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

WHERE: Office of the Federal Register
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Washington, DC
(3 blocks north of Union Station Metro)

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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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 98–110–2]

RIN 0579–AB11

Importation of Gypsy Moth Host Material From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, with minor changes discussed in this document, an interim rule that established regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. The rule requires trees without roots (*e.g.,* Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth. This action is necessary to prevent the introduction of gypsy moth into noninfested areas of the United States.

EFFECTIVE DATE: June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Coanne O'Hern, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest and shade trees. The Animal and Plant Health Inspection Service (APHIS) has regulated the interstate movement of gypsy moth host materials from areas of the United States that are generally infested with gypsy moth through its domestic quarantine notices (see 7 CFR 301.45 through 301.45–12), but had not, until the publication of an August 23, 1999, interim rule, established specific regulations in our foreign quarantine notices regarding the importation into the United States of gypsy moth host materials from foreign countries.

In an interim rule effective and published in the **Federal Register** on August 23, 1999 (64 FR 45860–45868, Docket No. 98–110–1), we established a new ''Subpart—Gypsy Moth Host Material from Canada'' (§§ 319.77–1 through 319.77–5) in 7 CFR part 319 to restrict the importation of gypsy moth host materials from Canada. This action was necessary to prevent the introduction of gypsy moth into noninfested areas of the United States.

We solicited comments concerning the interim rule for 60 days ending October 22, 1999. We received two comments by that date. They were from a State government and a foreign government. We have carefully considered these comments. They are discussed below, by topic.

Self-Certification of Outdoor Household Articles

One commenter expressed concern over the provision for self-certification of outdoor household articles (OHA's) moving from infested areas in Canada into the United States. The commenter asserted that self-certification will not provide an adequate level of protection against the introduction of gypsy moth into the United States because the average person will not know what a gypsy moth egg mass or other life stage looks like and, therefore, cannot be expected to certify an OHA as pest free.

APHIS has published a pamphlet called ''Don't Move Gypsy Moth,'' which is updated regularly and is given to mover associations and national moving companies for distribution to households and individuals moving from gypsy moth infested areas to noninfested areas. The pamphlet contains color photographs of all gypsy moth lifestages and provides detailed information on gypsy moth and the damage it causes. Included in the pamphlet is a checklist of OHA's to inspect for possible gypsy moth infestation.

APHIS realizes that there are additional needs for the gypsy moth awareness campaign and is in the process of determining what types of information should be made available to the public. In the meantime, we are distributing the ''Don't Move Gypsy Moth'' pamphlet to persons crossing the U.S.-Canada border, and are inspecting OHA's that have not been self-certified and spot-checking self-certifications.

Another commenter requested a phase-in period for the self-certification of OHA's. The commenter stated that a phase-in period would allow for the notification of moving companies, brokers, the business sector, and others and would, therefore, facilitate compliance with the regulations.

APHIS recognized the need to allow time for notifying moving companies, brokers, the business sector, and others of the self-certification requirements of our rule. Between the effective date of the interim rule (August 23, 1999) and January 1, 2000, persons arriving at the U.S.-Canada border with OHA's that were not self-certified were not turned away or penalized in any way. Instead, we used the opportunity to educate movers and individual travelers on the new self-certification requirements in order to facilitate future compliance. In addition, as noted above, we conduct spot checks to ensure self-certifications are accurate.

Logs and Pulpwood From Infested Areas

One commenter suggested that APHIS should impose stricter requirements on the importation of logs or pulpwood without bark if they are from a Canadian infested area and have been stored outside for any length of time, especially during egg laying season.

Gypsy moth typically seek the shelter of the secluded recesses of the outer bark of logs, pulpwood, and trees to lay their eggs. Freshly debarked logs and pulpwood are smooth and are not likely to be used by gypsy moth as sites to lay their egg masses because they do not provide the degree of protection for egg masses that bark does.

The interim rule did not create any new restrictions on the movement of logs and pulpwood without bark

because logs and pulpwood are not typically debarked until just before they are to be processed or milled, thereby almost completely eliminating the possibility that logs and pulpwood without bark will become suitable host material for gypsy moth. Further, in most cases, logs that are debarked for processing are typically stored in water baths between removal of the bark and processing to ensure that they do not dry out and become less suitable for milling and processing. As stated in our interim rule, we believe the existing restrictions on the movement of logs and pulpwood with bark are adequate to ensure that logs and pulpwood from Canadian infested areas will not disseminate gypsy moth into noninfested areas of the United States.

Movement of Regulated Articles Through Certain Noninfested Areas

One commenter stated that, in our domestic gypsy moth regulations, a small portion of the State of Maine is identified as free from gypsy moth. The commenter further stated that, for many years, the U.S. Department of Agriculture (USDA) has allowed Christmas trees, logs, and pulpwood from Canadian infested areas to move through this region to infested areas of the United States without certificates. The commenter stated that this arrangement allowed the uninterrupted movement of these articles from infested areas of Canada to infested areas of the United States and requested that we continue to allow for the uncertified movement of Christmas trees, logs, and pulpwood through this area of Maine into infested areas of the United States.

Currently, there is an area comprising the northern third of Maine that is not infested with gypsy moth. This area spans parts of the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset. The commenter is correct in stating that, for many years, we have allowed Christmas trees, logs, and pulpwood to move through this area from infested areas of Canada to infested areas of the United States. APHIS conducts regular gypsy moth trapping surveys in the gypsy moth-free area, and surveys over the last several years have shown little expansion of the infested area.

We believe that shipments of Christmas trees, logs, and pulpwood from infested areas in Canada that transit noninfested areas in Maine en route to infested areas in the United States present a minimal risk of introducing gypsy moth into noninfested areas of the United States because transit distances are typically short and follow routes with low prevalence of gypsy moth host material. Also, gypsy moth egg masses that may be present in such shipments are not likely to be dislodged in transit because gypsy moths typically lay their eggs in sheltered areas of the bark of trees.

We are, therefore, adding an exception to the regulations to provide that Christmas trees, logs, and pulpwood from gypsy moth infested areas in Canada may transit the gypsy moth free area that makes up the northern part of Maine en route to a gypsy moth infested area in the United States without a phytosanitary certificate. We are taking this action because we have determined that allowing shipments of Christmas trees, logs, and pulpwood to pass through that noninfested area in Maine without a certificate does not present a significant risk of introducing gypsy moth into that noninfested area of Maine.

Listing of Infested Areas

One commenter also noted that the description of areas in Canada identified as infested by gypsy moth in the interim rule differs from descriptions maintained by the Government of Canada. The commenter asked that we amend the description of areas published in the interim rule to conform with Canada's descriptions.

We have reviewed the descriptions of infested areas maintained by Canada and agree that our descriptions should be changed to bring them into conformity with Canada's descriptions, which provide more detail. By taking this action, we are relieving restrictions on the movement of regulated articles from parts of counties in Canada that are not infested with gypsy moth that we had incorrectly identified as infested areas in our interim rule. The revised list of Canadian infested areas is set out fully in § 319.77–3 of the rule portion of this document.

Certificates of Origin

One commenter asked if the ''certificate of origin'' required by the interim rule for each shipment of commercial wood products from noninfested areas of Canada moving to noninfested areas of the United States is a separate document or if it may be information written on shipping documents.

''Certificate of origin'' is defined in the regulations as a document issued by an official authorized by the national government of Canada that states the area in which a regulated article was produced or grown and includes any other required additional declarations. In developing the interim rule, we chose to require a ''certificate of origin'' to ensure that APHIS inspectors could clearly and confidently determine the origin of commercial wood products entering the United States from Canada. Upon further consideration, we believe that shipments of commercial wood products from noninfested areas of Canada need only be accompanied by an accurate certification statement providing where regulated articles were produced or grown. This final rule will allow such a statement to be attached to, or included on, the shipping documents accompanying commercial wood products from Canada.

Nonsubstantive Changes

We also have made a minor, nonsubstantive change by correcting the numbering of two paragraphs in § 319.77–4.

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

Effective Date

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the **Federal Register**. The interim rule that we are adopting in this document as a final rule, with minor changes, was effective on August 23, 1999. This final rule: (1) Makes minor changes to the description of the Canadian infested areas described in the interim rule, resulting in a decrease in their size; (2) provides that certain regulated articles may be moved from Canadian infested areas through an area in Maine that is not infested with gypsy moth to infested areas of the United States without a certificate; and (3) provides that a certification statement attached to, or included on, shipping documents may be used instead of a ''certificate of origin'' for commercial wood products. These changes will relieve restrictions that we no longer find necessary and, therefore, should be made effective immediately. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with 5 U.S.C. 604, we have prepared a final regulatory flexibility analysis, which is set out below, regarding the effects of this rule on small entities. The discussion also serves as a cost-benefit analysis. Based on the information we have, there is no basis to conclude that this rule will result in any significant economic effects on a substantial number of small entities.

This rule regulates the importation of gypsy moth host materials into the United States from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. This rule requires regulated articles—trees without roots (*e.g.,* Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment—to meet certain certification or destination requirements if they are to be moved from Canada into or through areas of the United States that are not infested with gypsy moth.

In our interim rule, we solicited comments on the potential effects of this action on small entities. In particular, we sought data and other information to determine the number and kinds of small entities that may incur benefits or costs from the implementation of the interim rule. We received no comments on the interim rule's initial regulatory flexibility analysis.

The United States engages in a great deal of trade in live trees, live plants, and rough wood. In 1998, the United States imported approximately $231 million worth of the type of nursery products covered by this rule and exported approximately $160 million worth of those products. In that same year, U.S. imports of rough wood, including logs, pulpwood, and wood chips, were worth approximately $141 million, while exports were worth approximately $1.8 billion.

Canada is the major source of U.S. imports of live trees, live plants, and rough wood. In 1998, Canada accounted for more than 80 percent of U.S. imports of live trees and plants and for nearly 90 percent of U.S. imports of rough wood. The Canadian provinces affected by this rule account for the vast majority of Canadian exports of live trees, live plants, and rough wood to the United States, as shown in the table below. All figures in the table are rounded to the first decimal place. Therefore, ''0.0'' represents imports valued at $50,000 or less. Also, for certain commodities, slight discrepancies exist between the sum of the individual province columns and the ''Total for Canada'' column because of differences in the data published by Statistics Canada and the U.S. Department of Commerce. It is also important to note that these values represent imports from each province, whereas the infested areas are smaller areas contained within the provinces. Thus, the values listed are conservatively high estimates provided to put into perspective the volume of potential host materials moving across the border.

1998 U.S. IMPORTS OF LIVE TREES, LIVE PLANTS, AND ROUGH WOOD
[In millions of U.S. dollars]

Export good	Canadian provinces with infested areas					Canadian noninfested areas							Total U.S. imports	
	British Columbia	New Brunswick	Nova Scotia	Ontario	Quebec	Alberta	Manitoba	Newfoundland	Northwest Territories	Prince Edward Island	Saskatchewan	Yukon	Total for Canada	Total for World
60220	0.3	...	2.3	7.1	1.7	0.0	...	...	...	0.3	...	...	11.5	12.2
60230	0.2	0.0	...	2.2	...	...	...	...	...	...	...	...	2.4	2.4
60290	22.5	10.4	0.8	97.4	4.7	0.2	0.4	...	...	0.3	0.0	...	132.9	162.2
60491	2.5	14.0	7.6	1.4	16.6	0.8	...	0.0	...	0.0	0.0	...	40.6	54.6
440110	1.4	...	...	1.9	0.3	0.0	...	...	...	...	...	...	3.5	3.9
440121	20.6	0.0	...	0.8	0.4	...	0.0	...	...	...	...	...	21.8	24.2
440122	3.0	...	...	2.0	0.1	...	...	...	...	...	...	...	5.0	5.5
440320	44.7	8.9	1.7	5.6	1.6	5.5	0.0	...	0.1	0.1	0.6	...	66.8	73.9
440341	...	...	...	...	...	...	...	...	...	...	...	...	...	0.0
440349	...	...	...	...	...	...	...	...	...	...	...	...	...	0.6
440391	...	0.0	...	0.7	0.0	...	...	...	...	...	...	...	0.7	1.6
440392	...	...	...	...	...	...	...	...	...	...	...	...	0.0	0.2
440399	1.0	3.2	0.7	23.3	1.6	0.0	0.4	...	...	...	0.1	...	29.0	31.0

Notes: The six digit numbers in the ''Export Good'' column denote the harmonized system for classifying commodities in trade. These digits represent classes of live trees, live plants, and rough wood. The commodities included under each number are as follows:
60220, edible fruit or nut trees, shrubs, and bushes
60230, rhododendrons and azaleas, grafted or not
60290, live plants, cuttings, and slips that are not elsewhere specified
60491, foliage, branches, etc., and Christmas trees
440110, fuel wood (in logs, billets, twigs, etc.)
440121, wood in chips or particles, coniferous
440122, wood in chips or particles, nonconiferous
440320, coniferous wood in the rough, not treated
440341, light/dark meranti and meranti bakau in the rough
440349, other tropical wood in the rough, with or without bark (or roughly squared) and not treated
440391, oak wood in the rough, not treated
440392, beech wood in the rough, not treated
440399, nonconiferous wood in the rough, not treated, that is not elsewhere specified
The symbol ''—'' means that no imports occurred.

Given the destructive potential of gypsy moth, as well as the vast forest resources in the United States, it is likely that the further spread of that pest in the United States as a result of the unrestricted movement of gypsy moth host material from infested areas in Canada would negatively affect the United States. The likely negative effects would include growth loss in timber; fewer visitors and loss of revenues in recreation areas; costs of increased Federal, State, and local government control activities against gypsy moth; and costs to landowners.

Over the 5 years preceding the interim rule, APHIS alone spent more than $30 million on gypsy moth control, eradication, regulatory, and survey activities. In fiscal year 1998, State and local government agencies in Oregon, Utah, and Washington, which are noninfested States, spent more than $1 million to eradicate gypsy moth infestations to prevent this pest from becoming established in those States.

Entities Affected

As a result of this rule, trees without roots (*e.g.,* Christmas trees), trees with roots, and shrubs with roots and persistent woody stems (unless greenhouse-grown throughout the year) that are being moved from Canadian infested areas into or through U.S.

noninfested areas [1] must be accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or treated in accordance with the regulations. If the trees or shrubs are being moved from a Canadian noninfested area into or through a U.S. noninfested area, they must be accompanied by a certification of origin stating where the trees were produced or grown in Canada. This rule also requires logs and pulpwood with bark attached that are being moved from Canadian infested areas into or through U.S. noninfested areas to be: (1) Accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the logs and pulpwood have been inspected and found free of gypsy moth or have been treated; [2] or (2) destined for a specified U.S. processing plant or mill that is operating under a compliance agreement with APHIS for specified handling or processing.

Therefore, this rule will affect entities engaged in the international movement of regulated articles from Canada into the United States. The restrictions primarily affect those entities that move trees without roots (*e.g.,* Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment from Canadian infested areas into or through U.S. noninfested areas. However, because of this rule's certification of origin requirement, entities moving regulated articles into or through U.S. noninfested areas from noninfested areas of Canada are also affected to a limited extent.

This rule requires the issuance of some new phytosanitary certificates, but we expect that it will be a relatively small number. This is because all trees with roots and shrubs with roots and persistent woody stems imported from Canada into the United States are already required to obtain a Canadian phytosanitary certificate under the regulations at 7 CFR 319.37. This rule simply requires an additional declaration to that certificate, not a new certificate, for those products moving from a Canadian infested area to a U.S. noninfested area. Likewise, trees without roots (*e.g.,* Christmas trees), logs with bark attached, and pulpwood with bark attached that are imported from Canada do not need a phytosanitary certificate if they are either: (1) Moved from a Canadian noninfested area to a U.S. noninfested area; (2) moved from a Canadian noninfested area to a U.S. infested area; (3) moved from a Canadian infested area to a U.S. infested area; or (4) moved from any area of Canada to a specified U.S. processing plant or mill operating under a compliance agreement with APHIS for specified handling or processing. The only commodities that will need a Canadian phytosanitary certificate under this rule are trees without roots, logs with bark attached, and pulpwood with bark attached that are moving from a Canadian infested area to a U.S. noninfested area and that are not destined for a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing.

The information we have concerning the costs of Canadian phytosanitary certificates is for greenhouse products. Canadian phytosanitary certificates for greenhouse products require processing time, in addition to an inspection cost of $15 to $30, and a $5 fee per shipment (shown in Canadian dollars; these amounts are equivalent to $10, $20, and $3.26, respectively, in U.S. dollars). We expect phytosanitary certificates issued for the products affected by this rule to have similar costs. We estimate that, as a result of this rule, 100 shipments per year will require Canadian phytosanitary certificates, resulting in total inspection costs averaging approximately $2,326 (U.S. dollars) per year. However, we do not have information on the number and size of entities in Canada and the United States that will be affected by this rule.

This rule also requires the issuance of certifications of origin. The certification of origin is a new requirement for regulated articles moving from Canadian noninfested areas to U.S. noninfested areas. The certification of origin must state where the articles were produced or grown. Since the certifications can be made by exporters themselves, this requirement will not result in any additional costs.

This rule also requires individual and commercial movers of outdoor household articles, including recreational vehicles and mobile homes and their associated equipment moving from infested areas of Canada into noninfested areas of the United States to provide a statement signed by the owner that the articles have been inspected and found free of gypsy moth. The use of self-inspections should minimize the costs associated with the importation of these items. Most individual homeowners who reside in areas of the United States quarantined because of gypsy moth and who move their own articles currently choose to self-inspect and issue the signed statement for the movement of their outdoor household articles. This process takes a few minutes for each item and involves no monetary cost unless treatment is necessary. For commercial movers, self-issuing documents could help avoid the costs of delays, but could still result in costs associated with time, salary, and recordkeeping for the self-inspections.

When inspection reveals the presence of gypsy moth, the individual in possession of the infested articles must either return the articles to their place of origin, treat them, or destroy them. Loads of trees without roots (*e.g.,* Christmas trees), trees with roots, shrubs with roots and persistent woody stems, or logs would be an expensive loss if destroyed, which would occur if the shipper decided against the alternatives (*i.e.,* return to Canada or treatment). Fumigation is one treatment alternative, but another—manually spraying caterpillars and scraping egg masses—is a less costly treatment alternative. Either treatment is usually done by qualified, certified applicators. In applications in the United States, fumigation costs average between $100 to $150 per shipment. Manual treatment would be considerably less expensive. We do not know at the current time how many entities will be affected by these treatment requirements.

Other costs of implementing this rule involve border crossings. This rule will add time to border crossings because it will be necessary to ascertain whether a recreational vehicle or mobile home is coming from an area of Canada known to be infested with gypsy moth or an area free of gypsy moth. There are no data on the number of recreational vehicles and mobile homes crossing the border from Victoria, British Columbia, or from other infested areas of Canada. When primary U.S. Customs Service and Immigration and Naturalization Service inspectors question the origin of all recreational vehicles and mobile homes crossing into the United States and distribute information on gypsy moth to their owners, only a few seconds will be added to each border crossing. However, with potentially several thousand daily crossings of recreational vehicles from all areas of

[1] Except articles being moved through gypsy moth free areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset in Maine. Regulated articles are allowed to transit these areas en route to infested areas in the United States without phytosanitary certificates.

[2] Logs and pulpwood with bark attached may transit noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset in the State of Miane en route to infested areas in the United States without phytosanitary certficiates.

Canada at peak times, this added time could result in some delays. Some of the recreational vehicles and mobile homes originating in Canadian infested areas, as well as those owners who are unsure of origin and others at the discretion of the primary inspectors, will be sent to secondary inspection, where APHIS inspectors will ensure that owners understand the need to inspect their recreational vehicles and mobile homes for the presence of gypsy moth. Depending on the number of recreational vehicles and mobile homes sent to secondary inspections, there may be a need for additional staff at border crossings.

The inspection and certification requirements of this rule are expected to cause a slight increase in the costs of business for a limited number of affected entities, but the overall effect on price and competitiveness is expected to be relatively insignificant. Additionally, we believe that any increase in costs experienced by entities as a result of this rule will be very small when compared to the benefits. The benefits of this rule include the avoidance of Federal, State, and local government costs and damages to forest resources resulting from a widespread gypsy moth outbreak in noninfested areas of the United States.

Alternatives Considered

The alternative to the interim rule (as amended by this final rule) that we considered was to make no changes in the regulations, instead relying on border inspections and the Canadian gypsy moth program to prevent the entry of gypsy moth into noninfested areas of the United States from infested areas of Canada. We rejected this alternative after determining that these measures would likely prove to be an inadequate response to the risk posed by gypsy moth host material entering the United States from Canada.

This rule contains information collection requirements, which have been approved by the Office of Management and Budget (see ''Paperwork Reduction Act'' below).

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0142.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, the interim rule amending 7 CFR part 319 which was published at 64 FR 45860–45868 on August 23, 1999, is adopted as a final rule with the following changes:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 319.77–1, the definition for ''Certificate of origin'' is removed, and a definition for ''Certification of origin'' is added to read as follows.

§ 319.77–1 Definitions

* * * * *

Certification of origin. A signed, accurate statement certifying the area in which a regulated article was produced or grown. The statement may be provided directly on the shipping documents accompanying shipments of commercial wood products from Canada, or may be provided on a separate certificate.

* * * * *

3. Section 319.77–3 is revised to read as follows:

§ 319.77–3 Gypsy moth infested areas in Canada.

The following areas in Canada are known to be infested with gypsy moth:

(a) *Province of British Columbia.* (1) That portion of the Highlands Land District within 1 kilometer of the intersection of Willis Point Road and Mark Lane; and

(2) That portion of the Highlands Land District within 1 kilometer of the intersection of Burkin Drive and Munns Road; and

(3) That portion of Quamichaan Land District within 1 kilometer of the intersection of Sherman Road and Grieve Road; and

(4) That portion of Lake Land District within 1 kilometer of the intersection of West Burnside Road and Helmeken Road.

(b) *Province of New Brunswick.* (1) *Charlotte County.* That portion of Charlotte County that includes the following parishes: Campobello Island, Dumbarton, Dufferin, Grand Manan Island, St. Andrews, St. Croix, St. David, St. George, St. James, St. Patrick, and St. Stephen.

