the Policy. For additional guidance on making disclosures, contact the Audit Policy National Coordinator at EPA Headquarters at 202–564–5123.

The 21-day disclosure period begins when the entity discovers that a violation has, or may have, occurred. The trigger for discovery is when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has, or may have, occurred. The ''objectively reasonable basis'' standard is measured against what a prudent person, having the same information as was available to the individual in question, would have believed. It is not measured against what the individual in question thought was reasonable at the time the situation was encountered. If an entity has some doubt as to the existence of a violation, the recommended course is for the entity to proceed with the disclosure and allow the regulatory authorities to make a definitive determination. Contract personnel who provide on-site services at the facility may be treated as employees or agents for purposes of the Policy.

If the 21-day period has not yet expired and an entity suspects that it will be unable to meet the deadline, the entity should contact the appropriate EPA office in advance to develop disclosure terms acceptable to EPA. For situations in which the 21-day period already has expired, the Agency may accept a late disclosure in the exceptional case, such as where there are complex circumstances, including where EPA determines the violation could not be identified and disclosed within 21 calendar days after discovery.

EPA also may extend the disclosure period when multiple facilities or acquisitions are involved.

In the multi-facility context, EPA will ordinarily extend the 21-day period to allow reasonable time for completion and review of multi-facility audits where: (a) EPA and the entity agree on the timing and scope of the audits prior to their commencement; and (b) the facilities to be audited are identified in advance. In the acquisitions context, EPA will consider extending the prompt disclosure period on a case-by-case basis. The 21-day disclosure period will begin on the date of discovery by the acquiring entity, but in no case will the period begin earlier than the date of acquisition.

In summary, Section D(3) recognizes that it is critical for EPA to receive timely reporting of violations in order to have clear notice of the violations and the opportunity to respond if necessary. Prompt disclosure is also evidence of the regulated entity's good faith in wanting to achieve or return to compliance as soon as possible. The integrity of Federal environmental law depends upon timely and accurate reporting. The public relies on timely and accurate reports from the regulated community, not only to measure compliance but to evaluate health or environmental risk and gauge progress in reducing pollutant loadings. EPA expects the Policy to encourage the kind of vigorous self-policing that will serve these objectives and does not intend that it justify delayed reporting. When violations of reporting requirements are voluntarily discovered, they must be promptly reported. When a failure to report results in imminent and substantial endangerment or serious harm to the environment, Audit Policy credit is precluded under condition D(8).

4. Discovery and Disclosure Independent of Government or Third Party Plaintiff

Under Section D(4), the entity must discover the violation independently. That is, the violation must be discovered and identified before EPA or another government agency likely would have identified the problem either through its own investigative work or from information received through a third party. This condition requires regulated entities to take the initiative to find violations on their own and disclose them promptly instead of waiting for an indication of a pending enforcement action or third-party complaint.

Section D(4)(a) lists the circumstances under which discovery and disclosure will not be considered independent. For example, a disclosure will not be independent where EPA is already investigating the facility in question. However, under subsection (a), where the entity does not know that EPA has commenced a civil investigation and proceeds in good faith to make a disclosure under the Audit Policy, EPA may, in its discretion, provide penalty mitigation under the Audit Policy. The subsection (a) exception applies only to civil investigations; it does not apply in the criminal context. Other examples of situations in which a discovery is not considered independent are where a citizens' group has provided notice of its intent to sue, where a third party has already filed a complaint, where a whistleblower has reported the potential violation to government authorities, or where discovery of the violation by the government was imminent. Condition D(4)(c)—the filing of a complaint by a third party—covers formal judicial and administrative complaints as well as informal complaints, such as a letter from a citizens' group alerting EPA to a potential environmental violation.

Regulated entities that own or operate multiple facilities are subject to section D(4)(b) in addition to D(4)(a). EPA encourages multi-facility auditing and does not intend for the ''independent discovery'' condition to preclude availability of the Audit Policy when multiple facilities are involved. Thus, if a regulated entity owns or operates multiple facilities, the fact that one of its facilities is the subject of an investigation, inspection, information request or third-party complaint does not automatically preclude the Agency from granting Audit Policy credit for disclosures of violations self-discovered at the other facilities, assuming all other Audit Policy conditions are met. However, just as in the single-facility context, where a facility is already the subject of a government inspection, investigation or information request (including a broad information request that covers multiple facilities), it will generally not be eligible for Audit Policy credit. The Audit Policy is designed to encourage regulated entities to disclose violations before any of their facilities are under investigation, not after EPA discovers violations at one facility. Nevertheless, the Agency retains its full discretion under the Audit Policy to grant penalty waivers or reductions for good-faith disclosures made in the multi-facility context. EPA has worked closely with a number of entities that have received Audit Policy credit for multi-facility disclosures, and entities contemplating multi-facility auditing are encouraged to contact the Agency with any questions concerning Audit Policy availability.

5. Correction and Remediation

Under Section D(5), the entity must remedy any harm caused by the violation and expeditiously certify in writing to appropriate Federal, State, and local authorities that it has corrected the violation. Correction and remediation in this context include responding to spills and carrying out any removal or remedial actions required by law. The certification requirement enables EPA to ensure that the regulated entity will be publicly accountable for its commitments through binding written agreements, orders or consent decrees where necessary.

Under the Policy, the entity must correct the violation within 60 calendar days from the date of discovery, or as expeditiously as possible. EPA recognizes that some violations can and should be corrected immediately, while others may take longer than 60 days to correct. For example, more time may be required if capital expenditures are involved or if technological issues are a factor. If more than 60 days will be required, the disclosing entity must so notify the Agency in writing prior to the conclusion of the 60-day period. In all cases, the regulated entity will be expected to do its utmost to achieve or return to compliance as expeditiously as possible.

If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal or State authorities, the Agency will, where appropriate, make reasonable efforts to secure timely review of the permit.

6. Prevent Recurrence

Under Section D(6), the regulated entity must agree to take steps to prevent a recurrence of the violation after it has been disclosed. Preventive steps may include, but are not limited to, improvements to the entity's environmental auditing efforts or compliance management system.

7. No Repeat Violations

Condition D(7) bars repeat offenders from receiving Audit Policy credit. Under the repeat violations exclusion, the same or a closely-related violation must not have occurred at the same facility within the past 3 years. The 3-year period begins to run when the government or a third party has given the violator notice of a specific violation, without regard to when the original violation cited in the notice

actually occurred. Examples of notice include a complaint, consent order, notice of violation, receipt of an inspection report, citizen suit, or receipt of penalty mitigation through a compliance assistance or incentive project.

When the facility is part of a multi-facility organization, Audit Policy relief is not available if the same or a closely-related violation occurred as part of a pattern of violations at one or more of these facilities within the past 5 years. If a facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

The term ''violation'' includes any violation subject to a Federal, State or local civil judicial or administrative order, consent agreement, conviction or plea agreement. Recognizing that minor violations sometimes are settled without a formal action in court, the term also covers any act or omission for which the regulated entity has received a penalty reduction in the past. This condition covers situations in which the regulated entity has had clear notice of its noncompliance and an opportunity to correct the problem.

The repeat violation exclusion benefits both the public and law-abiding entities by ensuring that penalties are not waived for those entities that have previously been notified of violations and fail to prevent repeat violations. The 3-year and 5-year ''bright lines'' in the exclusion are designed to provide regulated entities with clear notice about when the Policy will be available.

8. Other Violations Excluded

Section D(8) provides that Policy benefits are not available for certain types of violations. Subsection D(8)(a) excludes violations that result in serious actual harm to the environment or which may have presented an imminent and substantial endangerment to public health or the environment. When events of such a consequential nature occur, violators are ineligible for penalty relief and other incentives under the Audit Policy. However, this condition does not bar an entity from qualifying for Audit Policy relief solely because the violation involves release of a pollutant to the environment, as such releases do not necessarily result in serious actual harm or an imminent and substantial endangerment. To date, EPA has not invoked the serious actual harm or the imminent and substantial endangerment clauses to deny Audit Policy credit for any disclosure.

Subsection D(8)(b) excludes violations of the specific terms of any order, consent agreement, or plea agreement. Once a consent agreement has been negotiated, there is little incentive to comply if there are no sanctions for violating its specific requirements. The exclusion in this section also applies to violations of the terms of any response, removal or remedial action covered by a written agreement.

9. Cooperation

Under Section D(9), the regulated entity must cooperate as required by EPA and provide the Agency with the information it needs to determine Policy applicability. The entity must not hide, destroy or tamper with possible evidence following discovery of potential environmental violations. In order for the Agency to apply the Policy fairly, it must have sufficient information to determine whether its conditions are satisfied in each individual case. In general, EPA requests audit reports to determine the applicability of this Policy only where the information contained in the audit report is not readily available elsewhere and where EPA decides that the information is necessary to determine whether the terms and conditions of the Policy have been met. In the rare instance where an EPA Regional office seeks to obtain an audit report because it is otherwise unable to determine whether Policy conditions have been met, the Regional office will notify the Office of Regulatory Enforcement at EPA headquarters.

Entities that disclose potential criminal violations may expect a more thorough review by the Agency. In criminal cases, entities will be expected to provide, at a minimum, the following: access to all requested documents; access to all employees of the disclosing entity; assistance in investigating the violation, any noncompliance problems related to the disclosure, and any environmental consequences related to the violations; access to all information relevant to the violations disclosed, including that portion of the environmental audit report or documentation from the compliance management system that revealed the violation; and access to the individuals who conducted the audit or review.

F. Opposition to Audit Privilege and Immunity

The Agency believes that the Audit Policy provides effective incentives for self-policing without impairing law enforcement, putting the environment at risk or hiding environmental compliance information from the public. Although EPA encourages environmental auditing, it must do so without compromising the integrity and enforceability of environmental laws. It is important to distinguish between EPA's Audit Policy and the audit privilege and immunity laws that exist in some States. The Agency remains firmly opposed to statutory and regulatory audit privileges and immunity. Privilege laws shield evidence of wrongdoing and prevent States from investigating even the most serious environmental violations. Immunity laws prevent States from obtaining penalties that are appropriate to the seriousness of the violation, as they are required to do under Federal law. Audit privilege and immunity laws are unnecessary, undermine law enforcement, impair protection of human health and the environment, and interfere with the public's right to know of potential and existing environmental hazards.

Statutory audit privilege and immunity run counter to encouraging the kind of openness that builds trust between regulators, the regulated community and the public. For example, privileged information on compliance contained in an audit report may include information on the cause of violations, the extent of environmental harm, and what is necessary to correct the violations and prevent their recurrence. Privileged information is unavailable to law enforcers and to members of the public who have suffered harm as a result of environmental violations. The Agency opposes statutory immunity because it diminishes law enforcement's ability to discourage wrongful behavior and interferes with a regulator's ability to punish individuals who disregard the law and place others in danger. The Agency believes that its Audit Policy provides adequate incentives for self-policing but without secrecy and without abdicating its discretion to act in cases of serious environmental violations.

Privilege, by definition, invites secrecy, instead of the openness needed to build public trust in industry's ability to self-police. American law reflects the high value that the public places on fair access to the facts. The Supreme Court, for example, has said of privileges that, '' [w]hatever their origins, these exceptions to the demand for every man's evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth.'' *United States* v. *Nixon*, 418 U.S. 683, 710 (1974). Federal courts have unanimously refused to recognize a privilege for environmental audits in the context of government investigations. See, *e.g., United States* v. *Dexter Corp.,* 132 F.R.D. 8, 10 (D.Conn. 1990)

(application of a privilege ''would effectively impede [EPA's] ability to enforce the Clean Water Act, and would be contrary to stated public policy.'') Cf. In re Grand Jury Proceedings, 861 F. Supp. 386 (D. Md. 1994) (company must comply with a subpoena under Food, Drug and Cosmetics Act for self-evaluative documents).

G. Effect on States

The revised final Policy reflects EPA's desire to provide fair and effective incentives for self-policing that have practical value to States. To that end, the Agency has consulted closely with State officials in developing this Policy. As a result, EPA believes its revised final Policy is grounded in commonsense principles that should prove useful in the development and implementation of State programs and policies.

EPA recognizes that States are partners in implementing the enforcement and compliance assurance program. When consistent with EPA's policies on protecting confidential and sensitive information, the Agency will share with State agencies information on disclosures of violations of Federally-authorized, approved or delegated programs. In addition, for States that have adopted their own audit policies in Federally-authorized, approved or delegated programs, EPA will generally defer to State penalty mitigation for self-disclosures as long as the State policy meets minimum requirements for Federal delegation. Whenever a State provides a penalty waiver or mitigation for a violation of a requirement contained in a Federally-authorized, approved or delegated program to an entity that discloses those violations in conformity with a State audit policy, the State should notify the EPA Region in which it is located. This notification will ensure that Federal and State enforcement responses are coordinated properly.

For further information about minimum delegation requirements and the effect of State audit privilege and immunity laws on enforcement authority, see ''Statement of Principles: Effect of State Audit/Immunity Privilege Laws on Enforcement Authority for Federal Programs,'' Memorandum from Steven A. Herman et al, dated February 14, 1997, to be posted on the Internet under www.epa.gov/oeca/oppa.

As always, States are encouraged to experiment with different approaches to assuring compliance as long as such approaches do not jeopardize public health or the environment, or make it profitable not to comply with Federal environmental requirements. The Agency remains opposed to State legislation that does not include these basic protections, and reserves its right to bring independent action against regulated entities for violations of Federal law that threaten human health or the environment, reflect criminal conduct or repeated noncompliance, or allow one company to profit at the expense of its law-abiding competitors.

H. Scope of Policy

EPA has developed this Policy to guide settlement actions. It is the Agency's practice to make public all compliance agreements reached under this Policy in order to provide the regulated community with fair notice of decisions and to provide affected communities and the public with information regarding Agency action. Some in the regulated community have suggested that the Agency should convert the Policy into a regulation because they feel doing so would ensure greater consistency and predictability. Following its three-year evaluation of the Policy, however, the Agency believes that there is ample evidence that the Policy has worked well and that there is no need for a formal rulemaking. Furthermore, as the Agency seeks to respond to lessons learned from its increasing experience handling self-disclosures, a policy is much easier to amend than a regulation. Nothing in today's release of the revised final Policy is intended to change the status of the Policy as guidance.

I. Implementation of Policy

1. Civil Violations

Pursuant to the Audit Policy, disclosures of civil environmental violations should be made to the EPA Region in which the entity or facility is located or, where the violations to be disclosed involve more than one EPA Region, to EPA Headquarters. The Regional or Headquarters offices decide whether application of the Audit Policy in a specific case is appropriate. Obviously, once a matter has been referred for civil judicial prosecution, DOJ becomes involved as well. Where there is evidence of a potential criminal violation, the civil offices coordinate with criminal enforcement offices at EPA and DOJ.