(2) *Kings County.* That portion of Kings County that includes the following parishes: Greenwich, Kars, and Springfield.

(3) *Queens County.* (i) That portion of Queens County that includes the following parishes: Canning, Cambridge, Gagetown, Johnston, and Wickham; and

(ii) That portion of Chipman Parish south or west of highway 10; and

(iii) That portion of Waterborough Parish west of highway 10 and south of highway 2.

(4) *Sunbury County.* That portion of Sunbury County that includes the following parishes: Blissville, Burton, Gladstone, Lincoln, and Sheffield.

(5) *York County.* (i) That portion of York County that includes the City of Fredericton and the following parishes: North Lake and McAdam; and

(ii) That portion of Queensbury parish south and east of the Scotch Lake Road beginning in the west at Bear Island on the St. John River and ending at the Parish border on the east.

(c) *Province of Nova Scotia.* (1) *Annapolis County.* The entire county.

(2) *Digby County.* The entire county.

(3) *Halifax County.* The area of the county bounded by a line beginning at the intersection of the Halifax/Lunenburg County border and the Atlantic Ocean; then north along the Halifax/Lunenburg County border to the Halifax/Hants County border; then east along the Halifax/Hants County border to route 354; then south along route 354 to route 568 (Beaverbank-Windsor Junction Road); then east along route 568 (Beaverbank-Windsor Junction Road) to route 416 (Fall River Road); then east and north along route 416 (Fall River Road) to route 2; then south along route 2 to route 102/118; then south along route 118 to route 107; then south along route 107 to route 7; then east along route 7 to route 328; then south along route 328 to the shoreline of Cole Harbour; then west along the seashore from Cole Harbour to the point of beginning.

(4) *Hants County.* The area of the county bounded by a line beginning at the intersection of the Hants/Kings County border and the shoreline of the Minas Basin; then southwest along the Hants/Kings County border to the Hants/Lunenburg County border; then southeast along the Hants/Lunenburg County border to the Hants/Halifax County border; then east along the Hants/Halifax County border to route 354; then north along route 354 to the Minas Basin; then west along the shoreline of the Minas Basin to the point of beginning.

(5) *Kings County.* The entire county.

(6) *Lunenberg County.* The entire county.

(7) *Queens County.* The entire county.

(8) *Shelburne County*. The entire county.

(9) *Yarmouth County*. The entire county.

(d) *Province of Ontario*. (1) That portion of the Province of Ontario that includes the following counties and regional municipalities: Brant, Bruce, Dufferin, Durham, Elgin, Essex, Frontenac, Grey, Haldimand-Norfolk, Haliburton, Halton, Hamilton-Wentworth, Hastings, Huron, Kent, Lambton, Lanark, Leeds-Granville, Lennox-Addington, Middlesex, Muskoka, Niagara, Northumberland, Ottawa-Carleton, Oxford, Parry Sound, Peel, Perth, Peterborough, Prescott-Russell, Prince Edward, Renfrew, Simcoe, Stormont-Dundas-Glengarry, Victoria, Waterloo, Wellington, and York; and

(2) That portion of Algoma District that includes the City of Sault Ste. Marie and the following townships: Bright, Bright Additional, Cobden, Denis, Garden River First Nation, Indian Reserve #7, Johnson, Korah, Laird, Lefroy, Lewis, Long, MacDonald, Parke, Plummer Additional, Prince, Tarbutt, Tarbutt Additional, Tarentorus, Thessalon, Thompson, Shedden, Spragge, and Striker; and

(3) That portion of Algoma District south of Highway 17 and east of the City of Sault Ste. Marie; and

(4) That portion of Manitoulin District that includes: Cockburn Island, Great Cloche Island, Manitoulin Island, St. Joseph Island, and all Indian Reserves; and

(5) That portion of Nipissing District that includes the City of North Bay; and

(6) That portion of Nipissing District south of the Ottawa and Mattawa rivers; and

(7) That portion of Nipissing District south of highway 17 and west of the City of North Bay; and

(8) That portion of Sudbury District that includes the City of Sudbury and the townships of Baldwin, Dryden, Dunlop, Graham, Hallam, Hymen, Indian Reserves #4, #5, and #6, Lorne, Louise; May, McKim, Nairn, Neelon, Porter, Salter, Shakespeare, Victoria, and Waters; and

(9) That portion of the Sudbury District south of Highway 17.

(e) *Province of Quebec*. (1) That portion of the Province of Quebec that includes the following regional county municipalities: Acton, Arthabaska, Asbestos, Beauce-Sartigan, Beauharnois-Salaberry, Becancour, Bellechasse, Brome-Missisquoi, Champlain, Coaticook, Communaute Urbaine de Montreal, Communaute Urbaine de L'Outaouais, D'Autray, Desjardins, Deux-Montagnes, Drummond, Francheville, Joliette, L'Amiante, L'Assomption, L'Erable, L'ıle-d'Orleans, Lajemmerais, Laval, La Nouvelle-Beauce, La Riviere-du-Nord, La Vallee-du-Richelieu, Le Bas-Richelieu, Le Granit, Le Haut-Richelieu, Le Haut-Saint-Francois, Le Haut-Saint-Laurent, Le Haute-Yamaska, Le Val-Saint-Francois, Les Chutes-de-la-Chaudire, Les Collines-de-L'Outaouais, Les Etchemins, Les Jardins-de-Napierville, Les Maskoutains, Les Moulins, Lotbiniere, Memphremagog, Mirabel, Montcalm, Montmagny, Nicolet-Yamaska, Robert-Cliche, Roussillon, Rouville, Sherbrooke, Therese-de Blainville, and Vaudreuil-Soulanges; and

(2) That portion of the regional county municipality of Antoine-Llabelle that includes the following municipalities: Notre-Dame-du-Laus, Notre-Dame-de-Pontmain, and Saint-Aime-du-Lac-des-Iles; and

(3) That portion of the regional county municipality of Argenteuil that includes the following municipalities: Brownsburg, Calumet, Carillon, Chatham, Grenville, Lachute, Saint-Andre-d'Argenteuil, and Saint-Andre-Est; and

(4) That portion of the regional county municipality of Communaute Urbaine De Quebec that includes the following municipalities: Cap-Rouge, L'Ancienne-Lorette, Quebec, Saint-Augustin-de-Desmaures, Sainte-Foy, Sillery, and Vanier; and

(5) That portion of the regional county municipality of La Vallee-de-la-Gatineau that includes the following municipalities: Denholm, Gracefield, Kazabazua, Lac-Sainte-Marie, Low, Northfield, and Wright; and

(6) That portion of the regional county municipality of Le Centre-de-la-Mauricie that includes the following municipalities: Charette, Notre-Dame-du-Mont-Carmel, Sainte-Elie, Shawinigan, and Shawinigan (Sud); and

(7) That portion of the regional county municipality of Les Laurentides that includes the following municipality: La Conception; and

(8) That portion of the regional county municipality of Les Pays-d'en-Haut that includes the following municipality: Mont-Rolland; and

(9) That portion of the regional county municipality of Maskinonge that includes the following municipalities: Louiseville, Maskinonge, Saint-Joseph-de-Maskinonge, Saint-Barnabe, Saint-Severe, Saint-Leon-le-Grand, Saint-Paulin, Sainte-Ursule, Saint-Justin, Saint-Edouard-de-Maskinonge, Sainte-Angele-de-Premont, and Yamachiche; and

(10) That portion of the regional county municipality of Matawinie that includes the following municipalities: Saint-Felix-de-Valois, Saint-Jean-de-Matha, Rawdon, and Chertsey; and

(11) That portion of the regional county municipality of Papineau that includes the following municipalities: Fassett, Lochaber, Lochaber-Partie-Ouest, Mayo, Montebello, Montpellier, Mulgrave-et-Derry, Notre-Dame-de-Bon-Secours-Partie-Nord, Papineauville, Plaisance, Ripon (Village et Canton), Saint-Andre-Avellin (Village et Paroise), Sainte-Angelique, Saint-Sixte, and Thurso; and

(12) That portion of the regional county municipality of Pontiac that includes the following municipalities: Bristol, Shawville, Clarendon, Portage-du-Fort, Bryson, Campbell's Bay, Grand-Calumet, Litchfield, Thorne, Alleyn-et-Cawood, Leslie-Clapham-et-Huddersfield, Fort-Coulonge, Mansfield-et-Pontefract, Waltham-et-Bryson, L'Isle-aux-Allumettes-Partie-Est, Chapeau, L'Isle-aux-Allumettes, Chichester, Sheen-Esher-Aberdeen-et-Malakoff, and Rapides-des-Joachims; and

(13) That portion of the regional county municipality of Portneuf that includes the following municipalities: Cap-Sante, Deschambault, Donnacona, Grondines, Neuville, and Pointe-aux-Trembles.

4. Section 319.77–4 is amended as follows:

a. By revising the introductory text of paragraph (a) and paragraph (a)(1).

b. In paragraph (a)(2)(ii), by removing the word ''certificate'' and adding the word ''certification'' in its place.

c. By revising the heading for paragraph (b), paragraph (b)(1), and footnote 2.

d. In paragraph (b)(2)(ii), by removing the word ''certificate'' and adding the word ''certification'' in its place.

§ 319.77–4 Conditions for the importation of regulated articles.

(a) *Trees and shrubs.*[1] (1) Trees without roots (*e.g.,* Christmas trees), trees with roots, and shrubs with roots and persistent woody stems may be imported into the United States from any area of Canada without restriction under this subpart if they:

(i) Were greenhouse-grown throughout the year;

(ii) Are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas; or

[1] Trees and shrubs from Canada that are capable of propagation may be subject to additional restrictions under ''Subpart—Nursery Stock, Plants, Roots, Seeds, and Other Plant Products'' (§§ 319.37 through 319.37–14 of this part).

(iii) Are Christmas trees destined for a U.S. infested area and will not be moved through any U.S. noninfested areas other than noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset, ME (*i.e.,* areas in those counties that are not listed in 7 CFR 301.45–3).

* * * * *

(b) Logs and pulpwood with bark attached.[2] (1) Logs or pulpwood with bark attached that are destined for a U.S. infested area and that will not be moved through any U.S. noninfested area other than noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset, ME (*i.e.*, areas in those counties that are not listed in 7 CFR 301.45–3) may be imported from any area of Canada without restriction under this subpart.

* * * * *

Done in Washington, DC, this 14th day of June 2000.

Richard L. Dunkle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15470 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–34–U

[2] Logs from Canada are also subject to restrictions under ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' (§§ 319.40 through 319.40–11 of this part).

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 93, 98, and 130

[Docket No. 98–013–2]

Hawaii Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide U.S. Department of Agriculture quarantine facilities for animals, birds, and poultry imported into the United States. We are also amending the regulations by adding Honolulu, HI, as a limited port for the importation of animals, birds, poultry, poultry products, and animal germ plasm that do not require U.S. Department of Agriculture quarantine facilities. These actions will update the regulations to reflect the June 1997 closure of the Hawaii Animal Import Center.

EFFECTIVE DATE: July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–3276.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 93 and 98 restrict the importation of specified animals and animal products into the United States to prevent the introduction of communicable diseases of livestock and poultry. The regulations designate animal import centers and ports of entry for the importation of certain animals, birds, poultry, poultry products, and animal germ plasm that require inspection or quarantine services.

The regulations in 9 CFR part 130 set forth the user fees that are assessed to reimburse the Animal and Plant Health Inspection Service for the cost of import-and export-related services provided at animal import centers and ports of entry.

On March 9, 2000, we published in the **Federal Register** (65 FR 12486–12488, Docket No. 98–013–1) a proposal to amend the regulations by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide quarantine services. In addition, we proposed to amend part 130 by removing all references to the animal import center in Honolulu, HI. We also proposed to amend the regulations in part 93 by adding Honolulu, HI, as a limited port for the importation of animals, birds, poultry, and poultry products that do not require U.S. Department of Agriculture (USDA) quarantine facilities. We further proposed to amend the regulations in part 98 by adding Honolulu, HI, as a limited port for the importation of animal semen. (Section 98.6 provides that embryos may be imported only at a port of entry listed in § 93.303 for horses, § 93.403 for ruminants, and § 93.503 for swine. Under the proposal, embryos could be imported through Honolulu, HI, because it would be listed in those sections as a limited port.) We also proposed minor, nonsubstantive changes to part 93.

We solicited comments concerning our proposal for 60 days ending May 8, 2000. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Miscellaneous

In § 93.308, paragraph (a)(2) lists the regions that we consider affected with African horse sickness as: All the regions on the continent of Africa, except Morocco; Oman; Saudi Arabia; and the Yemen Arab Republic. For clarity, we are rewording the list to read: Oman, Saudi Arabia, the Yemen Arab Republic, and all the regions on the continent of Africa except Morocco.

Executive Order 12866 and Regulatory Flexibility Act

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

This rule will amend the regulations in 9 CFR parts 93, 98, and 130 by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide USDA quarantine facilities for animals, birds, and poultry imported into the United States. These changes are necessary to reflect the closure of the facility known as the Hawaii Animal Import Center (HAIC). However, we will add Honolulu, HI, as a limited port for the importation of animals, birds, poultry, poultry products, and animal germ plasm that do not require USDA quarantine facilities.

The removal of Honolulu, HI, from the lists of animal import centers is primarily an editorial change following the previously announced closure of the HAIC. That closure primarily affected U.S. importers of animals, birds, and poultry that required quarantine services. After HAIC closed, those importers could no longer import these items into the United States through Honolulu, HI. However, prior to the closure of the HAIC, the number of animals, birds, and poultry imported through and quarantined at the port of Honolulu, HI, was low compared to the number imported through other animal import centers located in Miami, FL, and Newburgh, NY. For instance, in fiscal year 1997, the HAIC provided inspection and quarantine services for 40 animals and birds. However, in fiscal year 1997, the animal import center in Miami, FL, provided inspection and quarantine services for over 1,500 animals and birds; and the animal import center located in Newburgh, NY, provided services for over 4,000 animals from January 1, 1997, to December 31, 1997.

Based on the availability of the remaining animal import centers and ports of entry and the low level of use prior to closure of the HAIC, we believe that removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide USDA quarantine facilities for animals, birds, and poultry imported into the United States will not

have a significant economic effect on importers. In addition, our designation of Honolulu, HI, as a limited port for the importation of animals, birds, poultry, poultry products, and animal germ plasm that do not require USDA quarantine facilities will continue to provide a port of entry for U.S. importers of certain animals, birds, poultry, poultry products, and animal germ plasm.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects

9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

9 CFR Part 98

Animal diseases and Imports.

9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR parts 93, 98, and 130 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 93.102 [Amended]

2. In § 93.102, paragraph (a) is amended by removing the words ''Honolulu, HI;'' and paragraph (d) is amended by adding the words ''Honolulu, HI;'' immediately after the words ''Atlanta, GA;''.

§ 93.103 [Amended]

3. In § 93.103, paragraph (a)(4)(ii) is removed, and paragraph (a)(4)(iii) is redesignated as paragraph (a)(4)(ii) and the last two sentences are removed.

§ 93.105 [Amended]

4. In § 93.105, paragraph (c)(2) is amended by removing the words ''Miami, FL; and Honolulu, HI'' and by adding the words ''and Miami, FL'' in their place.

§ 93.106 [Amended]

5. Section 93.106 is amended as follows:

a. In paragraph (a), by removing the words ''paragraph (c)(7)'' and by adding the words ''paragraph (c)(5)'' in their place.

b. In paragraph (b)(1), by removing the words ''the Hawaii Animal Import Center at Honolulu, HI, when the port of entry is Honolulu, HI;''.

§ 93.107 [Amended]

6. In § 93.107, paragraph (b)(2) is amended by removing the words ''Honolulu, HI;''.

§ 93.203 [Amended]

7. In § 93.203, paragraph (a) is amended by removing the words ''Honolulu, Hawaii;'' and paragraph (d) is amended by adding the words ''Honolulu, Hawaii;'' immediately after the words ''Atlanta, Georgia;''.

§ 93.303 [Amended]

8. In § 93.303, paragraph (a) is amended by removing the words ''Honolulu, Hawaii;'' and paragraph (d) is amended by adding the words ''Honolulu, Hawaii,'' immediately after the words ''Atlanta, Georgia;''.

9. In § 93.308, the last sentence in paragraph (a)(2) is amended as follows:

§ 93.308 Quarantine requirements.

(a) * * *

(2) * * * APHIS considers the following regions to be affected with African horse sickness: Oman, Saudi Arabia, the Yemen Arab Republic, and all the regions on the continent of Africa except Morocco.

* * * * *

§ 93.403 [Amended]

10. In § 93.403, paragraph (a) is amended by removing the words ''Honolulu, Hawaii;'' and paragraph (e) is amended by adding the words ''Honolulu, Hawaii,'' immediately after the words ''Atlanta, Georgia;''.

§ 93.404 [Amended]

11. In § 93.404, paragraph (a)(2) is amended by removing the words '', except as provided in § 93.430''.

§ 93.503 [Amended]

12. In § 93.503, paragraph (a) is amended by removing the words ''Honolulu, Hawaii;'' and paragraph (e) is amended by adding the words ''Honolulu, Hawaii;'' immediately after the words ''Atlanta, Georgia;''.

§ 93.703 [Amended]

13. In § 93.703, paragraph (a)(1) is amended by removing the words ''Honolulu, HI;''.

§ 93.805 [Amended]

14. In § 93.805, paragraph (a)(1) is amended by removing the words ''Honolulu, Hawaii;''.

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

15. The authority citation for part 98 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 98.33 [Amended]

16. In § 98.33, paragraph (a) is amended by removing the words ''Honolulu, Hawaii;'' and paragraph (d) is amended by adding the words ''Honolulu, Hawaii;'' immediately after ''Atlanta, Georgia;''.

PART 130—USER FEES

17. The authority citation for part 130 continues to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

§ 130.1 [Amended]

18. Section 130.1 is amended as follows:

a. In the definition of *Animal Import Center,* by removing the words ''Newburgh, New York; Miami, Florida; and Honolulu, Hawaii'' and adding the words ''Newburgh, New York, and Miami, Florida'' in their place.

b. In the definition of *Nonstandard care and handling,* by removing from footnote 2 the words ''7:30 a.m. to 11:30 a.m., Honolulu, HI;''.

Done in Washington, DC, this 14th day of June 2000.

Richard L. Dunkle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15469 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–045–2]

Veterinary Services User Fees; Pet Food Facility Inspection and Approval Fees

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending user fees for the inspection and approval of pet food manufacturing, rendering, blending, digest, and spraying and drying facilities. We are replacing hourly rate user fees previously used to cover costs for this service with flat rate user fees that cover the cost of all inspections required for annual approval. We are taking this action in order to make it easier for users to know their costs in advance, while still ensuring that we recover our costs.

EFFECTIVE DATE: July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Service Enhancement Unit, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse APHIS for the costs of providing veterinary diagnostic services and import- and export-related services for live animals and birds and animal products are contained in 9 CFR part 130. Section 130.8 lists miscellaneous flat rate user fees. Section 130.21 lists the hourly rate user fees charged for APHIS' export services. Prior to this final rule, the hourly rate user fees listed in § 130.21 included fees for inspecting and approving pet food facilities under 9 CFR part 156, ''Voluntary Inspection and Certification Service.''

On January 5, 2000, we published in the **Federal Register** (65 FR 391–394, Docket No. 98–045–1) a proposal to replace the hourly rate user fees for the inspection and approval of pet food manufacturing, rendering, blending, digest, and spraying and drying facilities with flat rate user fees that would cover the cost of all inspections required for annual approval.

We solicited comments concerning our proposal for 60 days ending March 6, 2000. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule without change.

Executive Order 12866 and Regulatory Flexibility Act

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

User fees to reimburse APHIS for the costs of providing veterinary diagnostic services and import- and export-related services for live animals and birds and animal products are contained in 9 CFR part 130. Prior to the effective date of this rule, we charged hourly rate user fees for inspection and approval of manufacturing, rendering, blending, digest, and spraying and drying facilities. This rule replaces those hourly rate user fees with two sets of flat rate annual user fees: One for the inspection and approval of pet food manufacturing, rendering, blending, and digest facilities, and one for the inspection and approval of pet food spraying and drying facilities.

We arrived at the flat rate annual user fees by calculating the average number of hours required for an APHIS inspector to complete an inspection (including travel time), multiplying by the average number of inspections performed during a year (two per facility), and adding the average direct labor involved and proportional shares of support costs, overhead, and departmental charges.

The resulting flat rate user fees for manufacturing, rendering, blending, or digest facilities are $404.75 for initial inspection and approval and $289.00 for renewal of approval; for spraying and drying facilities, they are $275.00 for initial inspection and approval and $162.50 for renewal of approval. These fees are not significantly different from the amount customers have paid yearly in the past at hourly rates for initial inspection and approval.

The table below shows the difference between the average cost for initial and renewed inspection and approval for each of the five categories of pet food facilities using hourly rate user fees and the new flat rate user fees.

CHANGE IN COST OF INSPECTION AND APPROVAL UNDER THE FLAT RATE USER FEES

Type of pet food facility	Average cost to facilities at hourly rate user fees		Cost to facilities under new flat rate user fees		Change in user fee collections	
	Initial approval	Renewed approval	Initial approval	Renewed approval	Initial approval	Renewed approval
Manufacturing	$415.00	$353.25	$404.75	$289.00	-$10.25	-$64.25
Rendering	376.75	272.75	404.75	289.00	28.00	16.25
Blending	436.25	316.00	404.75	289.00	-31.50	27.00
Digest	390.75	213.75	404.75	289.00	14.00	76.00
Spraying/Drying	275.00	162.50	275.00	162.50	0	0

As shown in the table, the user fees collected for the inspection and approval of pet food manufacturing and blending facilities are expected to decrease overall when the flat fees are implemented. Pet food spraying and drying facilities will not be affected by this rule. For the inspection and approval of the rendering and digest facilities, user fee collections are expected to increase.