To resolve issues of national significance and ensure that the Policy is applied fairly and consistently across EPA Regions and at Headquarters, the Agency in 1995 created the Audit Policy Quick Response Team (QRT). The QRT is comprised of representatives from the Regions, Headquarters, and DOJ. It meets on a regular basis to address issues of interpretation and to coordinate self-disclosure initiatives. In addition, in 1999 EPA established a National Coordinator position to handle Audit Policy issues and implementation. The National Coordinator chairs the QRT and, along with the Regional Audit Policy coordinators, serves as a point of contact on Audit Policy issues in the civil context.

2. Criminal Violations

Criminal disclosures are handled by the Voluntary Disclosure Board (VDB), which was established by EPA in 1997. The VDB ensures consistent application of the Audit Policy in the criminal context by centralizing Policy interpretation and application within the Agency.

Disclosures of potential criminal violations may be made directly to the VDB, to an EPA regional criminal investigation division or to DOJ. In all cases, the VDB coordinates with the investigative team and the appropriate prosecuting authority. During the course of the investigation, the VDB routinely monitors the progress of the investigation as necessary to ensure that sufficient facts have been established to determine whether to recommend that relief under the Policy be granted.

At the conclusion of the criminal investigation, the Board makes a recommendation to the Director of EPA's Office of Criminal Enforcement, Forensics, and Training, who serves as the Deciding Official. Upon receiving the Board's recommendation, the Deciding Official makes his or her final recommendation to the appropriate United States Attorney's Office and/or DOJ. The recommendation of the Deciding Official, however, is only that—a recommendation. The United States Attorney's Office and/or DOJ retain full authority to exercise prosecutorial discretion.

3. Release of Information to the Public

Upon formal settlement, EPA places copies of settlements in the Audit Policy Docket. EPA also makes other documents related to self-disclosures publicly available, unless the disclosing entity claims them as Confidential Business Information (and that claim is validated by U.S. EPA), unless another exemption under the Freedom of Information Act is asserted and/or applies, or the Privacy Act or any other law would preclude such release. Presumptively releasable documents include compliance agreements reached under the Policy (see Section H) and descriptions of compliance management systems submitted under Section D(1).

Any material claimed to be Confidential Business Information will be treated in accordance with EPA regulations at 40 CFR Part 2. In determining what documents to release, EPA is guided by the Memorandum from Assistant Administrator Steven A. Herman entitled ''Confidentiality of Information Received Under Agency's Self-Disclosure Policy,'' available on the Internet at www.epa.gov/oeca/sahmemo.html.

II. Statement of Policy—Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations

A. Purpose

This Policy is designed to enhance protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of Federal environmental requirements.

B. Definitions

For purposes of this Policy, the following definitions apply:

''Environmental Audit'' is a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.

''Compliance Management System'' encompasses the regulated entity's documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect and correct violations through all of the following:

(a) Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;

(b) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;

(c) Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;

(d) Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;

(e) Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and

(f) Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.

''Environmental audit report'' means the documented analysis, conclusions, and recommendations resulting from an environmental audit, but does not include data obtained in, or testimonial evidence concerning, the environmental audit.

''Gravity-based penalties'' are that portion of a penalty over and above the economic benefit, *i.e.,* the punitive portion of the penalty, rather than that portion representing a defendant's economic gain from noncompliance.

''Regulated entity'' means any entity, including a Federal, State or municipal agency or facility, regulated under Federal environmental laws.

C. Incentives for Self-Policing

1. No Gravity-Based Penalties

If a regulated entity establishes that it satisfies all of the conditions of Section D of this Policy, EPA will not seek gravity-based penalties for violations of Federal environmental requirements discovered and disclosed by the entity.

2. Reduction of Gravity-Based Penalties by 75%

If a regulated entity establishes that it satisfies all of the conditions of Section D of this Policy except for D(1)—systematic discovery—EPA will reduce by 75% gravity-based penalties for violations of Federal environmental requirements discovered and disclosed by the entity.

3. No Recommendation for Criminal Prosecution

(a) If a regulated entity establishes that it satisfies at least conditions D(2) through D(9) of this Policy, EPA will not recommend to the U.S. Department of Justice or other prosecuting authority that criminal charges be brought against the disclosing entity, as long as EPA determines that the violation is not part of a pattern or practice that demonstrates or involves:

(i) A prevalent management philosophy or practice that conceals or condones environmental violations; or

(ii) High-level corporate officials' or managers' conscious involvement in, or willful blindness to, violations of Federal environmental law;

(b) Whether or not EPA recommends the regulated entity for criminal prosecution under this section, the Agency may recommend for prosecution the criminal acts of individual managers or employees under existing policies guiding the exercise of enforcement discretion.

4. No Routine Request for Environmental Audit Reports

EPA will neither request nor use an environmental audit report to initiate a civil or criminal investigation of an entity. For example, EPA will not request an environmental audit report in routine inspections. If the Agency has independent reason to believe that a violation has occurred, however, EPA may seek any information relevant to identifying violations or determining liability or extent of harm.

D. Conditions

1. Systematic Discovery

The violation was discovered through:

(a) An environmental audit; or

(b) A compliance management system reflecting the regulated entity's due diligence in preventing, detecting, and correcting violations. The regulated entity must provide accurate and complete documentation to the Agency as to how its compliance management system meets the criteria for due diligence outlined in Section B and how the regulated entity discovered the violation through its compliance management system. EPA may require the regulated entity to make publicly available a description of its compliance management system.

2. Voluntary Discovery

The violation was discovered voluntarily and not through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. For example, the Policy does not apply to:

(a) Emissions violations detected through a continuous emissions monitor (or alternative monitor established in a permit) where any such monitoring is required;

(b) Violations of National Pollutant Discharge Elimination System (NPDES) discharge limits detected through required sampling or monitoring; or

(c) Violations discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement, unless the audit is a component of agreement terms to implement a comprehensive environmental management system.

3. Prompt Disclosure

The regulated entity fully discloses the specific violation in writing to EPA within 21 days (or within such shorter time as may be required by law) after the entity discovered that the violation has, or may have, occurred. The time at which the entity discovers that a violation has, or may have, occurred begins when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has, or may have, occurred.

4. Discovery and Disclosure Independent of Government or Third-Party Plaintiff

(a) The regulated entity discovers and discloses the potential violation to EPA prior to:

(i) The commencement of a Federal, State or local agency inspection or investigation, or the issuance by such agency of an information request to the regulated entity (where EPA determines that the facility did not know that it was under civil investigation, and EPA determines that the entity is otherwise acting in good faith, the Agency may exercise its discretion to reduce or waive civil penalties in accordance with this Policy);

(ii) Notice of a citizen suit;

(iii) The filing of a complaint by a third party;

(iv) The reporting of the violation to EPA (or other government agency) by a ''whistleblower'' employee, rather than by one authorized to speak on behalf of the regulated entity; or

(v) imminent discovery of the violation by a regulatory agency.

(b) For entities that own or operate multiple facilities, the fact that one facility is already the subject of an investigation, inspection, information request or third-party complaint does not preclude the Agency from exercising its discretion to make the Audit Policy available for violations self-discovered at other facilities owned or operated by the same regulated entity.

5. Correction and Remediation

The regulated entity corrects the violation within 60 calendar days from the date of discovery, certifies in writing that the violation has been corrected, and takes appropriate measures as determined by EPA to remedy any environmental or human harm due to the violation. EPA retains the authority to order an entity to correct a violation within a specific time period shorter than 60 days whenever correction in such shorter period of time is feasible and necessary to protect public health and the environment adequately. If more than 60 days will be needed to correct the violation, the regulated entity must so notify EPA in writing before the 60-day period has passed. Where appropriate, to satisfy conditions D(5) and D(6), EPA may require a regulated entity to enter into a publicly available written agreement, administrative consent order or judicial consent decree as a condition of obtaining relief under the Audit Policy, particularly where compliance or remedial measures are complex or a lengthy schedule for attaining and maintaining compliance or remediating harm is required.