However, as shown in the table below, the total amount of fees collected is not expected to change significantly.

COMPARISON OF TOTAL HOURLY (A) AND FLAT (B) RATE USER FEE COLLECTIONS, BASED ON THE NUMBER OF APPROVALS (C) ISSUED IN 1997 FOR MANUFACTURING, RENDERING, BLENDING, AND DIGEST PET FOOD FACILITIES

	A	B	C	(A*C)	(B*C)
Manufacturing facilities	[(415+353.25)/2] = $384.13	[(404.75+289)/2] = $346.88	88	$33,803.00	$30,525.00
Rendering facilities	[(376.75+272.75)/2] = $324.75	[(404.75+289)/2] = $346.88	148	48,063.00	51,337.50
Blending facilities	[(436.25+316)/2] = $376.13	[(404.75+289)/2] =$346.88	7	2,428.13	2,428.13
Digest facilities	[(390.75+213.75)/2] = $302.25	[(404.75+289)/2] = $346.88	12	3,627.00	4,162.50
Total collections using the two different methods (A and B)			.....	87,921.13	88,453.13

In the table above, columns ''A'' and ''B'' depict the average charges by APHIS for an initial inspection and a license renewal, using the average hourly rate user fee and using the new flat rate user fee. Column ''C'' shows the number of facilities that were approved by APHIS in 1997 within each of the pet food industries.

The last two columns (''A*C'') and (''B*C'') represent the dollar amounts collected by APHIS using the two different methods. Column ''A*C'' represents the dollar amount collected by APHIS when it used an hourly rate user fee. Column ''B*C'' represents the dollar amount that will be collected by APHIS when it uses the new flat rate user fee. Based on the difference between the total collections under the two methods, the new flat rate fee will result in a 0.6 percent increase in total collections.

Effects on Small Entities

The Regulatory Flexibility Act requires that agencies consider the economic effects of rules on small business, organizations, and governmental jurisdictions. The entities that could be affected by this rule are pet food manufacturing, rendering, blending, digest, and spraying and drying facilities. According to Small Business Administration data, there are 1,100 firms in the United States that produce cat and dog food or ingredients that go into pet food, 1,030 (over 93 percent) of which would be considered small (employing fewer than 500 people). However, as shown above, the economic effects of this rule on those entities, whether small or large, should be insignificant.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we are amending 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 continues to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.1, definitions for *pet food blending facility*, *pet food digest facility*, *pet food manufacturing facility*, *pet food rendering facility*, and *pet food spraying and drying facility* are added in alphabetical order to read as follows:

§ 130.1 Definitions.

* * * * *

Pet food blending facility. A facility that blends animal or plant protein meal for use in pet food.

Pet food digest facility. A facility that produces enzymatic protein meals in powdered or liquid form for use as pet food flavor enhancers.

Pet food manufacturing facility. A facility that produces, processes, or packages pet food for sale in the United States or for export to another country.

Pet food rendering facility. A facility that processes slaughter byproducts, animals unfit for human consumption, and meat scraps by cooking them down into protein meal for use as ingredients in pet food.

Pet food spraying and drying facility. A facility that produces powdered blood meal for use as a flavor enhancer in pet food.

* * * * *

3. In § 130.8, paragraph (a), the table is revised to read as follows:

§ 130.8 User fees for other services.

(a) * * *

Service	User fee
Germ plasm being exported: [1]	
Embryo:	
(Up to 5 donor pairs)	$54.75 per certificate.
(each additional group of donor pairs, up to 5 pairs per group, on the same certificate)	$24.75 per group of donor pairs.

Service	User fee
Semen	33.50 per certificate.
Germ plasm being imported:[2]	
Embryo	$39.50 per load.
Semen	$39.50 per load.
Import compliance assistance:	
Simple (2 hours or less)	$51.25 per release.
Complicated (more than 2 hours)	$131.75 per release.
Processing VS form 16–3, ''Application for Permit to Import Controlled Material/Import or Transport Organisms or Vectors'':	
For permit to import fetal bovine serum when facility inspection is required	$208.50 per application.
For all other permits	$27.50 per application.
Amended application	$11.50 per amended application.
Application renewal	$15.00 per application.
Release from export agricultural hold:	
Simple (2 hours or less)	$51.25 per release.
Complicated (more than 2 hours)	$131.75 per release.

[1] This user fee includes a single inspection and resealing of the container at the APHIS employee's regular tour of duty station or at a limited port. For each subsequent inspection and resealing required, the applicable hourly rate user fee would apply.

[2] For inspection of empty containers being imported into the United States, the applicable hourly rate user fee would apply, unless a user fee has been assessed under 7 CFR 354.3.

4. A new § 130.11 is added to read as follows:

§ 130.11 User fees for inspecting and approving import/export facilities and establishments.

(a) User fees for the inspection of various import and export facilities and establishments are listed in the following table. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Service	User fee
Embryo collection center inspection and approval	$278.50 for all inspections required during the year for facility approval.
Inspection for approval of pet food manufacturing, rendering, blending, or digest facilities:	
Initial approval	$404.75 for all inspections required during the year.
Renewal	$289.00 for all inspections required during the year.
Inspection for approval of biosecurity level three laboratories	$977.00 for all costs of inspection related to approving the laboratory for handling one defined set of organisms or vectors.
Inspection for approval of pet food spraying and drying facilities:	
Initial approval	$275.00 for all inspections required during the year.
Renewal	$162.00 for all inspections required during the year.
Inspection for approval of slaughter establishment:	
Initial approval	$246.50 for all inspections required during the year.
Renewal	$213.50 for all inspections required during the year.
Inspection of approved establishments, warehouses, and facilities under 9 CFR parts 94 through 96:	
Initial approval	$262.75 for first year of 3-year approval (for all inspections required during the year).
Renewal	$152.00 per year for second and third years of 3-year approval (for all inspections required during the year).

Done in Washington, DC, this 14th day of June 2000.

Richard L. Dunkle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15494 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–34–U

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AG22

Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its fire protection regulations to remove the requirement that fire barrier penetration seal materials be noncombustible, and to make other minor changes. The final rule removes a requirement that has a negligible contribution to safety and includes editorial changes designed to meet the intent of the Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing.''

EFFECTIVE DATE: July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Daniele Oudinot, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–3731; e-mail DHO@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The NRC conducted a technical assessment of fire barrier penetration seals. The NRC documented the results of its assessment in SECY–96–146, ''Technical Assessment of Fire Barrier Penetration Seals in Nuclear Power Plants,'' July 1, 1996; in NUREG–1552, ''Fire Barrier Penetration Seals in Nuclear Power Plants,'' July 1996; and in NUREG–1552, Supplement 1, January 1999. On the basis of its findings, the NRC concluded that the noncombustibility criterion for penetration seal materials that is specified in the NRC fire protection regulation and review guidance had a negligible contribution to safety, and recommended that this noncombustibility criterion be deleted. Copies of NUREG–1552 and NUREG–1552, Supplement 1, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy of each document is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. NUREG–1552, Supplement 1, is also available through the Technical Reports area of the NRC Reference Library accessed through the NRC Website: http://www.nrc.gov/NRC/NUREGS/index.html.

II. Analysis of Public Comments and Staff Response

The proposed rule was published for public comment in the **Federal Register** on August 18, 1999 (64 FR 44860). The comment period ended on November 1, 1999. The NRC received eight comment letters. Six commenters supported the proposed amendment; two commenters objected to the changes. This section discusses the comments received, how the NRC staff was able to incorporate some comments into the final rule and, if not, why a comment was not accepted. This section addresses all comments, but specific commenters are not identified.

A commenter suggested that footnote 1 to Section I, ''Introduction and Scope,'' of Appendix R to 10 CFR Part 50, be deleted because its wording is identical to footnote 4 to § 50. 48(b). This commenter stated that the basis for deleting footnote 4 to § 50.48 also applies to footnote 1 to Section I of Appendix R. The NRC agrees with this comment and footnote 1 to Section I of Appendix R is deleted.

One of the commenters who endorsed the proposed rule stated that, in particular, (1) There are no reports of fire that have challenged the ability of fire-rated penetration seals to confine a fire; (2) numerous fire endurance tests have confirmed the fire-resistive capabilities of the penetration seal materials, designs, and configurations installed in nuclear power plants; and (3) if penetration seals are properly designed, installed, and maintained, there is reasonable assurance that they will provide the fire-resistive integrity of the fire barriers in which they are installed, and confine a fire to its area of origin.

A commenter objected to the rule change, but did not identify any specific technical or safety information for NRC staff consideration. Therefore, the comment did not result in changes to the rule.

One commenter provided multiple comments in opposition to the proposed rule. Each of these comments are discussed below. None of the comments resulted in any changes from the proposed rule.

1. *Comment.* The non-combustibility requirement for fire seals is key in providing a high level of confidence in the operability determination for a fire seal.

Response. The Commission disagrees. 10 CFR Part 50, Appendix A, General Design Criteria (GDC), Criterion 3—Fire Protection states: ''Noncombustible and heat resistant materials shall be used wherever practical throughout the unit. * * *'' Thus, the Commission's most fundamental requirements with respect to fire protection do not mandate the exclusive use of noncombustible materials. The Commission's implementing requirements on fire protection in 10 CFR 50.48 and 10 CFR Part 50, Appendix R, require the use of fire barriers that meet 1-hour or 3-hour fire ratings; while the current regulation requires the use of noncombustible materials it is also clear that the 1-hour and 3-hour ratings can be achieved with the use of properly tested, rated and qualified material that is ''combustible.'' Penetration seals used as a part of the rated fire barrier assembly are required to meet the acceptance criteria of Nationally Recognized Testing Standards that are specifically designed to test these components. Examples of these standards include American Society for Testing and Materials (ASTM) E–814, ''Standard Test Method for Fire Tests of Through-Penetration Fire Stops,'' and Institute of Electrical and Electronics Engineers (IEEE) 634, ''Standard Cable Penetration Fire Stop Qualification Test.'' These nationally recognized testing standards do not require the penetration seal material to be noncombustible, but rather focus on the penetration seals ability to prevent flame travel through the opening and limit the heat transfer through the penetration seal assembly by measuring the cold-side temperature. As such, ''noncombustibility,'' as defined in ASTM–136, ''Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750 °C,'' is not a necessary requirement for an adequate fire barrier or a penetration seal that is part of this barrier. Penetration seal assemblies, when properly tested, qualified, and installed, meet this requirement as a fire (heat) resistant material. In fire protection engineering design, this can be thought of as analogous to the National Fire Protection Association (NFPA) Life Safety Code, NFPA 101,

which allows certain wooden doors to be used as 20-minute fire protection-rated doors. (See NFPA 101, Section 6–2.3.2.3.2.) The NFPA Code recognizes that even though the wooden door assembly is unquestionably combustible, as long as that fire door assembly can provide the required level of protection (20 minutes in this example) the wooden door assembly is acceptable. In sum, the current Appendix R requirement for noncombustible fire barrier penetration seals is not an inherent part of the NRC's overall regulatory approach on fire protection, and is not necessary to provide reasonable assurance of adequate protection against fire spread in nuclear power plants.

2. *Comment.* The NRC has not analyzed the risk associated with the use of combustible fire seal material as it provides a fuel supported pathway or ''wick'' for flame and hot gas to burn through wall penetrations into adjacent fire zones that contain vital safety systems, structures or components.

Response. As discussed in NUREG–1552 and its supplement, the NRC has evaluated fire barrier penetration seals and concluded that properly tested, configured, installed, and maintained penetration seal assemblies will not provide a fuel supported pathway or ''wick'' for flame and hot gas to burn through wall penetrations. Hundreds of fire endurance qualification tests have been performed by materials manufacturers, installation contractors, test laboratories, research organizations, licensees, and others. These qualification tests involved a wide variety of penetration seal designs and materials, in configurations which are found at nuclear power plants, including the actual cables that run through the fire barrier penetration seal. These tests also maximize the fire severity by subjecting the penetration seals to a rapidly rising temperature in a relatively small and confined space. Note that with few exceptions, nuclear power plant fire loads are not great enough to produce a fire approaching the severity of the Standard Time/Temperature test curve. In the unlikely event that a large fire exposes a qualified combustible or noncombustible penetration seal to high temperatures for an extended period of time, the seal will perform as rated. For the case of a silicone-based material, the silicone will ablate by design and be replaced with char or ash. The silicone foam material is sacrificial by design in preserving the integrity of the fire barrier. This sacrificial behavior and charing has been observed during full-scale qualification fire endurance tests of a wide variety of silicone-based penetration seal configurations. Other combustible penetration seal materials have also been qualified. For example, Minnesota Mining and Manufacturing Company (3M) has over 25 years of experience with combustible penetration seal designs using their intumescent materials (caulks, putty, wrap strips, and composite sheets). The intumescent material swells when heated, which causes the seal to expand and protect the penetration. Underwriters Laboratories, Inc. (UL), has qualified dozens of combustible penetration seal designs and lists and classifies these designs in a full volume of their Fire Resistance Directory (Volume 2). The NRC concludes that these tests have demonstrated that combustible, limited combustible or noncombustible penetration seals can provide the necessary fire resistance and provide reasonable assurance that a fire will not spread from one side of the fire barrier to the other side of the barrier within the 1- or 3-hour time period required by the NRC.

3. *Comment.* The NRC's technical assessment does not offer any evaluation or analysis regarding the contribution to severe accident risk evolving from a quick burn-through of fire seals resulting from the use of combustible penetration sealant material and other generic problems widely experienced with the Dow Corning product.

Response. As stated above, a large body of fire test results have proven the capabilities and effectiveness of penetration seals in maintaining the fire-resistive integrity of the barriers in which they are installed, typically for 1 or 3 hours, which precludes a quick burn-through scenario, *i.e.,* if the penetration seal assembly has passed the testing criteria to be rated, it could not experience a ''quick burn-through''. Further, the nature of combustible penetration seal materials and the limited air supply in penetration seals preclude a ''quick burn-through,'' and an analysis of the contribution to severe accident risk evolving from a quick burn-through of fire seals resulting from the use of combustible penetration sealant material is not relevant. For instance, silicone-based penetration seal materials are relatively difficult to ignite and ablate slowly at a rate of about 3 inches per hour when exposed to the Standard Time/Temperature fire curve of ASTM E–119.

Fire barrier penetration seals are not considered in the assessment of postulated fire scenarios that are the major contributors to core damage for most plants, because the major contributors are those in which the redundant divisions of post-fire safe-shutdown components and systems are located in the fire affected area. Scenarios involving the spread of fire from one area of a plant to another and evolving to core damage (scenarios that could potentially involve penetration seals) are also of low frequency. It is the NRC's judgment that considering the probability of failure of a plant's passive fire barrier penetration seals would not significantly alter the overall contribution of fire risk to the plant's total calculated core damage frequency.

4. *Comment.* Given the combustibility of the silicone material, the industry has also widely documented improperly installed seals (less than sufficient sealant material, varying size voids created by problematic installation procedures and cracks). By providing for the acceptance of combustible penetration seals, the NRC is reducing the level of defense-in-depth without fully analyzing the risks associated with accelerated burn-through of seals from the combination of these widely documented factors.

Response. The NRC disagrees with the commenter's implication that there are widespread and numerous instances of improperly-installed silicone fire barrier seals. First, while plant-specific deficiencies of fire barrier penetration seals have been and will likely continue to be found, they have been isolated and not tied to any installation problems generic to this material. Installation deficiencies that have been identified to date have been or are in the process of being corrected by licensees.

Second, the NRC disagrees with the commenter's apparent argument that combustible fire seals that meet the NRC's 1- and 3-hour fire rating significantly decreases the safety of a nuclear power plant as compared to fire seals which are ''noncombustible'' as defined by ASTM E–136. Fire seals are one passive sub-component of fire protection provided by the defense-in-depth concept, the others being fire prevention, detection, suppression and plant-design features. As discussed in the response to Comment 2, the NRC also believes that it is highly unlikely that fire barriers in a nuclear power plant would be exposed to fires of sufficient temperature and duration such that the silicone fire seals that fail before their rated 1- or 3-hours. Thus, consideration of the probability of failure of properly-qualified penetration seals that meet the NRC's requirements for 1- or 3-hour protection would not significantly alter the overall contribution of fire risk to the plant's total calculated core damage frequency.

Finally, the practical benefits of the silicone-based penetration seal materials (*e.g.,* easy installation, compatibility around safety-related cables, and reasonable cost) far outweigh concerns regarding material combustibility. Thus, the NRC concludes that properly qualified fire barriers will provide reasonable assurance of adequate protection to public health and safety.

5. *Comment.* The NRC does not offer any analysis and evaluation of how a combustible penetration sealant could also harbor a fire as it moves through a penetration seal. The fire could leave a protective barrier of insulating ash in its trail making it difficult to identify, locate and extinguish. Accordingly, it is inappropriate to move forward with this rule change without analysis on the quick burn-through of seals under the above stated conditions.

Response. A properly designed, tested, and installed penetration seal will maintain the fire resistive integrity of the wall/ceiling/floor assembly in which it is installed. During this time, automatic and/or manual fire suppression activities will be used to control and extinguish the fire. After the fire is extinguished, standard fire fighting procedures would require that the fire brigade perform the ''overhaul'' firefighting function of ensuring all combustibles have been extinguished. During this firefighting, if the fire brigade were to identify ash or swelled material in a penetration seal, procedures would require that the fire brigade take appropriate action either to identify whether the seal is continuing to combust (by removal), or to promptly implement extinguishing activities. This is a standard firefighting operation to check for any possible fire extension. Therefore, the NRC concludes that it is not inordinately difficult to identify and extinguish fires in combustible fire barrier penetration seals.

6. *Comment.* The basic premise of the NRC rule change fails to address industry experience in properly bounding fire tests for the myriad of fire seal configurations deployed throughout nuclear power stations. In one case, the licensee improperly used a single test to bound 2000 fire barrier penetration seals in many different fire seal configurations. This omission does not lend to the credibility of the agency's argument. Such evidence documents improperly tested seal configurations.

Response. The Browns Ferry fire of March 22, 1975, demonstrated the weakness in penetration seals to the nuclear and general building industry. After the fire, specific testing methods were developed by nationally recognized testing organizations to test and qualify penetration seals. The American Society for Testing and Materials (ASTM) first issued their standard E–814, ''Standard Test Method for Fire Tests of Through-Penetration Fire Stops,'' in 1981. The Institute of Electrical and Electronics Engineers (IEEE) first issued their standard IEEE 634, ''Standard Cable Penetration Fire Stop Qualification Test,'' in 1978. In regard to the commenter's assertions regarding ''a single test to bound 2000 fire barrier penetration seals * * *,'' the first penetration seal fire tests were often used to bound numerous configurations. This issue of bounding fire tests was addressed in Information Notice (IN) 88–04, ''Inadequate qualification and documentation of fire barrier penetration seals,'' dated February 5, 1988. Since that time, decades of experience with the test standards by the nuclear and general building industries have provided adequate assurance that such standards are appropriate for qualifying fire barrier penetration seals. Hundreds of qualification-type fire endurance tests of a wide variety of penetration seal designs and materials have been performed by material manufacturers, installation contractors, test laboratories, research organizations, licensee, and others. Underwriters Laboratories, Inc. (UL) alone publishes a complete volume of Listed and Classified rated through-penetration fire stop systems. Additionally, the NRC staff has observed fire endurance tests of fire barrier penetration seals, and reviewed fire test reports during licensing reviews and inspections. On the basis of these eyewitness accounts and reviews, the NRC staff has concluded that fire endurance tests have established the fire-resistive capabilities of numerous penetration seal materials, designs, and configurations as installed in the nuclear power plants. The NRC staff provided guidance on the bounding of plant-installed configurations with tested configurations in Generic Letter 86–10, ''Implementation of Fire Protection Requirements,'' dated April 24, 1986. Subsequently, the industry used this guidance in inspecting plant designs. As licensees identified potential penetration seal issues, the staff informed the industry through numerous INs, including: (1) IN 88–04, and Supplement 1, dated August 9, 1988; (2) IN 88–56, ''Potential Problems with Silicone Foam Fire Barrier Penetration Seals,'' dated August 4, 1988; (3) IN 94–28, ''Potential Problems with Fire-Barrier Penetration Seals,'' dated April 5, 1994; and (4) IN 97–70, ''Potential Problems with Fire Barrier Penetration Seals,'' dated September 19, 1997. These potential problems were brought forward by licensee inspections and NRC staff observed weaknesses discovered during some of its inspections.

7. *Comment.* The basic premise of the NRC rule change fails to take into account ongoing industry-wide discovery of insufficient material fill, large voids and cracking in seals as the result of the problematic installation of the silicone foam penetration seal material in the field. In numerous cases, licensees have reported universal fire seal installation problems involving the silicone foam material. Such evidence documents improperly installed silicone-based penetration seals. The NRC also fails to take into account that licensees are using the same problematic material to replace inoperable fire seals. Given these recurring and what appears to be ongoing failures, the NRC does not offer any method for determining how it is achieving properly tested, configured, installed and maintained silicone-based penetration seals. Given the apparent lack of reasonable assurance that fire barrier seals are adequately inspected to determine that they have been properly tested, configured, installed and maintained, it is inappropriate to reduce the fire protection standard by removing the non-combustibility standard. Similarly, it is inappropriate to maintain a policy of enforcement discretion for the same noncombustibility standard.

Response. The NRC disagrees with the commenter's implicit argument that historical problems with installation of silicone fire barrier penetration seals have not been rectified, and, as a result, the Appendix R non-combustibility requirement should be retained.

The NRC disagrees with the commenter's assertion that improper installation and maintenance of fire barrier penetration seals is a reasonable basis for retaining the current noncombustibility requirement. First, proper installation of fire barrier penetration seals is necessary in order for the seals to perform their intended safety function, regardless of whether the seals are made of combustible or noncombustible materials. Licensees must have appropriate procedures for installation of Appendix R-required fire barrier penetration seals and implement corrective action if improperly installed seals are discovered, regardless of the combustibility of the fire barrier penetration seal material. Thus, while improperly installed fire barrier penetration seals raise valid concerns with respect to their functionality, these concerns are not relevant to the issue of

the need for a noncombustibility requirement.