6. Prevent Recurrence

The regulated entity agrees in writing to take steps to prevent a recurrence of the violation. Such steps may include improvements to its environmental auditing or compliance management system.

7. No Repeat Violations

The specific violation (or a closely related violation) has not occurred previously within the past three years at the same facility, and has not occurred within the past five years as part of a pattern at multiple facilities owned or operated by the same entity. For the purposes of this section, a violation is:

(a) Any violation of Federal, State or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of violation, conviction or plea agreement; or

(b) Any act or omission for which the regulated entity has previously received penalty mitigation from EPA or a State or local agency.

8. Other Violations Excluded

The violation is not one which (a) resulted in serious actual harm, or may have presented an imminent and substantial endangerment, to human health or the environment, or (b) violates the specific terms of any judicial or administrative order, or consent agreement.

9. Cooperation

The regulated entity cooperates as requested by EPA and provides such information as is necessary and requested by EPA to determine applicability of this Policy.

E. Economic Benefit

EPA retains its full discretion to recover any economic benefit gained as a result of noncompliance to preserve a ''level playing field'' in which violators do not gain a competitive advantage over regulated entities that do comply. EPA may forgive the entire penalty for violations that meet conditions D(1) through D(9) and, in the Agency's opinion, do not merit any penalty due to the insignificant amount of any economic benefit.

F. Effect on State Law, Regulation or Policy

EPA will work closely with States to encourage their adoption and implementation of policies that reflect the incentives and conditions outlined in this Policy. EPA remains firmly opposed to statutory environmental audit privileges that shield evidence of environmental violations and undermine the public's right to know, as well as to blanket immunities, particularly immunities for violations that reflect criminal conduct, present serious threats or actual harm to health and the environment, allow noncomplying companies to gain an economic advantage over their competitors, or reflect a repeated failure to comply with Federal law. EPA will work with States to address any provisions of State audit privilege or immunity laws that are inconsistent with this Policy and that may prevent a timely and appropriate response to significant environmental violations. The Agency reserves its right to take necessary actions to protect public health or the environment by enforcing against any violations of Federal law.

G. Applicability

(1) This Policy applies to settlement of claims for civil penalties for any violations under all of the Federal environmental statutes that EPA administers, and supersedes any inconsistent provisions in media-specific penalty or enforcement policies and EPA's 1995 Policy on ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations.''

(2) To the extent that existing EPA enforcement policies are not inconsistent, they will continue to apply in conjunction with this Policy. However, a regulated entity that has received penalty mitigation for satisfying specific conditions under this Policy may not receive additional penalty mitigation for satisfying the same or similar conditions under other policies for the same violation, nor will this Policy apply to any violation that has received penalty mitigation under other policies. Where an entity has failed to meet any of conditions D(2) through D(9) and is therefore not eligible for penalty relief under this Policy, it may still be eligible for penalty

relief under other EPA media-specific enforcement policies in recognition of good faith efforts, even where, for example, the violation may have presented an imminent and substantial endangerment or resulted in serious actual harm.

(3) This Policy sets forth factors for consideration that will guide the Agency in the exercise of its enforcement discretion. It states the Agency's views as to the proper allocation of its enforcement resources. The Policy is not final agency action and is intended as guidance. This Policy is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. As with the 1995 Audit Policy, EPA may decide to follow guidance provided in this document or to act at variance with it based on its analysis of the specific facts presented. This Policy may be revised without public notice to reflect changes in EPA's approach to providing incentives for self-policing by regulated entities, or to clarify and update text.

(4) This Policy should be used whenever applicable in settlement negotiations for both administrative and civil judicial enforcement actions. It is not intended for use in pleading, at hearing or at trial. The Policy may be applied at EPA's discretion to the settlement of administrative and judicial enforcement actions instituted prior to, but not yet resolved, as of the effective date of this Policy.

(5) For purposes of this Policy, violations discovered pursuant to an environmental audit or compliance management system may be considered voluntary even if required under an Agency ''partnership'' program in which the entity participates, such as regulatory flexibility pilot projects like Project XL. EPA will consider application of the Audit Policy to such partnership program projects on a project-by-project basis.

(6) EPA has issued interpretive guidance addressing several applicability issues pertaining to the Audit Policy. Entities considering whether to take advantage of the Audit Policy should review that guidance to see if it addresses any relevant questions. The guidance can be found on the Internet at www.epa.gov/oeca/ore/apolguid.html.

H. Public Accountability

EPA will make publicly available the terms and conditions of any compliance agreement reached under this Policy, including the nature of the violation, the remedy, and the schedule for returning to compliance.

I. Effective Date

This revised Policy is effective May 11, 2000.

Dated: March 30, 2000.

Steven A. Herman,

Assistant Administrator for Enforcement and Compliance Assurance.

[FR Doc. 00–8954 Filed 4–10–00; 8:45 am]

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Federal Register

Tuesday,
April 11, 2000

Part VIII

Environmental Protection Agency

Small Business Compliance Policy; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6576–4]

Small Business Compliance Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Policy Statement.

SUMMARY: The Environmental Protection Agency (EPA) today issues its revised final *Small Business Compliance Policy* to expand the options allowed under the Policy for discovering violations and to establish a time period for disclosure. This Policy was originally titled the *Policy on Compliance Incentives for Small Businesses.* This Policy is intended to promote environmental compliance among small businesses by providing incentives for voluntary discovery, prompt disclosure, and prompt correction of violations. The Policy accomplishes this in two ways: by setting forth guidelines for the Agency to apply in reducing or waiving penalties for small businesses that come forward to disclose and make good faith efforts to correct violations, and by deferring to State, local and Tribal governments that offer these incentives. Major revisions released today include lengthening the prompt disclosure period from 10 to 21 calendar days and broadening the applicability of the Policy to violations uncovered by small businesses through any means of voluntary discovery.

DATES: This policy is effective May 11, 2000.

ADDRESSES: Additional documentation relating to the development of this policy is contained in the Office of Enforcement and Compliance Assurance (OECA) public docket (EC–P–1999–009). An index to the docket may be obtained by contacting the Enforcement and Compliance Docket and Information Center by telephone at (202) 564–2614 or (202) 564–2119, by fax at (202) 564–1011, or by email at docket.oeca@epa.gov. Office hours are 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. An additional contact is Ginger Gotliffe (202) 564–7072; fax (202) 564–009; e-mail: gotliffe.ginger@epa.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Five years ago, EPA reorganized its compliance programs. This reorganization was undertaken by Administrator Browner with a goal of making EPA's enforcement and compliance programs more effective in protecting public health, safety and the environment. The reorganization also improved and enhanced EPA's ability to reach out to small businesses with information to help them comply with environmental requirements. Five years after the reorganization, EPA conducted outreach efforts to obtain feedback on compliance and enforcement activities, on ways to further improve public health, safety and the environment through compliance efforts, and on actions the Agency has taken over the past five years. From these and other outreach efforts and from meetings and conference calls with interested stakeholder groups, OECA received feedback that improvements were needed to both its Audit Policy and to its Small Business Policy. In response to that feedback, OECA reviewed ways to improve these Policies.

Background and History

EPA issued two incentives policies in 1995 and 1996. The ''Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations,'' informally known as the ''Audit Policy,'' was issued in December 1995. See 60 FR 66706 (Dec. 22, 1995). The purpose of the Audit Policy, which is available to entities of any size, is to enhance protection of human health, safety and the environment by encouraging regulated businesses to voluntarily discover, promptly disclose, expeditiously correct and prevent violations of federal environmental law. Benefits available to businesses that qualify for the Audit Policy include reductions in the amount of civil penalties and no recommendation for prosecution of potential criminal violations. The Audit Policy has been recently modified, and the Final revised Audit Policy is being published today in the **Federal Register**.

To address the special needs of small businesses EPA issued the ''Policy on Compliance Incentives for Small Businesses,'' which is commonly called the ''Small Business Policy,'' in June 1996. See 61 FR 27984 June 3, 1996. The Small Business Policy implements section 223 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996. The term ''small business'' will be used throughout this Policy, however this term will also cover entities such as small governments and small organizations as defined in SBREFA. Under the existing Small Business Policy, EPA will waive or reduce civil penalties whenever a small business makes a good faith effort to comply with environmental requirements by discovering violations as part of a government sponsored compliance assistance program or a voluntary environmental audit, promptly disclosing those violations, and correcting them in a timely manner. If the small business meets all the criteria in the policy, including violation history, correction timeframe, and lack of harm, EPA will waive 100% of the gravity component of the civil penalty. Moreover, EPA will defer to State, local and Tribal actions that are consistent with the criteria set forth in this Policy. The Small Business Policy provides penalty reduction as an incentive for small businesses, who are less likely than large businesses to have sophisticated environmental expertise, to ask for compliance assistance. This policy was also simpler for small businesses to use.

There are several notable differences between the existing Audit Policy and Small Business Policy. First, the policies allow penalty reduction for violations discovered in different ways. The Audit Policy addresses violations discovered through systematic methods such as audits as well as through non-systematic methods. The Small Business Policy applies only to violations discovered through audits and during government sponsored on-site compliance assistance activities. Second, the penalty reduction granted by the policies varies. The Audit Policy provides 100% reduction of the gravity component of the penalty (explained below) for systematic discoveries (i.e., part of a regular audit program) and 75% for non-systematic discoveries. The Small Business Policy grants provides up to 100% reduction of the gravity component of the penalty for violations discovered either through regular audits or during government sponsored on-site compliance assistance activities. Finally, the period within which violations must be corrected is different. Under the Audit Policy, businesses must correct a violation within up to 60 days of its discovery of the violation to qualify for penalty reduction. Under the Small Business Policy, a business must generally correct a violation within 180 days of its discovery to qualify for penalty reduction, and within 360 days if the correction involves pollution prevention modifications.

In addition to these notable differences, the Audit Policy addresses several issues not covered by the Small Business Policy; criminal conduct and multi-facility disclosures. The Small Business Policy is inapplicable for criminal violations. Violations that may involve criminal conduct can be addressed under the Audit Policy. In the unlikely situation where a disclosure involves a multi-facility business, the Agency will identify the relevant

provisions of the Audit and Small Business Policies.

Changes to Policy

EPA is today making several major changes to the Small Business Compliance Policy. All of these changes will make it easier for small businesses to take advantage of the Small Business Compliance Policy. These changes result from EPA's evaluation of comments received on our proposed modification of the Small Business Compliance Policy, which was published on July 29, 1999. See 64 FR 41116.

The following sections discuss the two major changes that we have made to the Small Business Compliance Policy: expansion of options for discovery of violations and lengthening the disclosure period.

1. Expanded Options for Discovery of Violations

Comments submitted to EPA suggested that this Policy should be expanded to include violations that are discovered by a variety of compliance assistance activities, including participation in compliance programs or the use of tools that have been developed or sponsored by EPA, the States, and local, private and non-profit assistance providers. Based on its evaluation of those comments, EPA has decided in the revised Small Business Compliance Policy to allow small businesses to obtain penalty relief if violations are discovered by any voluntary means in addition to discovery as the result of government sponsored on-site compliance assistance activities or environmental audits. For example, voluntary discovery could result from compliance management systems (CMSs), pollution prevention assessments, participation in mentoring programs, training classes, use of on-line compliance assistance centers, and use of checklists. These programs and activities need not be associated with environmental regulatory agencies, but may be associated with any public, private, or non-profit organization. The Agency wants to encourage participation in those programs or activities that could increase compliance, improve efficiency, and reduce pollution.

There are a variety of activities and sources of information that a small business can use to learn more about environmental regulatory requirements. EPA and the States provide various forms of compliance assistance. Some State assistance programs are run as confidential services to the small business community. If a small business wishes to obtain a corrections period under this policy after receiving compliance assistance from a confidential program, the business must promptly disclose the violations to the EPA or the State or Tribal government agency which is applying a similar policy and comply with the other provisions of this Policy.

2. Clarify and Lengthen the Disclosure Period

This revised Small Business Compliance Policy extends the time period within which the small business must fully disclose a violation from 10 to 21 calendar days. The original Policy required ''prompt disclosure'' for compliance assistance discovery and 10 day disclosure for discoveries made through an environmental audit. Lengthening the disclosure period to 21 calendar days regardless of how the violation was discovered will give small businesses more opportunity to make use of the Small Business Compliance Policy while allowing EPA to get timely reporting of violations. Such timely reporting provides the Agency with clear notice of violations that have or may have occurred and the opportunity to respond if necessary, as well as an accurate picture of a given businesses's compliance record. Lengthening the disclosure period to 21 calendar days is also consistent with a similar change that EPA made to the Audit Policy.

EPA received comment that there might be situations where small businesses would not able to disclose within the 21 calendar day period. Therefore the revised Small Business Compliance Policy addresses this issue. Where the 21 calendar day disclosure period has not expired and a small business knows that it will be unable to disclose within that time period, the small business is advised to contact the appropriate EPA Office before the period expires to request additional time. For situations in which the 21 calendar day disclosure period has already expired, the Agency may accept a late disclosure in the exceptional case, such as where there are complex circumstances. In such instances, the small business will need to demonstrate that an exceptional case exists.

With the broadening of the options for the discovery of violations, there was some concern by one commenter in a follow-up conversation about the event that triggers the beginning of the 21 calendar day disclosure period. The 21 calendar day disclosure period begins when the small business discovers that a violation has, or may have, occurred. Discovery occurs when any officer, director, employee or agent of the facility becomes aware of any facts that reasonably lead him or her to believe that a violation has or may have occurred at the facility.

Other Issues Addressed by Public Comment

There were also issues that the public commented on, either through outreach activities or in response to the Agency's proposed modifications. These covered reduction of penalties, implementation of the policy, and the combination of the Audit Policy and the Small Business Compliance Policy.

1. Penalty Reduction

EPA did not change the Small Business Compliance Policy provisions on reducing or eliminating the gravity component of civil penalties that it would otherwise seek. Civil penalties are made up of two components: a gravity component and an economic benefit component. The gravity component typically reflects the nature of the violations, the duration of the violations, the environmental, safety or public health impacts of the violations, good faith efforts by the business to promptly remedy the violation, and the business's overall record of compliance with environmental requirements. Under this Policy, the Agency will grant 100% reduction of the gravity component of the penalty for violations provided all the other criteria in the policy are met. The Agency believes the incentive of 100% reduction of the gravity component should encourage small businesses to disclose violations promptly and correct them within the specified time period.