Second, the NRC disagrees with the commenter's implicit argument that there are widespread problems with the installation, inspection, and maintenance of fire barrier penetration seals that remain uncorrected. While there have been historical problems with the installation of silicone fire barrier penetration seals, the NRC has taken a series of regulatory actions in response to instances of improper fire barrier penetration seal installation. These actions include the issuance of the information notices discussed above to alert nuclear power plant licensees of potential problems with silicone fire barrier penetration seal installation and inspection, changes to the NRC resident inspector inspection program to include fire barrier penetration seals as part of the NRC's inspection program, and continued NRC review and oversight of licensees' corrective actions. The NRC has confirmed that licensees have taken appropriate action to identify and correct improperly installed silicone-based fire barrier penetration's seals, as discussed in NUREG–1522 and its supplement. Based upon NRC inspections and audits, the NRC believes that licensees and vendors understand the fire-resistive capabilities and limitations of the penetration seal materials, and that existing licensee and vendor seal installation programs are adequate to prevent potential penetration seal installation problems. Potential penetration seal problems are understood; industry standards are available and licensees are complying with them. In regard to installation, maintenance, and in-service inspection, the NRC's comprehensive reassessment of fire barrier penetration seals included the review of procedures, specifications, and training programs for installation, surveillance, maintenance, and repair of penetration seals at both nuclear power plants and the facilities where seals are manufactured. Overall, the NRC concluded that licensees and vendors are aware of the importance of proper design, installation, surveillance, maintenance, and repair of penetration seals, including training of installers and inspectors. Therefore, based on inspections and review of the licensees' corrective action programs, the NRC concludes that historical problems with the installation of silicone-based fire barrier penetration seals have been corrected. Many plants include fire barrier penetration seals that are required by Appendix R in their Maintenance Rule's requirements program (10 CFR 50.65). This requires monitoring of the performance or condition of relevant structures, systems and components (SSCs) unless there is a continuing basis for concluding that the performance or condition of the SSCs is being effectively controlled. This provides additional regulatory assurance that fire barrier penetration seals are being properly installed, inspected, and maintained. For these reasons, the NRC concludes that historical problems with fire barrier penetration seal installation and inspection does not provide an appropriate basis for retaining the current noncombustibility requirement in Appendix R.

8. *Comment.* Visual industry reliance upon walk-downs of fire barrier penetration seals installed in walls, ceilings and floors, in many cases behind a series of obstacles, is not sufficient in determining the reliability and operability of a silicone foam fire barrier penetration seal. Non-destructive examination of installed seals (*e.g.,* ultrasound techniques) can provide a greater measure of confidence in determining if a seal has been properly installed.

Response. The NRC believes that existing inspection techniques developed by the manufacturers of silicone fire barrier penetration seals for evaluating the adequacy of installation of seals are adequate. The vendor requirements for physical parameters for the installation of seals include attributes such as density of the mixed material, cell structure, texture, and color. These are the same parameters used in the construction of the penetration seals for testing and, as such, ensure that the seals installed in the plant are representative of those qualified during testing. The installed penetration seals are passive fire barriers and remain unchanged after proper installation. The commenter did not provide any credible information showing that the manufacturer-developed installation inspection methodology (which may include visual examinations) is inadequate to detect improper installation. In the absence of such information, the NRC does not believe that any consideration should be given to requiring non-destructive examination, which is outside of the scope of the rule change. When the NRC discovers a problem with penetration seals, such as can occur in the area of surveillances, the NRC alerts licensees and advises them to evaluate whether the potential problem exists at their plants. Licensees typically evaluate this information for applicability to their plants as a part of their Nuclear Experience Review Program and take corrective actions when necessary. For example, fire penetration seal surveillance problems were discussed in IN 88–56 which examines in detail visual inspection information regarding voids, gaps, and splits in the material.

9. *Comment.* Because of the evidence of recurring non-compliance with testing, configuration, installation and maintenance, retaining and enforcing the non-combustibility standard is an essential component in establishing confidence in fire barrier penetration seal operability at nuclear power stations.

Response. As discussed above, the NRC does not agree that there are recurring, generic problems with fire barrier penetration seal qualification, configuration and installation throughout the nuclear power plant industry. The NRC believes that the proper amount of attention is being provided by licensees and will be provided for in the future. Additionally, to prevent any possible deficiencies in the penetration seal program, the NRC will continue to provide regulatory oversight.

10. *Comment.* In making the claim that combustible materials are already used in nuclear power stations, NRC attempts to circumlocate (sic.) the significant safety issue on how combustible cable jacketing installed through a penetration surrounded in a combustible fire barrier material with additional documented problems can contribute to an accelerated burn through thus failing as a rated fire barrier.

Response. As discussed in the response to Comment 2, the fire endurance tests for qualifying fire barrier penetration seals were conducted using the cable which would be used in the actual plant configurations. Thus, the contribution of the cable jacketing to combustion of the fire barrier penetration seal was an inherent part of the fire endurance qualification tests.

11. *Comment.* NRC provides no reference to what degree staff and Commission went to arrive at the determination that no technical argument exists for the fire barrier penetration seals non-combustible materials requirement.

Response. The primary documents reviewed by the NRC in attempting to identify the basis for the current noncombustibility requirement were the statements of consideration for the proposed and final Fire Protection rules, May 29, 1980; 45 FR 36082, and November 19, 1980; 45 FR 76608 and the Commission papers that led to these proposed and final rules. The primary

technical documents and rationales for the Commission's determination that no technical basis exists for the noncombustibility requirement are contained in NUREG–1552 and Supplement 1 to that document.

III. Summary of Changes

This final rule amends Section III.M in Appendix R to 10 CFR Part 50 (Appendix R), removes footnotes 3 and 4 from § 50.48, removes footnote 1 from Section I in Appendix R, removes § 50.48 (c), (d), and (e), corrects a grammatical error in footnote 2 to Section III.G. 3 in Appendix R, and makes editorial changes.

1. In Appendix R, Section III.M, the words ''shall utilize only noncombustible materials and * * *'' are removed.

The technical basis for removing the noncombustibility requirement for fire barrier penetration seal materials is documented in NUREG–1552 and NUREG–1552, Supplement 1. A summary of the technical basis for this action follows.

NRC requirements and guidelines for penetration seals appear in a number of documents. In 1971, the NRC promulgated General Design Criterion (GDC) 3, ''Fire protection,'' and subsequently developed specific guidance for implementing GDC 3; Branch Technical Position (BTP) Auxiliary Power Conversion Systems Branch (APCSB) 9.5–1, ''Guidelines for Fire Protection for Nuclear Power Plants,'' May 1, 1976; and Appendix A to BTP APCSB 9.5–1, ''Guidelines for Fire Protection for Nuclear Power Plants Docketed Prior to July 1, 1976,'' February 24, 1977. Most licensees complied with most of the implementing guidance. To resolve the contested issues, the NRC published the final fire protection rule (10 CFR 50.48) and Appendix R to 10 CFR Part 50 on November 10, 1980 (45 FR 76602). It is important to note that Appendix R is not a set of generically applicable fire protection requirements and applies only to plants that were operating before January 1, 1979.

The record for Appendix R does not disclose the technical basis for including the noncombustibility criterion in Appendix R. The noncombustibility criterion is not included in BTP APCSB 9.5–1, Appendix A to BTP APCSB 9.5–1, or in the industry fire endurance test standards. Section 50.48 does not address the use of combustible materials. Although GDC 3 states that noncombustible and heat-resistant materials must be used wherever practical, GDC 3 does not preclude the use of combustible materials. In general, when these materials are incorporated as integral components of the plant fire protection program, including the fire hazard analysis, they are acceptable.

Fire barrier penetration seals are one element of the defense-in-depth concept at nuclear power plants. The objectives of the defense-in-depth concept as applied to fire protection are to:

(1) Prevent fires from starting;

(2) Promptly detect, control, and extinguish those fires that do occur; and

c. Protect structures, systems, and components important to safety so that a fire that is not extinguished promptly will not prevent the safe shutdown of the plant.

To achieve defense in depth, each operating reactor maintains an NRC-approved fire protection program. Nuclear power plants are divided into separate areas by structural fire barriers, such as walls and floor-ceiling assemblies whose fire-resistance rating, typically 1, 2, or 3 hours, is determined by testing. The function of these structural barriers is to prevent a fire that starts in one area from spreading to another area. Penetration seals are used to close openings through the structural fire barriers. The intended design function of the penetration seal is to confine a fire to the area in which it started and to protect important equipment within an area from a fire outside the area. As for other fire barriers, the fire-resistance rating of the penetration seals is determined by testing.

The ability of a particular penetration seal to achieve its intended design function (*i.e.,* to contain a fire), as determined by a fire endurance test conducted in accordance with an industry standard, is the foremost design consideration. In NUREG–1552 and NUREG–1552, Supplement 1, the NRC concluded:

(1) There are no reports of fires where fire-rated penetration seals failed to confine a fire at a nuclear power plant;

(2) A large body of fire endurance tests has confirmed the fire-resistive capabilities of the penetration seal materials, designs, and configurations installed in nuclear power plants; and

(3) If penetration seals are properly designed, tested, installed, inspected, and maintained, there is reasonable assurance that they will provide the fire resistance of the tested design, maintain the fire-resistive integrity of the fire barriers in which they are installed, and confine a fire to its area of origin.

The NRC evaluated silicone-based penetration seal materials that are combustible and are the most widely used materials for penetration seals throughout the commercial nuclear power industry. In presenting the results of its evaluation in NUREG–1552 and in NUREG–1552, Supplement 1, the NRC concluded:

(1) Properly designed, tested, installed, and maintained silicone-based penetration seals are not credible fire hazards;

(2) Despite the fact that a silicone-based penetration seal could contribute some fuel to a fire, its relative contribution to overall fire severity would be negligible;

(3) Qualified silicone-based fire barrier penetration seals can accomplish their intended design function; and

(4) The benefits of combustible or limited combustible penetration seal materials outweigh any potential concerns regarding material combustibility. For example, the penetration seal material must be compatible with the penetrating item material. In the case of electrical cables, the 3M intumescent material or the Dow Corning Silicone will not damage the cable jacket and flows between the individual cables during installation. Likewise, the flexible combustible seal materials allow for normal pipe movement due to heating and cooling of the pipe. The combustible seal materials are economical to install and remove/replace during plant modifications. In short, silicone foam and silicone elastomer can fill complex irregular openings and adhere to the penetration and the penetrants; cure rapidly; have high-temperature stability; are flexible; and resist the effects of radiation exposure and aging.

2. In § 50.48, footnotes 3 and 4 are removed.

Footnote 3 to § 50.48(a) stated that basic fire protection guidance for nuclear power plants is contained in two NRC documents: Branch Technical Position (BTP) Auxiliary Power Conversion System Branch (APCSB) 9.5–1, ''Guidelines for Fire Protection for Nuclear Power Plants'' (for new plants docketed after July 1, 1976), dated May 1976, and Appendix A to BTP APCSB 9,5–1, ''Guidelines for Fire Protection for Nuclear Power Plants Docketed Prior to July 1, 1976'' (for plants that were operating or in various stages of design or construction before July 1, 1976), dated August 23, 1976. Footnote 3 also referred to footnote 4 to § 50.48(b), that lists four additional documents related to permissible alternatives to satisfy Appendix A to BTP APCSB 9.5–1. The documents listed in footnote 4 were: ''Supplementary Guidance on Information Needed for Fire Protection Evaluation,'' dated October 21, 1976;

''Sample Technical Specification,'' dated May 12, 1977; ''Nuclear Plant Fire Protection Functional Responsibilities, Administrative Control and Quality Assurance,'' dated June 14, 1997; and ''Manpower Requirements for Operating Reactors,'' dated May 11, 1978. The six documents that were referred to in footnotes 3 and 4 no longer reflect accurately the current NRC guidance.

Footnotes 3 and 4 were not intended to be rulemaking requirements but rather statements of fact. The footnotes reflected the Commission's approval of the NRC staff's practice, as reflected in Branch Technical Position (BTP) APCSB 9.5–1 and in its Appendix A, that the date of the docketing of the construction permit would determine the NRC staff's review criteria for verifying compliance with General Design Criterion (GDC) 3, and that compliance with the guidance of BTP APCSB 9.5–1 or its Appendix A and the other listed guidance documents would establish compliance with GDC 3. The NRC has completed its review of the fire protection programs at all operating reactors and has issued license conditions that establish the licensing bases for each reactor. The licensing bases may include the documents listed in footnotes 3 and 4, but typically include a number of other guidance documents that the NRC issued after it promulgated § 50.48. In addition, the licensees included the fire protection licensing basis for each reactor in the Updated Final Safety Analysis Report for the facility. Footnotes 3 and 4 have served their purpose and are not needed by the NRC or the licensees to maintain the fire protection licensing bases for the reactors.

The change does not affect or change the licensing basis for any plant. However, it makes 10 CFR 50.48 consistent with other reactor regulations that do not identify guidance documents. It also eliminates the need to update the footnotes to include the large number of guidance documents that the NRC has issued since it promulgated § 50.48 and to conduct future rulemakings to add new guidance documents as they are issued. The change also resolves an inconsistency between the information in footnote 3 to § 50.48 and the regulatory requirements of § 50.34(g)(1)(ii). Specifically § 50.34(g)(1)(ii) states, in part, that ''Applications for light water cooled nuclear power plant construction permits, manufacturing licenses, and preliminary or final design approvals for standard plants docketed after May 17, 1982, shall include an evaluation of the facility against the SRP * * *,'' whereas, footnote 3 indicated that the fire protection portions of these applications would be reviewed against BTP APCSB 9.5–1.

3. In Section I of Appendix R, footnote 1 is removed.

Footnote 1 to Section I in Appendix R is identical to footnote 4 to § 50.48(b). The reasons given above for the removal of footnote 4 to § 50.48(b) also apply to footnote 1 to Section I in Appendix R.

4. In § 50.48, paragraphs (c), (d), and (e) are removed.

Paragraphs (c) and (d) of § 50.48 contained schedule requirements that were added to the Code of Federal Regulations when Appendix R became effective on February 17, 1981. These requirements applied to nuclear power plants licensed before January 1, 1979, and involved fire protection installation modifications, revisions of administrative controls, manpower changes, and training. These requirements were to be completed on a schedule determined by the provisions specified in § 50.48 (c) and (d). All scheduler requirements of § 50.48 (c) and (d) have been implemented and need not be retained.[1]

Paragraph (e) of § 50.48 specified that nuclear power plants licensed after January 1, 1979, were to complete all fire protection modifications needed to satisfy GDC 3 of Appendix A to 10 CFR Part 50 in accordance with the provisions of their licenses. License

[1] The removed paragraphs read as follows:

(c) All fire protection modifications required to satisfy the provisions of appendix R to this part or directly affected by such requirements shall be completed on the following schedule:

(1) Those fire protection features that involve revisions of administrative controls, manpower changes, and training, shall be implemented within 30 days after the effective date of this section and appendix R to this part.

(2) Those fire protection features that involve installation of modifications that do not require prior NRC approval or plant shutdown shall be implemented within 9 months after the effective date of this section and appendix R to this part.

(3) Those fire protection features, except for those requiring prior NRC approval by paragraph (c)(5) of this section, that involve installation of modifications that do require plant shutdown, the need for which is justified in the plans and schedules required by the provisions of paragraph (c)(5) of this section, shall be implemented before startup after the earliest of the following events commencing 180 days or more after the effective date of this section and appendix R to this part:

(i) The first refueling outage;

(ii) Another planned outage that lasts for at least 60 days; or

(iii) An unplanned outage that lasts for at least 120 days.

(4) Those fire protection features that require prior NRC approval by paragraph (c)(5) of this section, shall be implemented within the following schedule: Dedicated shutdown systems — 30 months after NRC approval; modifications requiring plant shutdown—before startup after the earliest of the events given in paragraph (c)(3) commencing 180 days after NRC approval; modifications not requiring plant shutdown—6 months after NRC approval.

(5) Licensees shall make any modifications necessary to comply with these requirements in accordance with the above schedule without prior review and approval by NRC except for modifications required by section III.G.3 of appendix R to this part. Licensees shall submit plans and schedules for meeting the provisions of paragraphs (c)(2), (c)(3), and (c)(4) within 30 days after the effective date of this section and appendix R to this part. Licensees shall submit design descriptions of modifications needed to satisfy section III.G.3 of appendix R to this part within 30 days after the effective date of this section and appendix R to this part.

(6) In the event that a request for exemption from a requirement to comply with one or more of the provisions of Appendix R filed within 30 days of the effective date of this rule is based on an assertion by the licensee that such required modifications would not enhance fire protection safety in the facility or that such modifications may be detrimental to overall facility safety, the schedule requirements of paragraph (c) shall be tolled until final Commission action on the exemption request upon a determination by the Director of Nuclear Reactor Regulation that the licensee has provided a sound technical basis for such assertion that warrants further staff review of the request.

(d) Fire protection features accepted by the NRC staff in Fire Protection Safety Evaluation Reports referred to in paragraph (b) of this section and supplements to such reports, other than features covered by paragraph (c), shall be completed as soon as practicable but no later than the completion date currently specified in license conditions or technical specifications for such facility, or the date determined by paragraphs (d)(1) through (d)(4) of this section, whichever is sooner, unless the Director of Nuclear Reactor Regulation determines, upon a showing by the licensee, that there is good cause for extending such date and that the public health and safety is not adversely affected by such extension. Extensions of such date shall not exceed the dates determined by paragraphs (c)(1) through (c)(4) of this section.

(1) Those fire protection features that involve revisions of administrative controls, manpower changes, and training shall be implemented within 4 months after the date of the NRC staff Fire Protection Evaluation Report accepting or requiring such features.

(2) Those fire protection features involving installation of modifications not requiring prior approval or plant shutdown shall be implemented within 12 months after the date of the NRC staff Fire Protection Safety Evaluation Report accepting or requiring such features.

(3) Those fire protection features, including alternative shutdown capability, involving installation of modifications requiring plant shutdown shall be implemented before the startup after the earliest of the following events commencing 9 months or more after the date of the NRC staff Fire Protection Safety Evaluation Report accepting or requiring such features:

(i) The first refueling outage;

(ii) Another planned outage that lasts for at least 60 days; or

(iii) An unplanned outage that lasts for at least 120 days.

(4) Those fire protection features involving dedicated shutdown capability requiring new buildings and systems shall be implemented within 30 months of NRC approval. Other modifications requiring NRC approval prior to installation shall be implemented within 6 months after NRC approval.

(e) Nuclear power plants licensed to operate after January 17, 1979, shall complete all fire protection modifications needed to satisfy Criterion 3 of appendix A to this part in accordance with the provisions of their licensees.

conditions pertaining to fire protection have been implemented at all plants. Therefore, § 50.48(e) has been implemented and need not be retained.

5. In Section III.G.3 of Appendix R, a grammatical error is corrected.

Footnote 2 to Section III.G.3 of Appendix R read, ''Alternative shutdown capability is provided by rerouting, relocating, or modificating of existing systems; dedicated shutdown capability is provided by installing new structures and systems for the function of post-fire shutdown.'' This final rule replaces the words ''modificating of'' with ''modifying.''

IV. Plain Language

The Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Federal Government's writing be in plain language (63 FR 31883, June 10, 1998). In compliance with this directive, editorial changes have been made in these amendments to improve the readability of the existing language of the provisions being revised. These types of changes are not discussed further in this document.

V. Compatibility of Agreement State Regulations

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** September 3, 1997 (62 FR 46517), Part 50 is classified as compatibility Category ''NRC.'' The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the AEA or provisions of Title 10 of the Code of Federal Regulations.

VI. Voluntary Consensus Standards

The National Technology Transfer Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. The NRC is deleting the Government-unique standard in 10 CFR Part 50, Appendix R, Section III.M, which requires that fire barrier penetration seals utilize only noncombustible materials. The NRC is not aware that deletion of this requirement is inconsistent with any voluntary consensus standard.

VII. Finding of No Significant Environmental Impact

Environmental Assessment

The NRC has determined, in accordance with the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that the amendments are not a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required.

1. The Action

The NRC is amending its regulations that require fire barrier penetration seal materials to be noncombustible and making minor changes to § 50.48 and to Appendix R to Part 50.

These minor changes are to remove footnote 3 from § 50.48(a), footnote 4 from § 50.48(b), and footnote 1 from Section I in Appendix R; remove paragraphs (c), (d), and (e) from § 50.48; correct a grammatical error in footnote 2 to Section III.G.3 of Appendix R; and make editorial changes.

2. Need for the Rulemaking Action

The technical basis for removing the noncombustibility requirement for fire barrier penetration seal materials is documented in NUREG–1552, ''Fire Barrier Penetration Seals in Nuclear Power Plants,'' July 1996; and in NUREG–1552, Supplement 1, January 1999. In these reports, the NRC staff documented the results of a technical assessment of fire barrier penetration seals. On the basis of its findings, the NRC concluded that the noncombustibility criterion for penetration seal materials specified in the NRC fire protection regulations and review guidance has a negligible contribution to safety and recommended that this noncombustibility criterion be deleted. In a staff requirements memorandum dated June 30, 1998, the Commission directed the NRC staff to amend Section III.M of Appendix R to 10 CFR Part 50 (Appendix R) to eliminate the noncombustibility requirement for penetration seal material and to make other minor changes to the fire protection regulations. These minor changes include the deletion of references that no longer reflect accurately the guidance documents published by the NRC in footnotes 3 and 4 of § 50.48 and in footnote 1 to Section I of Appendix R, the deletion of schedular requirements that have been implemented in § 50.48(c) and (d), and a grammatical correction in footnote 2 to Section III.G.3 of Appendix R. The NRC also took advantage of this rulemaking to make editorial changes to comply with the Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing.'' The deletion of the noncombustibility criterion removes a requirement that has a negligible contribution to safety. It constitutes a burden reduction for the NRC and for the licensees.