The economic benefit component typically reflects any monetary advantage a small business has derived from the violations. For example, if a small business significantly reduced its expenses by not purchasing and installing an emission control device to meet regulatory requirements, then that small business has gained an economic benefit or advantage over its competitors who have complied with the environmental requirements. We received a comment that the possibility of being subject to the economic benefit component of a civil penalty would keep small businesses from using the policy. However, other commenters stated that the economic benefit component should be retained to protect law abiding small businesses from being placed at a competitive disadvantage to those which do not comply.

EPA retains discretion to consider and collect economic benefit where a significant benefit was gained, although based on its experience, the Agency

does not anticipate the need to exercise this discretion often. To date, the vast majority of the disclosures under the Audit Policy and all of the disclosures under the Small Business Compliance Policy have not necessitated recovery of economic benefit.

2. Implementation of the Policy

EPA has modified the Small Business Compliance Policy in format and language to provide the information in a more understandable manner. This in part helps to respond to comments about how we have implemented the Policy. In addition, when they become available, EPA will provide a fact sheet, contact list, and other information about the Policy at the EPA web site (*http://www.epa.gov/oeca/smbusi.html*) to increase the usefulness of the Policy. We will also ensure that other internet sites such as EPA's Small Business Ombudsman web site and the Compliance Assistance Center's web sites (9 Centers available at http://www.epa.gov/oeca/centers) link to this information about the Policy. EPA staff and other compliance assistance activities and initiatives will also provide information about the Small Business Compliance Policy.

Enhanced implementation of the Policy also involves improved procedures and coordination within EPA. EPA Headquarters and Regional staff working on the Audit Policy as well as this Small Business Compliance Policy are coordinating on issues and procedures to ensure national consistency in its application and to improve the timeliness of the Agency's review of each disclosure. In most circumstances, EPA will respond to a small business within 60 days of disclosure of a violation.

3. Combining Both Compliance Incentives Policies

As part of the Agency's evaluations of the Audit and Small Business Policies and given the similarities between the two Policies, EPA asked for comments on the advisability of combining them. In particular, the Agency was interested in whether small businesses would be more likely to audit (or seek compliance assistance) and self-disclose violations if the two policies were merged. EPA received a range of comments supportive of combining the two policies if doing so would simplify the process for small businesses. After a careful review, EPA decided that it is preferable for small businesses to have a separate policy tailored specifically for them. The Small Business Compliance Policy: (1) Is shorter and simpler, (2) contains additional benefits for small businesses such as a longer correction period and 100% penalty reduction of the gravity component for all covered violations, and (3) can be more easily distributed with compliance assistance materials developed just for small businesses.

We expect these changes to enable more small businesses to use the policy and thereby promote environmental compliance.

Small Business Compliance Policy

A. Introduction and Purpose

The Small Business Compliance Policy is intended to promote environmental compliance among small businesses by providing incentives for them to make use of compliance assistance programs, environmental audits, or compliance management systems (CMS), or to participate in any activities that may increase small businesses' understanding of the environmental requirements with which they must comply. The Policy accomplishes this in two ways: by waiving or reducing civil penalties to which a small business might otherwise be subject, and by deferring to States and local governments or tribal authorities that offer these incentives consistent with the criteria established in this Policy.

EPA will waive or reduce the gravity component of civil penalties whenever a small business makes a good faith effort to comply with environmental requirements by:

(1) Voluntarily discovering a violation,

(2) Promptly disclosing the violation within the required time period, and

(3) Expeditiously correcting the violation within the proper timeframe.

To obtain the benefits of the Policy, the facility must also meet criteria on violation history, lack of harm, and criminal conduct.

B. Background

This Policy implements section 223 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996.

C. Applicability

This Policy applies to facilities owned by small businesses as defined here. A small business is a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business).[1] Entities, as defined under SBREFA, also include small governments and small organizations. Facilities that are operated by municipalities or other local governments may be covered under the Small Communities Policy (see *http://www.epa.gov/oeca/scpolcy.html*). Facilities that are disclosing violations involving multiple facilities should refer to the sections on multiple facilities in the Policy on Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (the Audit Policy) of April 11, 2000.

This Policy supersedes the previous version of the policy which was called the Policy on Compliance Incentives for Small Businesses and became effective on June 10,1996. To the extent that this Policy may differ from the terms of applicable enforcement response policies (including penalty policies) under media-specific programs, this document supersedes those policies.

D. How Small Businesses Can Qualify for Penalty Reduction

EPA will eliminate or reduce the gravity component of civil penalties against small businesses based on the following criteria:

1. Discovery is Voluntary

The small business discovers a violation on its own before an EPA or State inspection. For example, a small business may discover violations after receiving compliance assistance, conducting an environmental audit or participating in mentoring programs. Other activities that may be useful in discovering violations include establishing CMS, using compliance checklists, reading materials on complying with environmental requirements, using compliance assistance center web sites, and attending training classes.

The violation must be identified voluntarily, and not through a monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. For example, emissions violations discovered through a continuous emissions monitor (or alternative monitor established in a permit), violations of National Pollutant Discharge Elimination System (NPDES) discharge limits discovered through required sampling or monitoring, and violations discovered through a compliance audit required to be performed by terms of a consent order or settlement order are not eligible for penalty reduction under the policy.

[1] The number of employees should be considered as full-time equivalents on an annual basis, including contract employees. Full-time equivalents means 2,000 hours per year of employment. For example, see 40 CFR 372.3.

2. Disclosure Period is Met

i. The small business must voluntarily disclose a specific violation fully and in writing to EPA or the State within 21 calendar days after the small business has discovered that the violation has occurred, or may have occurred. Prompt disclosure is evidence of the small business's good faith in wanting to achieve or return to compliance as soon as possible. For purposes of this Policy, the time at which a small business discovers that a violation has or may have occurred begins when any officer, director, employee, or agent of the facility becomes aware of any facts that reasonably lead him or her to believe that a violation may exist. If a small business has some doubt as to the existence of a violation, EPA recommends that the business make a prompt disclosure and allow the regulatory authorities to make a definitive determination. This will ensure that the small business meets the disclosure period requirement.

ii. The disclosure of the violation must occur before the violation was otherwise discovered by, or reported to EPA, the appropriate state or local regulatory agency. See section F.1 of the Policy below. Good faith also requires that a small business cooperate with EPA and in a timely manner provide such information requested by EPA to determine applicability of this Policy.

iii. If a small business wishes to obtain a corrections period after receiving compliance assistance from a confidential assistance program, the business may still take advantage of the policy by disclosing the violation to the appropriate regulatory agency.

3. Violation is Corrected

The business corrects the violation within the corrections period set forth below. Small businesses are expected to remedy the violations within the shortest practicable period of time. Correcting the violation includes remediating any environmental harm associated with the violation, as well as putting into place procedures to prevent the violation from happening again.

i. For any violation that cannot be corrected within 90 calendar days of its discovery, the small business must submit a written schedule, or the agency may, at its sole discretion, elect to issue a compliance order with a schedule, as appropriate. The small business must correct any violations within 180 calendar days after the date that they were discovered.

ii. If the small business intends to correct the violation by putting into place pollution prevention measures, the business may take an additional period of up to 180 calendar days, *i.e.,* up to a period of 360 calendar days from the date the violation is discovered.

4. When the Policy Does Not Apply

The Policy *does not* apply if:

a. The facility has the following noncompliance history:

i. It has previously *received* a warning letter, notice of violation, or field citation, or been subject to a citizen suit or any other enforcement action by a government agency for a violation of the same requirement within the past three years.

ii. It has been granted penalty reduction under this Policy (or a similar State or Tribal policy) for a violation of the same or a similar requirement within the past three years.

iii. It has been subject to two or more enforcement actions for violations of environmental requirements in the past five years, even if this is the first violation of this particular requirement.

b. The violation was discovered through an information request, inspections, field citations, reported to a federal, state or local agency by a member of the public or a ''whistleblower'' employee, identified in notices of citizen suits, previously reported to an agency, or through an investigation unless the facility can demonstrate that it did not know that the agency had initiated the investigation and has disclosed in good faith.

c. The violation has caused actual serious harm to public health, safety, or the environment;

d. The violation is one that may present an imminent and substantial endangerment to public health, safety or the environment; or

e. The violation involves criminal conduct.

E. Penalty Reduction Guidelines That EPA Will Follow

EPA will exercise its enforcement discretion to eliminate or reduce civil penalties as follows.

1. EPA will waive the gravity component of the civil penalty if a small business satisfies all of the criteria in section D. If, however a small business has obtained a significant economic benefit from the violation(s), EPA will still waive 100% of the gravity component of the penalty, but may seek the full amount of the significant economic benefit associated with the violations.[2] EPA anticipates that such a significant economic benefit will occur infrequently. However, EPA retains its discretion to ensure that small businesses that comply with public health protections are not put at a serious competitive disadvantage by those who have not complied.

2. If a small business does not fit within the guideline E.1.immediately above, this Policy does not provide any special penalty reduction. However, if a small business has otherwise made a good faith effort to comply, EPA has discretion, pursuant to its applicable enforcement response or penalty policies, to waive or reduce civil penalties.[3]

3. Further, the Agency's enforcement response and penalty policies may allow for penalty reduction where the small business is able to document an inability to pay all or a portion of the penalty. Penalty reduction in this situation allows the small business to stay in business and to finance compliance. See *Guidance on Determining a Violator's Ability to Pay a Civil Penalty* of December 1986 (see http://www.epa.gov/oeca/ore/aed/comp/acomp/a1.html). Penalties also may be reduced pursuant to the *Final EPA Supplemental Environmental Projects Policy* of May 1998 (63 FR 24796, June 5, 1998, available at http://www.epa.gov/oeca/sep/sepfinal.html) and *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations Policy of April 11, 2000.*

4. This Policy sets forth how the Agency expects to exercise its enforcement discretion in deciding on an appropriate enforcement response and determining an appropriate civil penalty for violations by small businesses. It states the Agency's views as to the proper allocation of enforcement resources. This Policy is not final agency action and is intended as guidance. It does not create any rights, duties, obligations, or defenses, implied or otherwise, in any third parties.

F. Enforcement for Violations Not Promptly Corrected

To ensure that this Policy enhances and does not compromise public health and the environment, a business remains subject to all applicable enforcement response policies (which may include discretion whether or not to take formal enforcement action) for all violations that were not remedied within the corrections period. The

[2] The ''gravity component'' of the penalty includes everything except the economic benefit amount.

[3] For example, in some media specific penalty policies, the penalty calculation may be reduced to account for good faith efforts to comply.

penalty in such action may include the time period before and during the correction period.

G. Applicability to States and Tribes

Small businesses may take advantage of small business policies that many States have developed. EPA recognizes that states and tribes are partners in enforcement and compliance assurance and may have adopted their own penalty mitigation policies in Federally-authorized, approved or delegated programs. Therefore, EPA will generally defer to State and Tribal penalty mitigation for self disclosures as long as the State policy meets minimum requirements for Federal delegation and is generally consistent with the criteria set forth in this Policy. Whenever a State agency or Tribe provides a penalty waiver or mitigation or a correction period to a small business pursuant to this Policy or a similar policy, that State or Tribe should notify the appropriate EPA Region to ensure coordination and to request that EPA defer to that action. Similarly, EPA will notify the appropriate State agency or Tribe whenever EPA applies this policy to ensure coordination and request the States defer to EPA's action. Regional contacts, along with other materials about the Policy, will be posted at the EPA web page (*http://www.epa.gov/oeca/smbusi.html*) as they become available.

H. Effective Date

This revised Policy is effective May 11, 2000.

Dated: April 5, 2000.

Sylvia K. Lowrance,

Acting Assistant Administrator for Enforcement and Compliance Assurance.

[FR Doc. 00–8955 Filed 4–10–00; 8:45 am]

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Federal Register

Tuesday,
April 11, 2000

Part IX

Department of Education

Office of Special Education and Rehabilitative Services; List of Correspondence; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services List of Correspondence

AGENCY: Department of Education.

ACTION: List of Correspondence from October 1, 1999 through December 31, 1999.

SUMMARY: The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the **Federal Register** a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

FOR FURTHER INFORMATION CONTACT: JoLeta Reynolds or Rhonda Weiss. Telephone: (202) 205–5507. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–5465 or the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday, except Federal holidays.

Individuals with disabilities may obtain a copy of this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director of the Alternate Formats Center. Telephone: (202) 205–8113.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued between October 1, 1999 and December 31, 1999.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

Part A—General Provisions

Section 607—Requirements for Prescribing Regulations

Topic Addressed: Policy Interpretation Under Part B of the Individuals With Disabilities Education Act

- OSEP memorandum 00–1 dated October 7, 1999 to Chief State School Officers, regarding the determination that the letter dated October 8, 1998 to Wisconsin Superintendent of Public Instruction John T. Benson regarding public charter schools contained an interpretation that raised an issue of national significance to the implementation of Part B of IDEA.

Part B—Assistance for Education of All Children With Disabilities

Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations

Topic Addressed: Use of Funds

- Letter dated December 27, 1999 to Northern Mariana Islands Federal Program Officer William Matson, regarding whether use of Part B funds for the purchase of a school bus to be used exclusively to meet the special needs of eligible disabled students is an allowable cost.

Section 612—State Eligibility

Topic Addressed: Free Appropriate Public Education

- Letter dated November 8, 1999 to Fredric B. Garner, M.D., clarifying that decisions about services provided to each child must be based on each child's special education and related services needs, and that the entitlement under Part B of IDEA is to a free appropriate public education, and not to a particular label.

Topic Addressed: Least Restrictive Environment

- Letter dated November 19, 1999 to Montgomery County Maryland Public Schools Department of Special Education Director Raymond W. Bryant, regarding the application of the least restrictive environment requirements to the proposed movement of children with disabilities from special education centers to other settings, including requirements to make available a continuum of alternative placements and to give parents written prior notice in accordance with the change of placement procedures.
- Letter dated December 27, 1999 to individual, (personally identifiable information redacted), regarding whether a State is compelled to maintain a special or residential school placement within a State if an appropriate placement for a child with a disability is available at no cost to the parents.

Topic Addressed: Children With Disabilities Placed in Private Schools by Their Parents

- Letter dated November 15, 1999 to Baton Rouge, Louisiana Special Education Department Director Sharon M. Crary, regarding the requirement for public agencies to expend a proportionate share of available Federal funds on services for parentally-placed private school children with disabilities, even though districts can count for purposes of generating Part B funds only those parentally-placed private school children with disabilities whom they are serving, and clarifying the two required child counts for these children.