3. ''No Regulatory Action'' Alternative

No regulatory action would have continued the regulatory burden on licensees and on the NRC. Silicone-based material is currently the material of choice for fire barrier penetration seals and is combustible. The NRC has performed an assessment of silicone-based penetration seal materials and concluded that the benefits of the silicone-based materials in penetration seals, such as high-temperature stability, flexibility, and resistance to the effects of radiation exposure and aging, outweigh any potential concerns regarding material combustibility. In the past, licensees using silicone-based penetration seal materials have requested and been granted exemptions from the requirement of Section III.M of Appendix R to Part 50, regarding the use of noncombustible materials, provided the seals are qualified by fire endurance tests conducted in accordance with an industry standard. Under the previous rule, a licensee that chose penetration seals made of silicone-based materials to replace existing seals or to install new seals would have had to request an exemption from the requirement of Section III.M of Appendix R to the extent that the silicone-based material is combustible. This request for an exemption would have increased the regulatory burden on both the NRC and the licensees, and would have presented no safety benefit. No regulatory action regarding the removal of footnote 3 to § 50.48(a), footnote 4 to § 50.48 (b), footnote 1 to Section I of Appendix R, and § 50.48 (c), (d), and (e) would have had a negative regulatory impact for the following reasons. Footnotes 3 and 4 in § 50.48 and footnote 1 to Section I of Appendix R were inaccurate and incomplete. In addition, the information in footnote 3 was inconsistent with the regulatory requirements contained in § 50.34(g)(1)(ii). The requirements in § 50.48 (c), (d), and (e) had been implemented and need not be retained. No regulatory action regarding the correction of a grammatical error in footnote 2 to Section III.G.3 of Appendix R to Part 50, which was administrative in nature, would not have had any regulatory impact.

4. Environmental Impacts of the Proposed Amendment and the Alternative

The environmental impacts of this amendment, as well as the alternative, are considered negligible by the NRC. The NRC has determined that the ability of a particular penetration seal to achieve its intended design function (*i.e.,* to contain a fire), as determined by a fire endurance test conducted in accordance with an industry standard, is the foremost design consideration. The amendment will not impact the ability to shut down the plant safely in the event of a fire and will provide a level of safety equivalent to that attained by compliance with Section III.M of Appendix R to 10 CFR Part 50. There is no environmental impact associated with the other changes which are administrative in nature. On this basis, the NRC concludes that there are no radiological environmental impacts associated with this amendment. If no regulatory action had been taken in regard to the noncombustibility requirement of Section III.M of Appendix R there would have been no radiological environmental impact, the same as the action. No regulatory action regarding the changes in § 50.48 and in Appendix R (and the correction of an error in footnote 2 to Section III.G.3 of Appendix R, which is administrative in nature) would have had no radiological impact on the environment.

With regard to potential nonradiological impacts, the amendment does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the NRC concludes that there are no significant nonradiological environmental impacts associated with the amendment.

5. List of Agencies and Persons Consulted

Much of the technical information required for this rulemaking was obtained directly from technical experts within the NRC. No other agencies were consulted in preparing this environmental assessment.

VIII. Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0011.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

IX. Regulatory Analysis

The NRC has prepared the following regulatory analysis for the rule.

1. Statement of the Problem

The NRC is amending its regulations regarding the requirement for fire barrier penetration seal materials to be noncombustible and is also making minor changes to § 50.48 and to Appendix R to 10 CFR Part 50. The changes remove footnote 3 from § 50.48(a), footnote 4 from § 50.48(b), and footnote 1 from Sect. I. of Appendix R; remove paragraphs (c), (d), and (e) from § 50.48; correct a grammatical error in footnote 2 to Section III.G.3 of Appendix R; and make editorial changes to comply with the Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing.''

2. Objectives of the Rulemaking

The main objective of the rule is to remove the requirement of Section III.M of Appendix R to 10 CFR Part 50 that fire barrier penetration seal materials be noncombustible. In addition, this rule removes certain parts of § 50.48 and of Appendix R, corrects a grammatical error in Appendix R, and makes editorial changes.

3. Alternative

The alternative of no regulatory action would have continued the unnecessary regulatory burden on licensees and on the NRC.

4. Consequences

Removing the requirement that fire barrier penetration seal materials be noncombustible from Section III.M of Appendix R to Part 50 lessens the unnecessary regulatory burden on licensees and on the NRC staff. It allows licensees to use combustible materials in penetration seals without requesting an exemption from the requirement in Section III.M of Appendix R regarding the noncombustibility of penetration seal materials, provided the seals are qualified by fire endurance tests comparable to those used to rate fire barriers and conducted in accordance with an industry standard. The other minor changes are administrative and do not affect the regulatory burden on licensees.

5. Value Impact Analysis.

The value (benefit) and impact (cost) of the changes are estimated below. Section III.M of Appendix R to 10 CFR Part 50 applies to the plants that were operating before January 1, 1979, and had open items when Appendix R was published. As detailed in NUREG–1552, Supplement 1, Section III.M of Appendix R applies to 5 operating reactors. In order to estimate the benefit of the change, the NRC assumes that the licensees for these plants may want to replace some of their penetration seals with penetration seals made of silicone-based combustible material and that these licensees would request an exemption from the technical requirements of Section III.M of Appendix R. Labor cost is $145/hr for a power reactor licensee and $75/hr for NRC. The change to Section III.M of Appendix R would save licensees the cost of preparing an exemption request and would save the NRC the cost of preparing a safety evaluation and processing the request. Assuming a cost saving of approximately $7500 for licensees and approximately $2500 for NRC for each exemption request, the total cost saving from the change to Section III.M would be approximately $50,000. There would be no benefit or cost associated with the other proposed changes.

6. Decision Rationale

The NRC reviewed the requirement of Section III.M of Appendix R during its reassessment of fire barrier penetration seals and determined that this requirement has a negligible contribution to safety. The removal of the requirement of Section III.M reduces the regulatory burden on the licensee without reducing safety. In addition, the rule makes the following minor changes: removes footnote 3 from § 50.48(a), footnote 4 from § 50.48(b), and footnote 1 from Section I of Appendix R; removes paragraphs (c), (d), and (e) from § 50.48; corrects an error in footnote 2 to Section III.G.3 of Appendix R; and makes editorial changes to comply with the Presidential memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing.'' The other changes as discussed above do not change the regulatory burden on the licensees and do not affect safety.

X. Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant impact on a substantial number of small entities.

Nuclear power plant licensees do not fall within the definition of small businesses as defined in Sect. 3 of the Small Business Act (15 U.S.C. 632) or the Commission's size standards at 10 CFR 2.810 (60 FR 18344; April 11, 1995).

XI. Backfit Analysis

The NRC has determined that these amendments do not involve any provisions that impose backfits because it does not meet the definition of backfit contained in § 50.109(a)(1) for the following reasons. The removal of the requirement that fire barrier penetration seals be noncombustible is a permissive relaxation of an existing requirement and does not constitute imposition of a new requirement. The removal of footnotes 3 and 4 from § 50.48 and of footnote 1 from Section I of Appendix R does not affect the licensing basis for existing plants, does not constitute a change in design requirements for existing plants, and is not applicable to future plants. The schedular requirements contained in paragraphs (c) and (d) of § 50.48 apply to plants licensed before February 17, 1981, and have been implemented at these plants. The requirements contained in paragraph (e) of § 50.48 apply to existing plants and have been implemented at all applicable plants. Therefore, the removal of paragraphs (c), (d), and (e) from § 50.48 does not affect the licensing basis and does not constitute a change in design or optional requirements for these plants. The correction of a grammatical error in footnote 2 to Section III.G.3 of Appendix R and the changes in the language of § 50.48 in accordance with the Presidential memorandum entitled ''Plain Language in Government Writing,'' are administrative changes that do not change any requirement and need not be considered in this backfit determination. For the reasons stated above, a backfit analysis has not been prepared for this rulemaking.

XII. Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons given in the preamble and under the authority for the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Section 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.Q. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.Q. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.Q. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.Q. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.Q. 2234). Appendix F also issued under sec. 187, 68 Stat. 954 (42 U.S.Q. 2237).

2. Section 50.48 is revised to read as follows:

§ 50.48 Fire protection.

(a)(1) Each operating nuclear power plant must have a fire protection plan that satisfies Criterion 3 of appendix A to this part. This fire protection plan must:

(i) Describe the overall fire protection program for the facility;

(ii) Identify the various positions within the licensee's organization that are responsible for the program;

(iii) State the authorities that are delegated to each of these positions to implement those responsibilities; and

(iv) Outline the plans for fire protection, fire detection and suppression capability, and limitation of fire damage.

(2) The plan must also describe specific features necessary to implement the program described in paragraph (a)(1) of this section such as—

(i) Administrative controls and personnel requirements for fire prevention and manual fire suppression activities;

(ii) Automatic and manually operated fire detection and suppression systems; and

(iii) The means to limit fire damage to structures, systems, or components important to safety so that the capability to shut down the plant safely is ensured.

(3) The licensee shall retain the fire protection plan and each change to the plan as a record until the Commission terminates the reactor license. The licensee shall retain each superseded revision of the procedures for 3 years from the date it was superseded.

(b) Appendix R to this part establishes fire protection features required to satisfy Criterion 3 of appendix A to this part with respect to certain generic issues for nuclear power plants licensed to operate before January 1, 1979.

(1) Except for the requirements of Sections III.G, III.J, and III.O, the provisions of Appendix R to this part do not apply to nuclear power plants licensed to operate before January 1, 1979, to the extent that—

(i) Fire protection features proposed or implemented by the licensee have been accepted by the NRC staff as satisfying the provisions of Appendix A to Branch Technical Position (BTP) APCSB 9.5–1 reflected in NRC fire protection safety evaluation reports issued before the effective date of February 19, 1981; or

(ii) Fire protection features were accepted by the NRC staff in comprehensive fire protection safety evaluation reports issued before Appendix A to Branch Technical Position (BTP) APCSB 9.5–1 was published in August 1976.

(2) With respect to all other fire protection features covered by Appendix R, all nuclear power plants licensed to operate before January 1, 1979, must satisfy the applicable requirements of Appendix R to this part, including specifically the requirements of Sections III.G, III.J, and III.O.

(c) [Reserved].

(d) [Reserved].

(e) [Reserved].

(f) Licensees that have submitted the certifications required under § 50.82(a)(1) shall maintain a fire protection program to address the potential for fires that could cause the release or spread of radioactive materials (i.e., that could result in a radiological hazard).

(1) The objectives of the fire protection program are to—

(i) Reasonably prevent these fires from occurring;

(ii) Rapidly detect, control, and extinguish those fires that do occur and that could result in a radiological hazard; and

(iii) Ensure that the risk of fire-induced radiological hazards to the public, environment and plant personnel is minimized.

(2) The licensee shall assess the fire protection program on a regular basis. The licensee shall revise the plan as appropriate throughout the various stages of facility decommissioning.

(3) The licensee may make changes to the fire protection program without NRC approval if these changes do not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard, taking into account the decommissioning plant conditions and activities.

3. In Appendix R, Section I, footnote 1 is removed and footnotes 2 through 5 are redesignated as footnotes 1 through 4, respectively. New footnote 1 to Section III.G.3, and Section III.M are revised to read as follows:

Appendix R to Part 50—Fire Protection Program for Nuclear Power Facilities Operating Before January 1, 1979

* * * * *

III. Specific Requirements * * *

G. * * *

3. Alternative of dedicated shutdown capability and its associated circuits,[1] independent of cables, systems or components in the area, room, zone under consideration should be provided: * * *

* * * * *

M. Fire barrier cable penetration seal qualification. Penetration seal designs must be qualified by tests that are comparable to tests used to rate fire barriers. The acceptance criteria for the test must include the following:

1. The cable fire barrier penetration seal has withstood the fire endurance test without passage of flame or ignition of cables on the unexposed side for a period of time equivalent to the fire resistance rating required of the barrier;

2. The temperature levels recorded for the unexposed side are analyzed and demonstrate that the maximum temperature is sufficiently below the cable insulation ignition temperature; and

3. The fire barrier penetration seal remains intact and does not allow projection of water beyond the unexposed surface during the hose stream test.

* * * * *

[1] Alternative shutdown capability is provided by rerouting, relocating, or modifying existing systems; dedicated shutdown capability is provided by installing new structures and systems for the function of post-fire shutdown.

Dated at Rockville, Maryland, this 14th day of June, 2000.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00–15544 Filed 6–19–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 330, 331, 341, 346, 355, 358, 369, and 701

[Docket Nos. 98N–0337, 96N–0420, 95N–0259, and 90P–0201]

RIN 0910–AA79

Over-the-Counter Human Drugs; Labeling Requirements; Partial Extension of Compliance Dates

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; partial extension of compliance dates.

SUMMARY: The Food and Drug Administration (FDA) is providing a partial extension of the compliance dates for its final rule that appeared in the **Federal Register** of March 17, 1999. The final rule established a standardized format and standardized content requirements for the labeling of over-the-counter (OTC) drug products. That final rule requires all OTC drug products to have the new, easy-to-read format and the revised labeling requirements within prescribed implementation periods. This partial extension provides 1 additional year for implementation for specific types of OTC drug products to be in compliance with the final rule.

DATES:

Effective Date: This rule is effective July 20, 2000.

Compliance Dates: For compliance dates, see section III of the **SUPPLEMENTARY INFORMATION** section of this document. Submit written comments by September 18, 2000.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Gerald M. Rachanow, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2307.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 17, 1999 (64 FR 13254), FDA published a final rule establishing standardized format and standardized content requirements for the labeling of OTC drug products. Those requirements are codified in § 201.66 (21 CFR 201.66).

Section 201.66(a) states that the content and format requirements in § 201.66 apply to the labeling of all OTC drug products. This includes products marketed under a final OTC drug monograph, an approved new drug application (NDA) or abbreviated new drug application (ANDA) under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), and OTC drug products for which there is no final OTC drug monograph or approved drug application.

The agency provided different implementation dates by which OTC drug products had to be in compliance with the new requirements. These dates varied according to the regulatory status of the products (64 FR 13254 at 13273 and 13274).

A. Products in the OTC Drug Review

Products marketed under final OTC drug monographs had to comply with the final rule by April 16, 2001. Products for which a final monograph became effective on or after April 16, 1999, had to comply as of: (1) The applicable implementation date for that final monograph; (2) the next major revision to any part of the label or labeling after April 16, 2001; or (3) April 18, 2005, whichever occurs first.

Combination drug products in which all of the active ingredients are the subject of a final monograph or monographs had to comply with the final rule as of April 16, 2001. Combination products in which one or more active ingredients are the subject of a final monograph, and one or more ingredients are still under review as of the effective date of the final rule, had to comply as of the implementation date for the last applicable final monograph for the combination, or as of April 16, 2001, whichever is earlier. Combination products in which none of the active ingredients is the subject of a final monograph or monographs as of the effective date of the final rule had to comply as of: (1) The implementation date of the last applicable final monograph for the combination; (2) the next major revision to any part of the label or labeling after April 16, 2001; or (3) April 18, 2005, whichever comes first.

B. Products Marketed Under NDA's and ANDA's

Products that are the subject of an approved drug application (NDA or ANDA) before April 16, 1999, had to comply as of April 16, 2001. Products that become the subject of an approved NDA or ANDA on or after April 16, 1999, had to immediately comply with the final rule.

C. Additional Provisions

Any OTC drug product that was not described in section I.A and I.B above had to comply with the final rule as of: (1) The next major revision to any part of the label or labeling after April 16, 2001; or (2) April 18, 2005, whichever occurs first.

Products (including combinations) marketed under a final OTC drug monograph or monographs, or under an NDA or ANDA, with annual sales of less than $25,000 had to comply with the final rule as of April 16, 2002. This extra time was intended to provide marketed products with a low level of distribution 1 additional year to comply with the final rule.

Irrespective of the regulatory status of the product, the agency strongly encouraged all manufacturers, distributors, and packers of OTC drug products to voluntarily implement the new content and format requirements as soon as possible, particularly when existing labeling is exhausted and relabeling would occur in the normal course of business. The agency also encouraged sponsors of products marketed under NDA's and ANDA's to submit any required labeling supplements as soon as possible to ensure timely review.

The agency provided a chart that summarized the time periods within which the various categories of marketed OTC drug products must be in compliance with the final rule (64 FR 13254 at 13274). Unless otherwise stated, all time periods in the chart began on the effective date of the final rule.

In the **Federal Register** of April 15, 1999 (64 FR 18571), the agency published a correction to the final rule and corrected the effective date from April 16, 1999, to May 16, 1999. While the agency did not discuss the implementation plan and the compliance dates for the final rule (or the chart at 64 FR 13274) in this correction, the correction had the effect of changing the compliance dates for the final rule: (1) April 16, 1999, to May 16, 1999; (2) April 16, 2001, to May 16, 2001; (3) April 16, 2002, to May 16, 2002; and (4) April 18, 2005, to May 16, 2005.

II. Citizen Petitions Requesting Additional Implementation Time

Following publication of the final rule, the Consumer Healthcare Products Association (CHPA) and The Cosmetic, Toiletry, and Fragrance Association (CTFA) submitted citizen petitions (Refs. 1 and 2) requesting a 2-year extension of time for compliance with the final rule, i.e., extending the May 16, 2001, date to May 16, 2003, and the May 16, 2002, date to May 16, 2004. No change to the May 16, 2005, date was requested. CHPA also requested a stay of the final rule for those products that had to immediately begin to comply with the rule (i.e., OTC drug products approved under an NDA or ANDA after May 16, 1999) until several implementation issues described in the CHPA petition were resolved and companies were given sufficient time to incorporate FDA's clarification into OTC drug product labeling. The petitions discussed a number of issues CHPA and CTFA considered as ''open'' or pending: (1) The use of columns in labeling, (2) the protection of trade dress, (3) the use of type sizes smaller than 6.0 points, (4) the labeling of single use and convenience packages or a categorical small package exemption, (5) the use of extended text labeling, (6) the exemption process, and (7) harmonizing the new ''Drug Facts'' labeling with existing cosmetic labeling.

The agency answered these citizen petitions on February 4, 2000 (Refs. 3 and 4). The agency addressed the issues that were raised and stated that most of the issues (columns, the exemption process, the labeling of single use and convenience products) had been addressed or would soon be addressed through the agency's guidance process. One issue (trade dress) had been addressed through a recent amendment to the final rule (65 FR 7, January 3, 2000). The agency did not consider the remaining issues as presenting a significant obstacle toward industry-wide implementation of the final rule, as demonstrated by the large numbers of products that are able to comply with the rule.

III. The Agency's Final Conclusions

The agency concluded that a stay of the final rule or a blanket extension of 2 years is excessive and is not consistent with the public's interest in having clear, readable OTC drug product labeling. Also, recognizing that guidance documents may prove helpful to industry in the transition to the new labeling format, and that the agency intends to issue at least one more guidance document (on exemptions and deferrals), the agency concluded that an extension of the May 16, 2001, date by 1 year to May 16, 2002 (and a corresponding extension of the May 16, 2002, date for products with annual sales of less than $25,000 to May 16, 2003) is justified. The request for a stay of the final rule for products marketed under an NDA or ANDA approved after May 16, 1999, was denied.

The agency is restating below in table 1, the implementation chart that appeared in the final rule (64 FR 13254 at 13274). This chart is updated to show the new implementation compliance dates for the final rule. In addition, the agency is making one minor change in the implementation chart. For combination products subject to an OTC drug monograph or monographs in which at least one applicable monograph was finalized before May 16, 1999, and at least one applicable monograph is finalized on or after May 16, 1999, the time period is stated as ''Within the period specified in the last applicable monograph to be finalized, or by May 16, 2002 (or by May 16, 2003, if annual sales of the product are less than $25,000), whichever occurs first.'' The agency recognizes that some final monographs may be finalized close to the May 16, 2002, date. If that occurred, relabeling might be required at two closely related time intervals by two different final rules. The agency would be aware of that possibility when the last applicable monograph is published and would make allowance there to avoid this dual relabeling within a short time period. Therefore, the agency is adding at the end of the time period for this specific type of combination product in the implementation chart the words ''unless the last applicable monograph to be finalized specifies a later date.'' This language should alleviate any possible ambiguities that might have existed as to when relabeling required by two different rules would have to occur.

TABLE 1.—IMPLEMENTATION CHART

Products	Time periods
Single entity and combination products subject to drug marketing applications approved before May 16, 1999.	By May 16, 2002 (or by May 16, 2003, if annual sales of the product are less than $25,000).
Single entity and combination products subject to drug marketing applications approved on or after May 16, 1999.	Immediately upon approval of the application.
Single entity products subject to an OTC drug monograph finalized before May 16, 1999.	By May 16, 2002 (or by May 16, 2003, if annual sales of the product are less than $25,000).
Single entity products subject to an OTC drug monograph finalized on or after May 16, 1999.	Within the period specified in the final monograph. However, if a monograph has not been finalized as of May 16, 2002, then the product must comply as of the first major labeling revision after May 16, 2002, or by May 16, 2005, whichever occurs first.
Combination products subject to an OTC drug monograph or monographs in which all applicable monographs were finalized before May 16, 1999.	By May 16, 2002 (or by May 16, 2003, if annual sales of the product are less than $25,000).
Combination products subject to an OTC drug monograph or monographs in which at least one applicable monograph was finalized before May 16, 1999, and at least one applicable monograph is finalized on or after May 16, 1999.	Within the period specified in the last applicable monograph to be finalized, or by May 16, 2002 (or by May 16, 2003, if annual sales of the product are less than $25,000), whichever occurs first, unless the last applicable monograph to be finalized specifies a later date.
Combination products subject to an OTC drug monograph or monographs in which all applicable monographs are finalized on or after May 16, 1999.	Within the period specified in the last applicable monograph to be finalized. However, if the last monograph is not finalized as of May 16, 2002, then the product must comply as of the first major labeling revision after May 16, 2002, or by May 16, 2005, whichever occurs first.
All other single entity and combination OTC drug products (e.g., products in the OTC drug review that are not yet the subject of proposed OTC drug monographs).	If a monograph has not been finalized as of May 16, 2002, then the product must comply as of the first major labeling revision after May 16, 2002, or by May 16, 2005, whichever occurs first.

IV. Extension of Compliance Dates for Other Labeling Revisions

The final rule also contained a number of other required labeling revisions in 21 CFR parts 201, 330, 331, 341, 346, 355, 358, 369, and 701 (64 FR 13254 at 13291, 13292, and 13294 to 13297). For any of those labeling revisions that would have had to be implemented by May 16, 2001, or May 16, 2002, as a result of complying with § 201.66, the agency is also providing a 1-year extension of time for implementation.

V. Analysis of Impacts

The economic impact of the final rule was discussed in the final rule (64 FR 13254 at 13276 to 13285. This partial extension of the compliance dates provides additional time for companies to relabel their products and be in compliance with the final rule. This extension will also reduce label obsolescence as companies will have additional time to use up more existing labeling. Thus, extending some of the compliance dates by 1 year will significantly reduce the economic impact on industry.

FDA has examined the impacts of this final rule (partial extension of the compliance dates) under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) (2 U.S.C. 1501 *et seq.*). 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). Under the Regulatory Flexibility Act, if a rule has a significant economic impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities. Title II of the Unfunded Mandates Reform Act requires that agencies prepare a written statement and economic analysis before proposing any rule that may result in an expenditure in any one year by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation).

The agency concludes that this final rule is consistent with the principles set out in the Executive order and in these two statutes. This final rule is not a significant regulatory action as defined by the Executive order and so is not subject to review under the Executive Order. As discussed in this section, FDA has determined that this final rule will not have a significant economic impact on a substantial number of small entities. Further, because this final rule makes no mandates on government entities and will result in expenditures less than $100 million in any one year, FDA need not prepare additional analyses under the Unfunded Mandates Reform Act.

The purpose of this final rule is to provide a partial extension of some of the compliance dates by which manufacturers need to relabel their products. This final rule provides 1 additional year to relabel many products. Accordingly, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VI. Good Cause

In its responses to the citizen petitions (Refs. 3 and 4), the agency set forth in detail its finding that a stay of the rule, or a blanket extension of 2 years, is excessive and is not consistent with the public's interest in having clear, readable OTC drug labeling. However, in recognition of the fact that there are several pending guidance documents that may prove helpful in the transition to the new format, and that at least one on exemptions and deferrals has yet to issue, the agency concluded that an extension of the May 16, 2001, primary implementation date by 1 year to May 16, 2002 (and the corresponding implementation date for products with annual sales less that $25,000 to May 16, 2003) was justified. Since the agency is extending the compliance date of the OTC labeling final rule based on the citizen petition responses and because these changes are nonsubstantive in nature, FDA finds that notice and comment procedures are

unnecessary and not in the public interest (5 U.S.C. 553(b) and (d)). More than 3 months have passed since the agency issued the citizen petition responses and the agency has received no adverse correspondence or comments with respect to its decision. Therefore, the agency is now amending the compliance date of the final rule. However, in accordance with 21 CFR 10.40(e)(1), FDA is providing an opportunity for comment on whether this partial extension of the compliance dates should be modified or revoked.

VII. References

1. Comment No. CP2, Docket No. 98N–0337, Dockets Management Branch.

2. Comment No. CP1, Docket No. 99P–4617, Dockets Management Branch.

3. Letter from W. K. Hubbard, FDA, to B. N. Kuhlik and M. S. Labson, Covington & Burling, coded PAV2, Docket No. 98N–0337, Dockets Management Branch.

4. Letter from W. K. Hubbard, FDA, to E. E. Kavanaugh, CTFA, coded PAV1, Docket No. 99P–4617, Dockets Management Branch.

This final rule (partial extension of compliance dates) is issued under sections 201, 501, 502, 503, 505, 510, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, and 371) and under authority delegated to the Commissioner of Food and Drugs.

VIII. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this final rule by September 18, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket numbers found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 12, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–15427 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 985

[Docket No. FR–3986–N–03]

Section 8 Management Assessment Program (SEMAP); Lifting of Stay of Certain Regulatory Sections

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; lifting of stay.

SUMMARY: On September 10, 1998, HUD published its final rule for the Section 8 Management Assessment Program (SEMAP). The final rule took effect October 13, 1998, and § 985.102 (SEMAP profile); § 985.103 (SEMAP score and overall performance rating); §§ 985.105(a), 985.105(b), 985.105(d) and 985.105(e) (HUD SEMAP responsibilities); and § 985.107 (Required actions for PHA with troubled performance rating) were stayed until further notice. This document lifts the stay for these sections.

EFFECTIVE DATE: The stay is lifted for 24 CFR 985.102, 0985.103, 985.105(a), 985.105(b), 985.105(d), 985.105(e), and 985.107 as of August 1, 2000.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4220, 451 Seventh Street, SW, Washington, DC 20410–8000; telephone number (202) 708–0477 (this is not a toll-free telephone number). Hearing or speech impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On September 10, 1998 (63 FR 48548), HUD published its final rule for the Section 8 Management Assessment Program (SEMAP). SEMAP provides for objective measurement of the performance of a public housing agency (PHA) in key areas of the Section 8 tenant-based assistance program. SEMAP enables HUD to ensure program integrity and accountability by identifying PHA management capabilities and deficiencies and by improving risk assessment to effectively target monitoring and program assistance. PHAs can use the SEMAP performance analysis to assess their own program operations.

The ''effective date'' section of the September 10, 1998 final rule noted that the rule took effect October 13, 1998, with the following sections stayed as of October 13, 1998, until further notice: § 985.102 (SEMAP profile); § 985.103 (SEMAP score and overall performance rating); paragraphs (a), (b), (d) and (e) of § 985.105 (HUD SEMAP responsibilities), and § 985.107 (Required actions for PHA with troubled performance rating).

The preamble to the September 10, 1998 SEMAP final rule explained why these sections were stayed on October 13, 1998. The preamble explained that HUD would publish a **Federal Register** notice of the effective date of the full implementation of SEMAP when HUD determined that independent verification methods for the SEMAP indicators are properly implemented. (See 63 FR 48549, first column, second full paragraph.) HUD has determined that these methods have been properly implemented and this document provides notice that the stay is lifted on §§ 985.102, 985.103, 985.105(a), 985.105(b), 985.105(d), 985.105(e), and 985.107 as of August 1, 2000.

HUD expects that the first PHAs to be rated under SEMAP will be PHAs with fiscal years July 1, 1999 to June 30, 2000. The first ratings are expected to be assigned in fall 2000.

Dated: June 12, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 00–15342 Filed 6–19–00; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 47 and 178

[T.D. ATF–426]

RIN 1512–AC02

Implementation of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition (99R–281P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision amends the regulations governing the importation of firearms, ammunition, and implements of war. The changes implement the ''Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition'' which

President Clinton directed the Secretaries of State, Commerce, and Treasury to implement after the second Summit of the Americas, in Santiago, Chile. The purpose of the Model Regulations is to provide standardized procedures for the international movement of firearms, their parts and components, and ammunition so as to prevent illegal trafficking in these articles. This final rule also makes technical and conforming amendments to certain sections of the regulations. In addition, this final rule revokes Rev. Rul. 69–309.

DATES: This rule is effective June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Lawrence G. White, Firearms and Explosives Imports Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8320).

SUPPLEMENTARY INFORMATION:

Background—CICAD Changes

On April 18, 1998, at the second Summit of the Americas, in Santiago, Chile, President Clinton announced that the United States would issue regulations implementing the ''Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition'' (the ''Model Regulations''). The Model Regulations were drafted by the Inter-American Drug Abuse Control Commission (''CICAD'') at the request of the Organization of American States. The purpose of the Model Regulations is to provide standardized procedures for the international movement of firearms, their parts and components, and ammunition so as to prevent illegal trafficking in these articles.

To further these objectives, the President directed the U.S. Secretaries of State, Commerce, and Treasury to implement the Model Regulations. In response to the President's directive, on April 12, 1999, the Department of State published in the **Federal Register** amendments to the International Traffic in Arms Regulations (64 FR 17531). The Department of Commerce published its amended regulations in the **Federal Register** on April 13, 1999 (64 FR 17968). In this final rule, ATF is amending its regulations and affected forms to comply with the Model Regulations.

ATF is responsible for administering the import provisions of the Arms Export Control Act (AECA) and the Gun Control Act (GCA). The regulatory amendments required by the President's directive necessitate changes to AECA regulations in 27 CFR part 47 and GCA regulations in 27 CFR part 178. Changes made by this final rule include the following:

1. Inclusion of Final Recipient Information on Import Permits

The import permit must identify the final recipient, if known, of an imported firearm, firearm part, or ammunition. Identification is to include name, address, telephone and fax numbers, country of residence, representative's name if a commercial or government body, citizenship, and signature. Conforming changes have been made to the regulations in 27 CFR 47.42(a)(1)(v), 178.112(b)(1)(v), and 178.113(b)(1)(v).

2. Presentation of Export License to U.S. Customs To Effect Release of Firearms, Firearms Parts, and Ammunition

A licensed importer must present the import permit (ATF Form 6—Part I), a release form identifying the goods imported (ATF Form 6A), and a copy of the export license from the exporting country in order to effect the release of firearms, firearms parts, or ammunition from U.S. Customs. If the country of export does not require the issuance of an export license, the licensed importer instead must present a certification, under penalty of perjury, to that effect. Currently, only the ATF Form 6—Part I and ATF Form 6A must be presented to U.S. Customs. The new requirement applies only to commercial (*i.e.,* imports by registered/licensed importers for purposes of resale) importations of firearms, firearms parts, and ammunition. Conforming changes have been made to the regulations in 27 CFR 47.45(a) and 178.112(c).

3. Regulatory Requirement for Specific Information on Import Permit

AECA regulations set forth the requirement for obtaining an import permit but do not specify the information that must be included on the permit application. Though ATF already obtains all information mandated by the Model Regulations through its design of and instructions on the ATF Form 6—Part I, the AECA regulation is being amended to itemize specific information required on the form. Conforming changes have been made to the regulations in 27 CFR 47.42(a).

4. Revision of Parts Exemption

The exemption in 27 CFR 47.41(c) is being revised to reduce the value of the parts and components that may be imported without a permit from $500 to $100. This change maintains the original intent behind the exemption, which was to provide a simplified method for importers to replace minor parts (*e.g.,* springs and screws) damaged during the initial shipment, while maintaining controls over more substantial imports, as required by the Model Regulations.

Technical and Conforming Amendments to Regulations

We have identified several amendments and conforming changes to the regulations that are needed to provide uniformity in chapter I of title 27, CFR. These amendments are contained in parts 47 and 178. The amendments merely improve the clarity of the regulations, simplify regulatory requirements, or implement foreign policy as directed by the Department of State. ATF's administration of the import provisions of the AECA is subject to the guidance of the Secretaries of State and Defense on matters affecting world peace and the external security and foreign policy of the United States. The amendments to parts 47 and 178 are as follows:

1. Department of State regulations in 22 CFR part 129 place registration requirements on persons engaged in brokering activities related to the import of defense articles. A new subparagraph is being added to section 47.2, ''Relation to other laws and regulations,'' to cross-reference the Department of State regulations in 22 CFR part 129.

2. The name of the Department of State's Office of Munitions Control has been changed to the Office of Defense Trade Controls. Section 47.21 is being amended to reflect this change.

3. ATF Publication 1322.1, Public Use Forms, is no longer available from the Superintendent of Documents, Government Printing Office. Accordingly, section 47.35 is being amended to delete the reference to the availability of this publication.

4. The wording in section 47.41(a) is being changed to clarify the relationship between the permit requirements in parts 178 and 179 and the permit requirements in part 47.

5. In an undated letter received by ATF on December 22, 1999, the Department of State provided advice to ATF concerning the importation into the United States of foreign-origin defense articles. The letter requested that ATF require a statement on the import application certifying, in the case of defense articles of foreign manufacture, to the origin of the articles. ATF is amending the regulations in section 47.42(a) to implement this advice. Appropriate changes have also been made to the ATF Form 6.

6. The use of copies of import permits to effect the release of defense articles from U.S. Customs will be permitted to help relieve the administrative burden on the importer. Conforming changes have been made to the regulations in section 47.43(c).

7. The Department of State, by letter dated November 2, 1998, directed ATF to revise its procedures for regulating the import of U.S. Government-granted or sold defense articles on the United States Munitions List (USML). Specifically, ATF is to deny all applications, with limited exceptions, for the import of these articles. The limited exceptions allowed by the State Department will require importers to first obtain and submit with their import permit applications re-transfer authorizations from the State Department.

A re-transfer authorization indicates the foreign government has properly asked, and has been granted, authority to re-transfer such articles. Other criteria for meeting the terms of the exception are unchanged. Conforming changes have been made to the regulations in section 47.57(b)(1).

8. The requirement for a licensed importer to report on ATF Form 6A the serial numbers of imported firearms within 15 days after their release from Customs has been added to the GCA regulations governing import procedures. ATF Form 6A already requires this information by directions contained in block 9b of the form. Conforming changes have been made to the regulations in section 178.112(d)(1).

9. The required retention of ATF Form 6—Part I and ATF Form 6A for at least 20 years by GCA licensees and at least 6 years by AECA registrants not licensed under the GCA is made explicit by adding references to both forms in record retention requirements. This change affects regulations in sections 47.34(b) and 178.129(d).

Rev. Rul. 69–309

The CICAD Model Regulations specify the minimum information that must be included on import licenses and the procedures for obtaining the release of imported firearms and ammunition from Customs custody. In reviewing the rules and regulations governing firearms imports, ATF has re-examined Rev. Rul. 69–309 (1969–1 C.B. 361), issued in 1969 by the Internal Revenue Service, ATF's predecessor agency. This ruling held that members of the U.S. Armed Forces returning from active duty outside the U.S. may import, without an import permit, up to 3 rifles or shotguns and not more than 1,000 rounds of ammunition. ATF believes that this ruling is inconsistent with the CICAD Model Regulations, since no advance authorization is required for such importations. Accordingly, Rev. Rul. 69–309 is hereby revoked. It should be noted that servicemen returning to the U.S. from overseas duty may still import personal firearms pursuant to 18 U.S.C. 925(a)(4) and 27 CFR 178.114.

Executive Order 12866

Because the amendments to 27 CFR Part 47 involve a foreign affairs function of the United States, Executive Order 12866 does not apply. With respect to the amendments to 27 CFR part 178, it has been determined that this rule is not a significant regulatory action as defined in Executive Order 12866.

Administrative Procedure Act

The amendments made to 27 CFR part 47 are excluded from the rulemaking provisions of 5 U.S.C. 553 because they involve a foreign affairs function of the United States. With respect to the amendments made to 27 CFR part 178, all changes are of a technical, nonsubstantive nature. Accordingly, it is not necessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations in 5 U.S.C. 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this final rule because no notice of proposed rulemaking is required.

Paperwork Reduction Act

These regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collections of information contained in these regulations have been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control numbers 1512–0017 and 1512–0019. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Comments concerning the collections of information should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Document Services Branch, Room 3110, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226. Any such comments should be submitted not later than August 21, 2000. Comments are specifically requested concerning:

Whether the proposed collections of information are necessary for the proper performance of the function of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility; the accuracy of the estimated burden associated with the proposed collections of information (see below); how the quality, utility, and clarity of the information to be collected may be enhanced, and; how the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The new collections of information under OMB control number 1512–0017 are in 27 CFR 47.42(a)(1), 47.57(b)(1), 178.112(b)(1)(v), and 178.113(b)(1)(v). The new collections of information under OMB control number 1512–0019 are in 27 CFR 47.45(a), 178.112(c) and (d)(1). This information is required to ensure compliance with the import provisions of the Gun Control Act and Arms Export Control Act. This information will be used to ensure that defense articles are lawfully imported into the United States. The collections of information are mandatory. The likely respondents are businesses and individuals.

For collections of information under OMB control number 1512–0017:

Estimated total annual reporting burden: 4,500 hours.

Estimated annual burden per respondent: .5 hours.

Estimated number of respondents: 9,000.

Estimated annual frequency of responses: 1.

For collections of information under OMB control number 1512–0019:

Estimated total annual reporting burden: 8,000 hours.

Estimated annual burden per respondent: .4 hours.

Estimated number of respondents: 20,000.

Estimated annual frequency of responses: 1.

Compliance With 5 U.S.C. Chapter 8

In accordance with 5 U.S.C. 808(2), ATF has found that, consistent with guidance from the Department of State and for reasons of the foreign policy of

the United States, notice and public procedure are unnecessary and contrary to the public interest.

Disclosure

Copies of this final rule will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue NW, Washington, DC.

Drafting Information

The authors of this document are Scott Mendoza, Senior Operations Officer, Detroit Field Division, and James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 47

Administrative practice and procedure, Arms control, Arms and munitions, Authority delegation, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

For the reasons discussed in the preamble, ATF amends 27 CFR parts 47 and 178 as follows:

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

Paragraph 1. The authority citation for 27 CFR part 47 continues to read as follows:

Authority: 22 U.S.C. 2778.

Par. 2. Section 47.2 is amended by adding a new paragraph (d) to read as follows:

§ 47.2 Relation to other laws and regulations.

* * * * *

(d) For provisions requiring the registration of persons engaged in the business of brokering activities with respect to the importation of any defense article or defense service, see Department of State regulations in 22 CFR part 129.

§ 47.21 [Amended]

Par. 3. Section 47.21 is amended by removing ''Office of Munitions Control'' in the introductory text and in Category XXI of the U.S. Munitions Import List and adding in their place ''Office of Defense Trade Controls''.

Par. 4. Section 47.34(b) is amended by adding a comma after the word ''disposition'', by removing the phrase ''by the registrant'' and adding in its place ''including Forms 6 and 6A'', and by adding a new sentence at the end of paragraph (b) to read as follows:

§ 47.34 Maintenance of records by persons required to register as importers of Import List articles.

* * * * *

(b) * * * See § 178.129 of this chapter for articles subject to import control under part 178 of this chapter.

* * * * *

§ 47.35 [Amended]

Par. 5. Section 47.35 is amended by removing paragraph (b) and by redesignating paragraph (c) as paragraph (b).

Par. 6. Section 47.41 is amended by revising paragraphs (a) and (c) to read as follows:

§ 47.41 Permit requirement.

(a) Articles on the U.S. Munitions Import List will not be imported into the United States except pursuant to a permit under this subpart issued by the Director. For articles subject to control under parts 178 or 179 of this chapter, a separate permit is not necessary.

* * * * *

(c) A permit is not required for the importation of—

(1)(i) The U.S. Munitions Import List articles from Canada, except articles enumerated in Categories I, II, III, IV, VI(e), VIII(a), XVI, and XX; and

(ii) Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment thereof (see Category XXI); or

(2) Minor components and parts for Category I(a) and I(b) firearms, except barrels, cylinders, receivers (frames) or complete breech mechanisms, when the total value does not exceed $100 wholesale in any single transaction.

Par. 7. Section 47.42(a) is revised to read as follows:

§ 47.42 Application for permit.

(a)(1) Persons required to obtain a permit as provided in § 47.41 must file a Form 6—Part I, in triplicate, with the Director. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, address, telephone number, license and registration number, if any (including expiration date) of the importer;

(ii) The country from which the defense article is to be imported;

(iii) The name and address of the foreign seller and foreign shipper;

(iv) A description of the defense article to be imported, including—

(A) The name and address of the manufacturer;

(B) The type (e.g., rifle, shotgun, pistol, revolver, aircraft, vessel, and in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) The caliber, gauge, or size;

(D) The model;

(E) The length of barrel, if any (in inches);

(F) The overall length, if a firearm (in inches);

(G) The serial number, if known;

(H) Whether the defense article is new or used;

(I) The quantity;

(J) The unit cost of the firearm, firearm barrel, ammunition, or other defense article to be imported;

(K) The category of U.S. Munitions Import List under which the article is regulated;

(v) The specific purpose of importation, including final recipient information if different from the importer; and

(vi) Certification of origin.

(2)(i) If the Director approves the application, such approved application will serve as the permit to import the defense article described therein, and importation of such defense article may continue to be made by the licensed/registered importer (if applicable) under the approved application (permit) during the period specified thereon. The Director will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the licensed/registered importer (if applicable) will be notified of the basis for the disapproval.

* * * * *

§ 47.43 [Amended]

Par. 8. Section 47.43(c) is amended by removing the second sentence.

Par. 9. Section 47.45 is amended by revising paragraphs (a) and (b) to read as follows:

§ 47.45 Importation.

(a) Articles subject to the import permit procedures of this subpart

imported into the United States may be released from Customs custody to the person authorized to import same upon his showing that he has a permit from the Director for the importation of the article or articles to be released.

For articles in Categories I and III imported by a registered importer, the importer will also submit to Customs a copy of the export license authorizing the export of the article or articles from the exporting country. If the exporting country does not require issuance of an export license, the importer must submit a certification, under penalty of perjury, to that effect.

(1) In obtaining the release from Customs custody of an article imported pursuant to a permit, the permit holder will prepare Form 6A, in duplicate, and furnish the original to the Customs officer releasing the article. The Customs officer will, after certification, forward the original ATF Form 6A to the address specified on the form.

(2) The ATF Form 6A must contain the information requested on the form, including:

(i) The name, address, and license number (if any) of the importer;

(ii) The name of the manufacturer of the defense article;

(iii) The country of manufacture;

(iv) The type;

(v) The model;

(vi) The caliber, gauge, or size;

(vii) The serial number in the case of firearms, if known; and

(viii) The number of defense articles released.

(b) Within 15 days of the date of their release from Customs custody, the importer of the articles released will forward to the address specified on the form a copy of Form 6A on which will be reported any error or discrepancy appearing on the Form 6A certified by Customs and serial numbers if not previously provided on ATF Form 6A.

* * * * *

Par. 10. Section 47.57 is amended by revising paragraphs (a) through (c) to read as follows:

§ 47.57 U.S. military defense articles.

(a)(1) Notwithstanding any other provision of this part or of parts 178 or 179 of this chapter, no military defense article of United States manufacture may be imported into the United States if such article was furnished to a foreign government under a foreign assistance or foreign military sales program of the United States.