Topic Addressed: State Educational Agency General Supervisory Responsibility

- Letter dated October 29, 1999 to Washington State Director of Special Education Douglas Gill, responding to an inquiry about the doctrine of *res judicata* and clarifying that a State is not relieved of its obligation to resolve an issue raised in a complaint filed with the State if the merits of that issue were not decided in a prior due process hearing involving the same parties.
- Letter dated December 3, 1999 to California Department of Education Chief Deputy Superintendent Leslie Fausset, regarding the State's longstanding failure to exercise its general supervisory responsibility effectively through a corrective action plan to achieve State-wide compliance and the State's tardiness in submitting a report as required under the special conditions to its Federal Fiscal Year (FFY) 1999 Part B of IDEA grant award.
- Letter dated December 17, 1999 to Attorney Marc Grober regarding requirements for States receiving IDEA FFY 1998 and FFY 1999 Part B funds to provide assurances in order to comply with the IDEA Amendments of 1997.
- Letter dated December 27, 1999 to Pennsylvania Big Spring School District Superintendent Dr. William Kerr Cowden, regarding the provisions in the IDEA Amendments of 1997 that reduce unnecessary paperwork, and clarifying that States may impose their own requirements to govern the education of students with disabilities, as long as those State requirements are not in conflict with Federal requirements.

Topic Addressed: Personnel Standards

- Letter dated December 1, 1999 to individual (personally identifiable

information redacted), regarding personnel shortages of special education teachers in New Hampshire and the provisions under the IDEA Amendments of 1997 that may relate to such shortages.

Topic Addressed: Information Required for State Program Grants

• OSEP memorandum 00–4 dated November 3, 1999 to State Directors of Special Education, clarifying the eligibility documentation and public participation requirements that States must meet to comply with Part B of IDEA.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Individualized Education Programs

• Letter dated October 6, 1999 to Winston-Salem and Forsyth County Schools, North Carolina Attorney Douglas S. Punger, regarding the ability of the parents of a child with autism to invite parents of other students with disabilities to their child's individualized education program (IEP) meeting, and the responsibility of the IEP team to determine, if appropriate, whether a child with autism should receive applied behavioral analysis.

Section 615—Procedural Safeguards

Topic Addressed: Student Discipline

• Letter dated December 7, 1999 to Iacocca Professor of Education Perry A. Zirkel, regarding the requirements in the IDEA Amendments of 1997 and the March 12, 1999 final regulations that are applicable to students with disabilities removed from their current placements for more than 10 school days in a school year.

Section 619—Preschool Grants

Topic Addressed: Procedures for Allocating Preschool Grants

• Letter dated October 21, 1999 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, regarding New York's distribution of section 619 funds to eligible entities, and confirming that ineligible entities cannot receive future awards under the Preschool Grants program.

• Letter dated November 24, 1999 to New York State Education Department Deputy Commissioner Lawrence Gloeckler, regarding the State's discretion to require its local educational agencies that place preschool age students with disabilities in approved private preschool special education programs to provide those programs with an amount equal to the flow-through dollars generated by the individual students, and clarifying that if LEAs provide section 619 funds to those schools, those funds must be used in accordance with the requirements of Part B of IDEA, including the applicable cost principles.

Part C—Infants and Toddlers With Disabilities

Sections 631–641

Topic Addressed: Definitions

• Letter dated December 15, 1999 to Permanent Judicial Commission on Justice for Children Member Sheryl Dicker, clarifying that the Part C regulatory definition of ''parent,'' like the statutory definition applicable under both Parts B and C of IDEA, does not include the ''State'' if the State is the child's guardian.

Section 635—Requirements for Statewide System

Topic Addressed: State Lead Agency General Supervisory Responsibility

• Letter dated December 15, 1999 to Mississippi State Health Officer Dr. E.F. Thompson, Jr., regarding a Part C State lead agency's general supervisory responsibility to ensure State-wide compliance within its Part C system and to identify whether deficiencies in some districts exist in other districts and to correct all identified deficiencies.

Section 640—Payor of Last Resort

Topic Addressed: Payments by CHAMPUS and TRICARE Program Funds for Early Intervention Services

• Letter dated December 21, 1999 to TRICARE Management Activity, requesting clarification of, and amendment to, a Department of Defense proposed regulation to provide that CHAMPUS and TRICARE is first payor for early intervention services under Part C of IDEA, as required by the IDEA Amendments of 1997.

Electronic Access to This Document

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

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–800–293–6498; or in the Washington, DC, area at (202) 512–1530.

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

(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: April 6, 2000.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitation Services.

[FR Doc. 00–8962 Filed 4–10–00; 8:45 am]

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Federal Register

Tuesday,
April 11, 2000

Part X

The President

Proclamation 7287—National Volunteer Week, 2000

Federal Register
Vol. 65, No. 70
Tuesday, April 11, 2000

Presidential Documents

Title 3—

The President

Proclamation 7287 of April 7, 2000

National Volunteer Week, 2000

By the President of the United States of America

A Proclamation

Each year our Nation is blessed by the service of more than 100 million Americans who take time out of their busy lives to reach out to those in need. Volunteers come from every age group and walk of life, yet they share a common conviction: that by giving of themselves, they can bridge the divide between strangers, create stronger families, and build better communities.

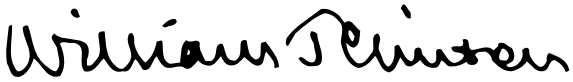
National Volunteer Week offers us a chance to thank the many volunteers whose work and compassion add so much to the quality of our lives. It also gives those who have never volunteered the opportunity to learn more about the many organizations that would benefit from their time and talents. People who enjoy sports can volunteer at a Special Olympics event; those who love the arts can work as docents in a gallery or historic home; those who love to read can share that love through a literacy program.

Our success with the AmeriCorps program demonstrates the power and promise of community service in America. Since we passed the National and Community Service Trust Act in 1993, more than 150,000 young people have served in AmeriCorps. They have taught or mentored more than 4 million children; helped to immunize more than a million people; worked to build some 11,000 homes; and sparked a new spirit of community service across our Nation. In my proposed budget for fiscal 2001, I have included funding to reach our goal of 100,000 AmeriCorps members in service each year. I have also outlined a new AmeriCorps Reserves program that will allow us to call upon AmeriCorps alumni during times of special need, such as following natural disasters. The Corporation for National Service will commit $10 million to create a new ''E-corps''—750 qualified AmeriCorps volunteers who will help to bring digital opportunity to communities by providing technical support to school computer systems, tutoring at Community Technology Centers, and offering technical training for careers in the information technology sector. Through a new Community Coaches program, we will place adults in 1,000 schools to help engage students in service programs that will connect them to the wider community. And through new Youth Empowerment Grants, we will reward social entrepreneurship among young people who are seeking solutions to problems such as youth violence and alienation.

Dr. Martin Luther King, Jr., reminded us that ''everyone can be great because anyone can serve.'' During National Volunteer Week, let us pause to thank all who have responded to that call to greatness, and let each of us make our own commitments to volunteer in our neighborhoods and communities.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9 through April 15, 2000, as National Volunteer Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities to express appreciation to the volunteers among us for their commitment to service and to encourage the spirit of volunteerism in our families and communities.

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



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Common carrier services:
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Agricultural Marketing Service

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- Texas; comments due by 4-17-00; published 2-16-00

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  - State and zone designations; correction; comments due by 4-21-00; published 3-24-00

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Food and Nutrition Service

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Import quotas and fees:
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DEFENSE DEPARTMENT

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- Interstate ozone transport reduction—
  - Nitrogen oxides emissions; stay of 8-hour portion of findings of significant contribution and rulemaking; comments due by 4-17-00; published 3-1-00

Air quality implementation plans; approval and promulgation; various States:
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  - Trans fatty acids in nutrition labeling, nutrient content claims, and health claims; comments due by 4-17-00; published 2-16-00

Foods for human consumption:
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Fish and Wildlife Service

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INTERIOR DEPARTMENT

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H.R. 5/P.L. 106–182

Senior Citizens' Freedom to Work Act of 2000 (Apr. 7, 2000; 114 Stat. 198)

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