(2) The restrictions in paragraph (a)(1) of this section cover defense articles which are advanced in value or improved in condition in a foreign country, but do not include those which have been substantially transformed as to become, in effect, articles of foreign manufacture.

(b) Paragraph (a) of this section will not apply if:

(1) The applicant submits with the ATF Form 6—Part I application written authorization from the Department of State to import the defense article; and

(2) In the case of firearms, such firearms are curios or relics under 18 U.S.C. 925(e) and the person seeking to import such firearms provides a certification of a foreign government that the firearms were furnished to such government under a foreign assistance or foreign military sales program of the United States and that the firearms are owned by such foreign government. (See § 178.118 of this chapter providing for the importation of certain curio or relic handguns, rifles and shotguns.)

(c) For the purpose of this section, the term ''military defense article'' includes all defense articles furnished to foreign governments under a foreign assistance or foreign military sales program of the United States as set forth in paragraph (a) of this section.

* * * * *

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Par. 11. The authority citation for 27 CFR part 178 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–930; 44 U.S.C. 3504(h).

Par. 12. Section 178.112 is amended by revising paragraphs (b), (c), and (d), and by adding a parenthetical text at the end of the section to read as follows:

§ 178.112 Importation by a licensed importer.

* * * * *

(b)(1) An application for a permit, ATF Form 6—Part I, to import or bring a firearm, firearm barrel, or ammunition into the United States or a possession thereof under this section must be filed, in triplicate, with the Director. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, address, telephone number, and license number (including expiration date) of the importer;

(ii) The country from which the firearm, firearm barrel, or ammunition is to be imported;

(iii) The name and address of the foreign seller and foreign shipper;

(iv) A description of the firearm, firearm barrel, or ammunition to be imported, including:

(A) The name and address of the manufacturer;

(B) The type (*e.g.,* rifle, shotgun, pistol, revolver and, in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) The caliber, gauge, or size;

(D) The model;

(E) The barrel length, if a firearm or firearm barrel (in inches);

(F) The overall length, if a firearm (in inches);

(G) The serial number, if known;

(H) Whether the firearm is new or used;

(I) The quantity;

(J) The unit cost of the firearm, firearm barrel, or ammunition to be imported;

(v) The specific purpose of importation, including final recipient information if different from the importer;

(vi) Verification that if a firearm, it will be identified as required by this part; and

(vii)(A) If a firearm or ammunition imported or brought in for scientific or research purposes, a statement describing such purpose; or

(B) If a firearm or ammunition for use in connection with competition or training pursuant to Chapter 401 of Title 10, U.S.C., a statement describing such intended use; or

(C) If an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece; or

(D) If a firearm other than a surplus military firearm, of a type that does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1986, and is for sporting purposes, an explanation of why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes; or

(E) If ammunition being imported for sporting purposes, a statement why the ammunition is particularly suitable for or readily adaptable to sporting purposes; or

(F) If a firearm barrel for a handgun, an explanation why the handgun is generally recognized as particularly suitable for or readily adaptable to sporting purposes. (2)(i) If the Director approves the application, such approved application will serve as the permit to import the firearm, firearm barrel, or ammunition described therein, and importation of such firearms, firearm barrels, or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period

specified thereon. The Director will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the licensed importer will be notified of the basis for the disapproval.

(c) A firearm, firearm barrel, or ammunition imported or brought into the United States or a possession thereof under the provisions of this section by a licensed importer may be released from Customs custody to the licensed importer upon showing that the importer has obtained a permit from the Director for the importation of the firearm, firearm barrel, or ammunition to be released. The importer will also submit to Customs a copy of the export license authorizing the export of the firearm, firearm barrel, or ammunition from the exporting country. If the exporting country does not require issuance of an export license, the importer must submit a certification, under penalty of perjury, to that effect.

(1) In obtaining the release from Customs custody of a firearm, firearm barrel, or ammunition authorized by this section to be imported through the use of a permit, the licensed importer will prepare ATF Form 6A, in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the firearm, firearm barrel, or ammunition. The Customs officer will, after certification, forward the ATF Form 6A to the address specified on the form.

(2) The ATF Form 6A must contain the information requested on the form, including:

(i) The name, address, and license number of the importer;

(ii) The name of the manufacturer of the firearm, firearm barrel, or ammunition;

(iii) The country of manufacture;

(iv) The type;

(v) The model;

(vi) The caliber, gauge, or size;

(vii) The serial number in the case of firearms, if known; and

(viii) The number of firearms, firearm barrels, or rounds of ammunition released.

(d) Within 15 days of the date of release from Customs custody, the licensed importer must:

(1) Forward to the address specified on the form a copy of ATF Form 6A on which must be reported any error or discrepancy appearing on the ATF Form 6A certified by Customs and serial numbers if not previously provided on ATF Form 6A;

(2) Pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody; and

(3) Post in the records required to be maintained by the importer under subpart H of this part all required information regarding the importation.

(Paragraph (b) approved by the Office of Management and Budget under control number 1512–0017; paragraphs (c) and (d) approved by the Office of Management and Budget under control number 1512–0019)

Par. 13. Section 178.113 is amended by revising paragraphs (b) and (c) and by adding a parenthetical text at the end of the section to read as follows:

§ 178.113 Importation by other licensees.

* * * * *

(b)(1) An application for a permit, ATF Form 6—Part I, to import or bring a firearm, firearm barrel, or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, must be filed, in triplicate, with the Director. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, address, telephone number, and license number (including expiration date) of the applicant;

(ii) The country from which the firearm, firearm barrel, or ammunition is to be imported;

(iii) The name and address of the foreign seller and foreign shipper;

(iv) A description of the firearm, firearm barrel, or ammunition to be imported, including:

(A) The name and address of the manufacturer;

(B) The type (e.g., rifle, shotgun, pistol, revolver and, in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) The caliber, gauge, or size;

(D) The model;

(E) The barrel length, if a firearm or firearm barrel (in inches);

(F) The overall length, if a firearm (in inches);

(G) The serial number, if known;

(H) Whether the firearm is new or used;

(I) The quantity;

(J) The unit cost of the firearm, firearm barrel, or ammunition to be imported;

(v) The specific purpose of importation, including final recipient information if different from the applicant; and

(vi)(A) If a firearm or ammunition imported or brought in for scientific or research purposes, a statement describing such purpose; or

(B) If a firearm or ammunition for use in connection with competition or training pursuant to Chapter 401 of Title 10, U.S.C., a statement describing such intended use; or

(C) If an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece; or

(D) If a firearm other than a surplus military firearm, of a type that does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1986, and is for sporting purposes, an explanation of why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes; or

(E) If ammunition being imported for sporting purposes, a statement why the ammunition is particularly suitable for or readily adaptable to sporting purposes; or

(F) If a firearm barrel for a handgun, an explanation why the handgun is generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(2)(i) If the Director approves the application, such approved application will serve as the permit to import the firearm, firearm barrel, or ammunition described therein, and importation of such firearms, firearm barrels, or ammunition may continue to be made by the applicant under the approved application (permit) during the period specified thereon. The Director will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the applicant will be notified of the basis for the disapproval.

(c) A firearm, firearm barrel, or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee upon showing that the licensee has obtained a permit from the Director for the importation of the firearm, firearm barrel, or ammunition to be released.

(1) In obtaining the release from Customs custody of a firearm, firearm barrel, or ammunition authorized by this section to be imported through the use of a permit, the licensee will prepare ATF Form 6A, in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the firearm, firearm barrel, or ammunition. The Customs officer will, after certification, forward the ATF Form 6A to the address specified on the form.

(2) The ATF Form 6A must contain the information requested on the form, including:

(i) The name, address, and license number of the licensee;

(ii) The name of the manufacturer of the firearm, firearm barrel, or ammunition;

(iii) The country of manufacture;

(iv) The type;

(v) The model;

(vi) The caliber, gauge, or size;

(vii) The serial number in the case of firearms; and

(viii) The number of firearms, firearm barrels, or rounds of ammunition released.

(Paragraph (b) approved by the Office of Management and Budget under control number 1512–0017; paragraph (c) approved by the Office of Management and Budget under control number 1512–0019)

Par. 14. Section 178.113a is amended by revising paragraphs (b) and (c) and by adding a parenthetical text at the end of the section to read as follows:

§ 178.113a Importation of firearm barrels by nonlicensees.

* * * * *

(b)(1) An application for a permit, ATF Form 6—Part I, to import or bring a firearm barrel into the United States or a possession thereof under this section must be filed, in triplicate, with the Director. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, address, and telephone number of the applicant;

(ii) The country from which the firearm barrel is to be imported;

(iii) The name and address of the foreign seller and foreign shipper;

(iv) A description of the firearm barrel to be imported, including:

(A) The name and address of the manufacturer;

(B) The type (e.g., rifle, shotgun, pistol, revolver);

(C) The caliber, gauge, or size;

(D) The model;

(E) The barrel length (in inches);

(F) The quantity;

(G) The unit cost of the firearm barrel;

(v) The specific purpose of importation, including final recipient information if different from the importer; and

(vi) If a handgun barrel, an explanation of why the barrel is for a handgun that is generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(2)(i) If the Director approves the application, such approved application will serve as the permit to import the firearm barrel, and importation of such firearm barrels may continue to be made by the applicant under the approved application (permit) during the period specified thereon. The Director will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the applicant will be notified of the basis for the disapproval.

(c) A firearm barrel imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the person importing the firearm barrel upon showing that the person has obtained a permit from the Director for the importation of the firearm barrel to be released.

(1) In obtaining the release from Customs custody of a firearm barrel authorized by this section to be imported through the use of a permit, the person importing the firearm barrel will prepare ATF Form 6A, in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the firearm barrel. The Customs officer will, after certification, forward the ATF Form 6A to the address specified on the form.

(2) The ATF Form 6A must contain the information requested on the form, including:

(i) The name and address of the person importing the firearm barrel;

(ii) The name of the manufacturer of the firearm barrel;

(iii) The country of manufacture;

(iv) The type;

(v) The model;

(vi) The caliber or gauge of the firearm barrel so released; and

(vii) The number of firearm barrels released;.

(Paragraph (b) approved by the Office of Management and Budget under control number 1512–0017; paragraph (c) approved by the Office of Management and Budget under control number 1512–0019)

Par. 15. Section 178.114 is amended by revising paragraphs (a) and (b) and by adding a parenthetical text at the end of the section to read as follows:

§ 178.114 Importation by members of the U.S. Armed Forces.

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided,* That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member.

(1) An application for a permit, ATF Form 6—Part II, to import a firearm or ammunition into the United States under this section must be filed, in triplicate, with the Director. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, current address, and telephone number of the applicant;

(ii) Certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any provision of the Act or of any State law or local ordinance at the place of the applicant's residence;

(iii) The country from which the firearm or ammunition is to be imported;

(iv) The name and address of the foreign seller and foreign shipper;

(v) A description of the firearm or ammunition to be imported, including:

(A) The name and address of the manufacturer;

(B) The type (e.g., rifle, shotgun, pistol, revolver and, in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) The caliber, gauge, or size;

(D) The model;

(E) The barrel length, if a firearm (in inches);

(F) The overall length, if a firearm (in inches);

(G) The serial number;

(H) Whether the firearm is new or used;

(I) The quantity;

(J) The unit cost of the firearm or ammunition to imported;

(vi) The specific purpose of importation, that is —

(A) That the firearm or ammunition being imported is for the personal use of the applicant; and

(B) If a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1986, and an explanation of why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes; or

(C) If ammunition, a statement why it is generally recognized as particularly suitable for or readily adaptable to sporting purposes; and

(vii) The applicant's date of birth;

(viii) The applicant's rank or grade;

(ix) The applicant's place of residence;

(x) The applicant's present foreign duty station or last foreign duty station, as the case may be;

(xi) The date of the applicant's reassignment to a duty station within the United States, if applicable; and

(xii) The military branch of which the applicant is a member.

(2)(i) If the Director approves the application, such approved application will serve as the permit to import the firearm or ammunition described therein. The Director will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the applicant will be notified of the basis for the disapproval.

(b) Except as provided in paragraph (b)(3) of this section, a firearm or ammunition imported into the United States under the provisions of this section by the applicant may be released from Customs custody to the applicant upon showing that the applicant has obtained a permit from the Director for the importation of the firearm or ammunition to be released.

(1) In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through the use of a permit, the military member of the U.S. Armed Forces will prepare ATF Form 6A and furnish the completed form to the Customs officer releasing the firearm or ammunition. The Customs officer will, after certification, forward the ATF Form 6A to the address specified on the form.

(2) The ATF Form 6A must contain the information requested on the form, including:

(i) The name and address of the military member;

(ii) The name of the manufacturer of the firearm or ammunition;

(iii) The country of manufacture;

(iv) The type;

(v) The model;

(vi) The caliber, gauge, or size;

(vii) The serial number in the case of firearms; and

(viii) If applicable, the number of firearms or rounds of ammunition released.

(3) When such military member is on active duty outside the United States, the military member may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for such member. Such agent will present sufficient identification of the agent and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

* * * * *

(Paragraph (a) approved by the Office of Management and Budget under control number 1512–0018; paragraph (b) approved by the Office of Management and Budget under control number 1512–0019)

Par. 16. Section 178.129(d) is amended by revising the first sentence to read as follows:

§ 178.129 Record retention.

* * * * *

(d) *Records of importation and manufacture.* Licensees will maintain permanent records of the importation, manufacture, or other acquisition of firearms, including ATF Forms 6 and 6A as required by subpart G of this part. * * *

* * * * *

Dated: March 17, 2000.

Bradley A. Buckles,

Director.

Dated: April 4, 2000.

John P. Simpson,

Deputy Assistant Secretary, Regulatory Tariff and Trade Enforcement.

[FR Doc. 00–15485 Filed 6–19–00; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 293

National Imagery Mapping Agency (NIMA) Freedom of Information Act Program

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule establishes the National Imagery and Mapping Agency (NIMA) regulation governing the disclosure of information under the Freedom of Information Act. This part is revised pursuant to the Department of Defense rule which implements the Freedom of Information Act and it conforms to the Department's rule and schedule. As a component of the Department of Defense, the Department rules and schedules with respect to the Freedom of Information Act, as amended, will also be the policy of NIMA.

DATES: This rule is effective March 14, 2000. Comments must be received by August 21, 2000.

ADDRESSES: NIMA/GC, Mail Stop D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003.

FOR FURTHER INFORMATION CONTACT: Tom Willess @301–227–2953.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 293

Freedom of Information.

Accordingly, 32 CFR part 293 is revised to read as follows:

PART 293—NATIONAL IMAGERY MAPPING AGENCY (NIMA) FREEDOM OF INFORMATION ACT PROGRAM

Sec.
293.1 Purpose.
293.2 Policy.
293.3 Applicability and scope.
293.4 Definitions.
293.5 Responsibilities.
293.6 Procedure.

Authority: 5 U.S.C. 552a.

§ 293.1 Purpose.

This part implementations the Freedom of Information Act (FOIA) and 32 CFR part 286 to establish a uniform process in responding to FOIA requests received by the National Imagery Mapping Agency (NIMA).

§ 293.2 Policy.

It is NIMA policy that:

(a) Agency records that, if disclosed, would cause no foreseeable harm to an interest protected by a FOIA exemption, will be made readily accessible to the public.

(b) NIMA organizations will ensure that internal procedural matters do not unnecessarily impede a FOIA requester from promptly obtaining NIMA records.

§ 293.3 Applicability and scope.

This part applies to all NIMA organizations and is intended as a brief overview of the FOIA process within NIMA. To obtain complete guidance, this instruction must be used in conjunction with 32 CFR part 286. Additional assistance is also available from the Office of General Counsel (GC).

§ 293.4 Definitions.

Agency records.

(1) A product of data compilation (such as all books, papers, maps, photographs, and machine-readable materials including those in electronic form or format) or other documentary materials (such as letters, memos, or notes) regardless of physical form or characteristics that is made or received by NIMA in connection with the transaction of public business, and is in NIMA's possession and control at the time the FOIA request is made.

(2) The following are not considered Agency records:

(i) Objects or articles, such as structures, furniture, vehicles, and equipment.

(ii) Anything that is not a tangible or documentary record, such as an individual's memory or oral communication.

(iii) Personal records of an individual not subject to agency creation or retention requirements, that have been created and maintained primarily for the convenience of the Agency employee, and that are not distributed to other Agency employees for their official use. Personal records fall into three categories: those created before entering Government service; private materials brought into, created, or received in the Office that were not created or received in the course of transacting Government business; and work-related personal papers that are not used in the transaction of Government business.

(3) Agency records available to the public through an established public distribution system, the **Federal Register**, the National Technical Information Service (NTIS), or the Internet normally need not be processed as FOIA requests, unless the requester insists that the request be processed under the FOIA.

(4) To be subject to the FOIA, the Agency record being requested must actually exist and be in the possession and control of the Agency at the time a FOIA request is made. There is no obligation to create, compile, or obtain a record to satisfy a FOIA request.

Appellate authority (AA). An agency employee who has been granted authority to review the decision of the initial denial authority (IDA) (see IDA definition) that has been appealed by a FOIA requester and make the appeal determination for the Agency on the releasability of the records in question.

FOIA exemption. Agency records, which if disclosed, would cause a foreseeable harm to an interest protected by a FOIA exemption, may be withheld from public release. There are nine exemptions that permit an agency to withhold records requested under a FOIA request. The exemptions are for records that apply to:

(1) Information that is currently and properly classified pursuant to an Executive Order in the interest of national defense or foreign policy.

(2) Information that pertains solely to the internal rules and practices of the Agency. This exemption has two profiles, high and low. The high profile permits withholding of a document that, if released, would allow circumvention of an Agency rule, policy, or statute, thereby impeding the Agency in the conduct of its mission. The low profile permits withholding of the record if there is no public interest in the record, and it would be an administrative burden to process the request. Activities should not rely on the low profile exemption because the Department of Justice may not defend its use.

(3) Information specifically exempted from disclosure by a statute that establishes particular criteria for withholding the record. The language of the statute must clearly state that the information will not be disclosed.

(4) Information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis that, if released, would result in competitive harm to the company.

(5) Inter- and intra-agency momoranda that are deliberative in nature. This exemption is appropriate for internal documents that are part of the decision-making process, and contain subjective evaluations, opinions, and recommendations. A document must be both deliberative and part of a decision-making process to qualify for this exemption.

(6) Information from personnel and medical files that would result in a clearly unwarranted invasion of personal privacy if disclosed or released.

(7) Records or information compiled for law enforcement purposes that:

(i) Could reasonably be expected to interfere with law enforcement proceedings.

(ii) Would deprive a person of a right to a fair trial or impartial adjudication.

(iii) Could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others.

(iv) Would disclose the identity of a confidential source; would disclose investigative techniques and procedures; and

(v) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) The examination, operation, or condition reports prepared by, on behalf of, or for the use of any Agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data (including maps) concerning wells.

FOIA request.

(1) *An FOIA request is a request, in writing, for agency records.* The request can either implicitly cite FOIA, but must reasonably describe the record being requested. In addition, the request must include language indicating the requester's willingness to pay fees associated with processing the FOIA request.

(2) Any person, including a member of the public (U.S. or foreign citizen or entity), an organization, or a business can make FOIA requests. Requests from officials of State or local Governments for NIMA records are considered the same as requests from any other requester. Requests from members of Congress not seeking records on behalf of a congressional committee or subcommittee, and requests from either House sitting as a whole or made on behalf of constituents are considered the same as requests from any other requester. Requests from foreign governments that do not invoke the FOA are referred to appropriate foreign disclosure channels and the requester is so notified by GC.

Initial denial authority (IDA). An agency employee who has been granted authority to make an initial determination for the Agency that records requested in a FOIA request should be withheld from disclosure or release.

Mandatory declassification officer (MDO). A senior agency official has been granted authority to perform mandatory declassification reviews for NIMA.

Multi-track processing. A system in which pending FOIA requests that cannot be processed within the statutory time limit of 20 working days are separated into distinct working tracks. The tracks are based on the date the FOIA request is received by GC, the amount of work and time involved in processing the request, and whether the request qualifies for expedited processing.

NIMA operational file exemption. 10 U.S.C. 457 provides that NIMA may withhold from public disclosure operational files that:

(1) As of September 22, 1996 were maintained by National Photographic Interpretations Center (NPIC) or

(2) Concern the activities of the Agency as of that date that were performed by NPIC. Questions on operational files created after 22 September 1996 should be directed to GC.

§ 293.5 Responsibilities.

(a) *Director of NIMA (D/NIMA).*

(1) Designates the Agency initial denial authority (IDA) and appellate authority (AA).

(2) Appoints substitutes for the current IDA or AA if necessary.

(b) *The Chief of Staff (CS)* (or acting CS as designated by CS) serves as AA.

(c) *The Director of the Congressional Affairs Office (D/CA)* (or acting D/CA as designated by D/CA) serves as IDA.

(d) *Office of General Counsel (GC).*

(1) Administers NIMA's FOIA program for processing FOIA requests received by NIMA.

(2) Processes all requests for mandatory declassification review in response to requests for declassificaton that meet the requirements of Executive Order 12958.

(3) Submits this part to the Department of Defense to publish in the Code of Federal Regulations and the **Federal Register**.

(e) Office Directors in the functional Directorates and the Office Directors who are aligned with D/NMA (for example, Office of General Counsel, Office of Inspector General, Chief of Staff, International and Policy Office, or Mission Support Office) with regard to search for records.

(1) Appoint an Office point of contact (POC) to whom FOIA requests can be directed from GC and who serves as a direct liaison with GC.

(2) Forward, through the POC, the FOIA request from GC to the organization most likely to hold or maintain the records being requested.

(3) Direct, through the POC, a search for the records be completed in a timely manner and respond directly to GC on the outcome of the search.

(f) *Office Directors in the functional Directorates and the Office Directors* who are aligned with D/NIMA (for example, Office of General Counsel, Office of Inspector General, Chief of Staff, International and Policy Office, or Mission Support Office) with regard to declassification review.

(1) Appoint an employee to act as the POC for the Office.

(2) Oversee and coordinate, through the POC, declassification reviews for FOIA.

(3) Make, through the POC, recommendations to the mandatory declassification officer (MDO) on the declassification of Agency records.

(g) *Chief, Mission Support Office, Security Programs Division, as MDO.*

(1) Conducts declassification reviews for FOIA.

(2) Advises GC whether Agency records are properly classified in accordance with Executive Order 12958 and should be withheld from public release or disclosure.

§ 293.6 Procedures.

(a) *Administration of the FOIA program.* GC receives all FOIA requests submitted to NIMA, logs the requests into a database, and initiates the record search. If a final response cannot be made to the FOIA requester within the statutory time requirement of 20 working days, GC advises the requester of this fact and explains how the FOIA request will be processed within a multi-track processing system. As part of the administration FOIA process, GC:

(1) Assesses and collects fees for costs associated with processing FOIA requests, and approves or denies requests for fee waivers. Fees collected are forwarded through the Financial Management Directorate (CFO) to the U.S. Treasury.

(2) Approves or denies requests for expedited processing.

(3) Sends a ''no records'' response to FOIA requesters after a records search reveals that no Agency records exist that are responsive to the FOIA request.

(4) Provides training with NIMA on the FOIA law and Agency processing procedures.

(5) Conducts periodic reviews of NIMA's FOIA program.

(6) Maintains a public reading room for inspecting and copying Agency records and arranges appointments for access to reading room records.

(7) Maintains an ''electronic'' reading room for Agency records, an index for frequently requested records, a FOIA handbook, and other material as required by the FOIA on a public Internet website.

(8) Coordinates with other DoD Components, other members of the Intelligence Community, or the Department of Justice, as needed, on FOIA requests referred to NIMA.

(9) Coordinates with other DoD Components, other members of the Intelligence Community, or the Department of Justice, as needed, prior to releasing any records under the FOIA that may also be pertinent to litigation pending against the United States.

(10) Prepares the Annual Report—Freedom of Information Act (DD Form 2564) and forwards the report to the Directorate for Freedom of Information and Security Review, Washington Headquarters Services.

(11) Coordinates responses to all news media requests with the Public Affairs Office (PA) and congressional inquiries with CA.

(12) Coordinates denials of access to Agency records with NIMA's IDA and AA and prepares a legal synopsis and recommendation for release or denial of the record.

(13) Maintains FOIA case files in accordance with the NIMA records management schedules in NI 8040.1.

(b) Searching for responsive NIMA records.

(1) GC forwards a copy of the FOIA request to the appropriate Agency POC. The POC fowards the request to the Office most likely to hold or maintain the records being requested.

(2) The Office conducts a search for records responsive to the FOIA request. all NIMA offices must promptly conduct searches to locate records responsive to a FOIA request, even if the search is likely to reveal classified, sensitive, or for official use only (FOUO) records. A reasonable search includes the search of all activities and locations most likely to have the records that have not been transferred to the National Archives and Records Administration (NARA).

(3) If a reasonable search does not identify or locate records responsive to the request, the Office must provide GC with a ''no records'' response and provide a recommendation of other Offices in which to conduct the search.

(4) If a reasonable search identifies or locates records responsive to the request, the Office must send two copies of the responsive record to GC and provide a recommendation regarding releasability of the record. Any objection to release of the record must be based on one or more of the FOIA exemptions. The office must also complete and forward DD Form 2086 or DD Form 2086–1, as appropriate, detailing the time and cost incurred in the search, review, and copying of the responsive records.

(5) *FOUO records.* When an office has identified FOUO records that are responsive to a FOIA request, the record must be evaluated to determine whether any FOIA exemptions are applicable to withhold either the entire record or portions of the record from release. Unless the requested record clearly falls into one or more of the FOIA exemptions, an FOUO marking all not prevent a record from being released to the FOIA requester.

(6) All Offices promptly forward or return any misaddressed FOIA requests to GC.

(c) *Mandatory declassification review.* When a request for a declassification review is received, or when an office has identified classified records that are responsive to a FOIA request and has forwarded copies to GC, GC forwards one copy of the record to the MDO for a declassification review. The MDO works with the declassification POC to determine if the record in question is currently and properly classified under Executive Order 12958, and if any information contained in the record may be segregated for release to the FOIA requester. The MDO forwards the results of the declassification review to GC, in writing, along with any recommendations on whether information in the record can be

reasonably segregated and released to the FOIA requester.

(d) Withholding Agency records from public release. If the requested record is not releasable because it is either currently and properly classified or falls within another FOIA exemption, GC prepares an analysis on the rationale for denying the record, prepares the initial denial letter to be sent to the FOIA requester, and forwards the materials to the Agency IDA. The Agency IDA reviews the FOIA request and rationale for withholding the record and, if he or she concurs, signs the letter prepared by GC. The letter signed by the Agency IDA advises the FOIA requester that the records requested are being withheld from release, states the amount of material withheld from release, states the FOIA exemptions supporting the denial, and provides information on appealing the decision to the Agency AA. A copy of all initial denial letters is forwarded to GC and maintained in the individual FOIA file.

(e) *Appeal rights of FOIA requesters.*

(1) If a FOIA requester appeal the initial denial decision of the agency IDA, GC processes the appeal for review by the agency AA. The AA reviews the initial FOIA request, GC's analysis, and the denial decision made by the IDA. The AA has the authority to either uphold the decision made by the IDA, and withhold the requested records from release, or reverse the decision made by the IDA and release all or a portion of the records requested. GC prepares the written response to the FOIA requester for the AA's signature. If the AA makes a final determination to uphold the decision made by the agency IDA, the final Agency response includes the basis for the decision and advises the FOIA requester of the right to seek judicial review.

(2) In addition to denials of information, a FOIA requester also has a right to appeal initial assessments made by GC regarding fee categories, fee waivers, fee estimates, requests for expedited processing, no record determinations, failure to meet the statutory time limits, or any determination found to be adverse by the requester. The authority to uphold or reverse initial assessments made by GC in these areas is the agency AA. The decision of the AA is final.

(f) *Relationship between the FOIA and the Privacy Act.* Not all requesters will be knowledgeable of the appropriate act to cite when requesting records or access to records. In some instances, either the FOIA or the Privacy Act may be cited.

(1) Both the FOIA and the Privacy Act give the right to request access to records held by Federal Agencies. Access rights under the FOIA are given to any individual, business, or organization, but the Privacy Act gives access rights only to those individuals who are the subject of the records being requested.

(2) When responding to a request for records under the Privacy Act, detailed guidance on which act to apply may be found in 32 CFR part 286 and 32 CFR part 310. Additional assistance is also available from GC.

Dated: June 13, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15367 Filed 6–19–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–00–144]

RIN 2115–AE46

Special Local Regulation: Fireworks Displays Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation

SUMMARY: This document provides notice of the dates and times of the special local regulations contained in 33 CFR 100.114, Fireworks Displays Within the First Coast Guard District. Implementation of these regulations is necessary to control vessel traffic within the regulated area to ensure the safety of spectators.

DATES: The regulations in 33 CFR 100.114 are effective from one hour before the scheduled start of the event until thirty minutes after the last firework is exploded for each event listed in the table below. The events are listed chronologically by month with their corresponding number listed in the special local regulation, 33 CFR 100.114.

FOR FURTHER INFORMATION CONTACT: Petty Officer William M. Anderson, Office of Search and Rescue branch, First Coast Guard District at (617) 223–8460.

SUPPLEMENTARY INFORMATION: This notice implements the special local regulations in 33 CFR 100.114 (64 FR 34544, June 28, 1999). All vessels will be restricted from entering the area of navigable water within a 500-yard radius of the fireworks launch platform for each event listed in the Fireworks Display Table below.

Fireworks Displays

Connecticut—June 24th—7.3

Name: American Legion Post 83 Fireworks.
Sponsor: Town of Branford American Legion Post.
Time: 9:00 p.m. to 10:00 p.m.
Location: Branford Point, Branford, CT, 41°21′N/072°05′20″ W (NAD 1983).

New York—July 8th—7.4

Name: Devon Yacht Club Fireworks.
Sponsor: Devon Yacht Club, Amagansett, NY.
Time: 9:30 p.m. to 10:00 p.m.
Location: Devon Yacht Club, Amagansett, NY, 40°00′00″ N/072°06′12″ W (NAD 1983).

Connecticut—July 3rd—7.8—Rain date: July 5th

Name: Stamford Fireworks.
Sponsor: City of Stamford.
Time: 9:00 p.m. to 10:00 p.m.
Location: Westcott Cove, Stamford, CT, 41°02′01″ N/73°30′3″W (NAD 1983).

New York—July 2nd—7.16

Name: Salute to Veterans.
Sponsor: Town of North Hempstead, NY.
Time: 9:00 p.m. to 10:00 p.m.
Location: Hempstead, NY. Point Lookout, 40°35′34″ N/073°35′24″ W (NAD 1983).

Massachusetts—July 2nd—7.21—Rain date: July 3rd

Name: Town of Barnstable Fireworks.
Sponsor: Town of Barnstable.
Time: 8:00 p.m. to 10:00 p.m.
Location: Dunbar Point/Kalmus Beach, Barnstable, MA, 41°38′30N / 070°16′W (NAD 1983).

Massachusetts—July 1st—7.27—Rain date: July 2nd

Name: Onset Fireworks.
Sponsor: Town of Wareham, MA.
Time: 9 p.m. to 10 p.m.
Location: Onset Harbor, Onset, MA, 41°38′N/071°55′W (NAD 1983).

Massachusetts—July 4th—7.28

Name: Plymouth Fireworks Display.
Sponsor: July Four Plymouth Inc.
Time: 9:00 p.m. to 10:00 p.m.
Location: Plymouth Harbor, Plymouth, MA, 41°57′20″ N/070°38′20″ W (NAD 1983).

Rhode Island—July 2nd—7.32—Rain date: July 3rd

Name: Oyster Harbor Club Fourth of July Festival.
Sponsor: Oyster Harbor Club, Inc.

Time: 6:00 p.m. to 10:00 p.m.
Location: Tim's Cove, North Bay, Osterville, RI, 41°37′30″N/070°23′21″ W (NAD 1983).

Connecticut—July 4th—7.34—Rain date: July 8th

Name: Fairfield Aerial Fireworks.
Sponsor: Fairfield Park Commission.
Time: 9:00 p.m. to 10:30 p.m.
Location: Jennings Beach, Long Island Sound, Fairfield, CT, 41°08′22″ N/073°14′02″ W.

Connecticut—July 3rd—7.35—Rain date: July 4th

Name: Subfest Fireworks.
Sponsor: U.S. Naval Submarine Base.
Time: 9:00 p.m. to 10:00 p.m.
Location: Thames River, Groton, CT.

Connecticut—July 3rd—7.39

Name: City of Norwalk Fireworks.
Sponsor: Norwalk Recreation and Parks Department.
Time: 9:15 p.m. to 10:30 p.m.
Location: Calf Pasture Beach, Long Island Sound, Norwalk, CT, 41°04′50″ N/073°23′22″ W (NAD 1983).

Connecticut—July 3rd—7.41

Name: Stratford Fireworks.
Sponsor: Town of Stratford.
Time: 9:30 p.m. to 11:30 p.m.
Location: Short Beach, Stratford, CT, 41°09′5″N/073°06′5″W (NAD 1983).

Connecticut—June 30th—7.42

Name: Westport P.A.L. Fireworks.
Sponsor: Westport Police Athletic League.
Time: 9:30 p.m. to 10:30 p.m.
Location: Compo Beach, Westport, CT, 41°06′6″N/073°20′31″ W (NAD 1983).

New York—July 22nd—7.50

Name: Boys Harbor Fireworks Extravaganza.
Sponsor: Boys Harbor Inc.
Time: 9:00 p.m. to 10 p.m.
Location: Three Mile Harbor, East Hampton, NY, 41°15′N/070°11′91″ W (NAD 1983).

Massachusetts—August 18th—8.9—Rain date: August 19th

Name: Oaks Bluff Fireworks.
Sponsor: Oaks Bluff Fireman's Civic Association.
Time: 4:00 p.m. to 10:00 p.m.
Location: Oaks Bluff Beach, Oaks Bluff, MA, 41°27′5″N/070°33′0″W (NAD 1983).

Connecticut—September 9th—9.5

Name: Taste of Italy.
Sponsor: Italian Heritage Committee.
Time: 8:00 p.m. to 10:00 p.m.
Location: Norwich Harbor, off Norwich Marina, Norwich, CT, 41°31′20″ N/073°04′83″ W (NAD 1983).

Dated: June 2, 2000.

G.N. Naccara,

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

[FR Doc. 00–15515 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–00–135]

RIN 2115–AE47

Drawbridge Operation Regulations: Acushnet River, Annisqualm River, Fore River and Taunton River, MA.

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulations governing four bridges: the New Bedford Fairhaven (SR6) Bridge, mile 0.0, across the Acushnet River between New Bedford and Fairhaven; the Blynman (SR127) Bridge, mile 0.0, across the Annisqualm River at Gloucester; the Quincy Weymouth (SR3A) Bridge, mile 3.5, across the Fore River between Quincy and Weymouth; and the Brightman Street Bridge, mile 1.8, across the Taunton River between Somerset and Fall River, all in Massachusetts. This rule will require these bridges to open on signal if at least a two-hour notice is given from 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1.

A two-hour advance notice for bridge openings is expected to relieve the bridge owner from crewing these bridges during the holidays and still meet the needs of navigation.

DATES: This rule is effective November 10, 2000, unless a written adverse comment, or written notice of intent to submit an adverse comment, reaches the Coast Guard on or before September 10, 2000. If an adverse comment, or notice of intent to submit an adverse comment, is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: You may mail comments and related material to the Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Massachusetts 02110–3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364.

The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments, and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District Bridge Branch Office between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–00–135), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 ½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05–55, because no adverse comment is anticipated. If no adverse comment or written notice of intent to submit an adverse comment is received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives a written adverse comment or written notice of intent to submit an adverse comment, the Coast Guard will publish a document in the **Federal Register** announcing withdrawal of all or part of this direct final rule. If an adverse comment only applies to only part of this rule and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard

may adopt as final those parts of this rule on which no adverse comment was received. The part of this rule that was the subject of an adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of an adverse comment, the Coast Guard will publish a separate Notice of Proposed Rulemaking (NPRM) and provide a new opportunity for comment.

A comment is considered ''adverse'' if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

This rule amends bridge regulations governing the operation of the following bridges:

New Bedford Fairhaven (SR6) Bridge

The New Bedford Fairhaven (SR6) Bridge has a vertical clearance of 8 feet at mean high water and 12 feet at mean low water. The existing operating regulations at 33 CFR 117.585 require the bridge to open on the hour between 6 a.m. and 10 a.m. inclusive; open at quarter past the hour from 11:15 a.m. to 6:15 p.m. inclusive; open on signal at all other times. The draw shall be opened at any time for vessels whose draft exceeds 15 feet.

Blynman (SR127) Bridge

The Blynman (SR127) Bridge has a vertical clearance of 7 feet at mean high water and 16 feet at mean low water. The existing operating regulations require the bridge to open on signal at all times.

Quincy Weymouth (SR3A) Bridge

The Quincy Weymouth (SR3A) Bridge has a vertical clearance of 33 feet at mean high water and 43 feet at mean low water. The existing operating regulations at 33 CFR 117.621 require the bridge to open on signal, except that; from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need not be opened. The bridge opens at all times for self-propelled vessels greater than 10,000 gross tons.

Brightman Street Bridge

The Brightman Street Bridge has a vertical clearance of 27 feet at mean high water and 31 feet at mean low water. The existing operating regulations at 33 CFR 117.619 require the bridge to open on signal, except that; from November 1 through March 31, between 6 p.m. and 6 a.m., the bridge shall open if at least a one-hour notice is given, from 6 p.m. to midnight on December 24 and all day on December 25 and January 1, the bridge shall open if at least a two-hour advance notice is given.

The bridge owner, Massachusetts Highway Department (MHD), asked the Coast Guard to change the operating regulations to allow these bridges to open on signal if at least a two-hour notice is given from 6 p.m. on Christmas Eve to midnight on Christmas Day and from 6 p.m. on New Year's Eve to midnight on New Year's Day. There have been few requests to open these bridges on these holidays in past years.

In addition, the Coast Guard published a notice of temporary deviation with request for comments on December 1, 1999, to test the requested change. No comments were received in response to that notice.

Discussion of Rule

This direct final rule will revise existing bridge regulations or add new regulations as follows:

New Bedford Fairhaven (SR6) Bridge

Revise section 33 CFR 117.585(d) to require that from 6 p.m on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal after a two-hour notice is given by calling the number posted at the bridge. The requirement that the bridge owner shall post the operating regulations will be removed because it is now listed under 33 CFR 117.55 of this chapter.

Blynman (SR127) Bridge

Add section 33 CFR 117.586 for the Annisqualm River and Blynman Canal to require the draw to open on signal; except that, from 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

Quincy Weymouth (SR3A) Bridge

Add paragraph (c) in section 33 CFR 117.621 to require that from 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

Brightman Street Bridge

Revise section 33 CFR 117.619(b) to require the draw of the Brightman Street Bridge between Somerset and Fall River to open on signal; except that, from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open on signal if at least a one-hour notice is given. From 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, Feb. 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based upon the fact that the bridges will still open on signal after a two-hour notice is given and that there have been few requests to open these bridges on the holidays.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), for reasons discussed in the Regulatory Evaluation section above, that this rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the bridges will still open on signal after a two-hour notice is given and that there have been few requests to open these bridges on the holidays.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Collection of Information

This rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.585(d) is revised to read as follows:

§ 117.585 Acushnet River

* * * * *

(d) From 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

3. Section 117.586 is added to read as follows:

§ 117.586 Annisqualm River and Blynman Canal

The draw of the Blynman (SR127) Bridge shall open on signal; except that, from 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

4. In § 117.621 paragraph (c) is added to read as follows:

§ 117.621 Fore River

* * * * *

(c) From 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

5. Section 117.619(b) is revised to read as follows:

§ 117.619 Taunton River

* * * * *

(b) The draw of the Brightman Street Bridge between Somerset and Fall River shall open on signal; except that, from November 1 through March 31, between 6 p.m. and 6 a.m. daily, the draw shall open if at least a one-hour notice is given. From 6 p.m. on December 24 to midnight on December 25 and from 6 p.m. on December 31 to midnight on January 1, the draw shall open on signal if at least a two-hour notice is given by calling the number posted at the bridge.

* * * * *

Dated: June 5 2000.

G.N. Naccara,

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

[FR Doc. 00–15216 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–00–015]

RIN 2115–AA97

Safety Zone: Atlantic Ocean, Virginia Beach, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones for the Virginia Beach Fireworks displays, north of the Virginia Beach Fishing Pier, in the Atlantic Ocean. This action will restrict vessel traffic on the Atlantic Ocean within a 2500-foot radius of a fireworks laden barge. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

DATES: This rule is effective from July 9, 2000 through September 9, 2000.

ADDRESSES: Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–00–015 and are available for inspection or copying at the USCG Marine Safety Office, 200 Granby Street, Norfolk, VA between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Roddy Corr, project officer, USCG Marine Safety Office Hampton Roads, telephone number (757) 441–3290.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 26, 2000, we published a Notice of Proposed Rule Making (NPRM) entitled Safety Zone; Atlantic Ocean, Virginia Beach, VA in the **Federal Register** (65 FR 34127). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

The city of Virginia Beach is sponsoring several fireworks events from July 9, 2000 through September 9, 2000. The fireworks will be fired from a barge in approximate position 36°

50.75′ N, 076° 58.40′ W, which position is in the vicinity of the Virginia Beach Fishing Pier.

The purpose of these regulations is to promote maritime safety and protect the boating public from the hazards associated with a fireworks display. These regulations will provide a safety buffer around the fireworks laden barge. The regulations will affect the movement of all vessels operating in the specified areas of the Atlantic Ocean.

Public notifications will be made prior to the event via marine information broadcasts.

Discussion of Comments and Changes

We did not receive any comments on the proposed rule. No substantive changes were made to the proposed rule.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, l979).

We expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This temporary final rule will only affect a limited area for two hour per event, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid the safety zones.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of the Atlantic Ocean off Virginia Beach, Virginia within a 2500-foot radius of a fireworks laden barge located in approximate position 36° 50.75′ N, 076° 58.40′ W.

These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule only affects a limited area for two hours per event, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the safety zones.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. No requests for assistance in understanding this rule were received.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888-REG-FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule would not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary section 165.T05–015 to read as follows:

§ 165.T05–015 Safety Zone; Atlantic Ocean, Virginia Beach, VA.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 2,500-foot radius of a fireworks laden barge in approximate position 36° 50.75′ N, 076° 58.40′ W.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton

Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones found in section 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through a safety zone must first request authorization from the Captain of the Port. The Coast Guard representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Enforcement Dates.* This section will be enforced from 9 p.m. until 11 p.m. on the following dates:

(1) July 9, 2000—rain date July 15, 2000.

(2) July 16, 2000—rain date July 22, 2000.

(3) July 23, 2000—rain date July 29, 2000.

(4) July 30, 2000—rain date August 5, 2000.

(5) August 6, 2000—rain date August 12, 2000.

(6) August 13, 2000—rain date August 19, 2000.

(7) August 20, 2000—rain date August 26, 2000.

(8) August 27, 2000.

(9) September 2, 2000—rain date September 3, 2000.

(10) September 9, 2000.

(e) *Effective Date.* This section is in effect from July 9, 2000 until September 9, 2000.

Dated: June 6, 2000.

J.E. Schrinner,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads.

[FR Doc. 00–15517 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–00–019]

RIN 2115–AA97

Safety Zone; York River, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Yorktown Fourth of July Celebration fireworks display to be held at the National Park Service Beach Picnic area, Yorktown, Virginia. This action will restrict vessel traffic on the York River within a 1000-foot radius of the fireworks display, which will be fired from shore. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

DATES: This rule is effective from 9 p.m. until 10 p.m. on July 4, 2000.

ADDRESSES: You may mail comments and related material to USCG Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, VA, or deliver them to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. USCG Marine Safety Office Hampton Roads maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Roddy Corr, project officer, USCG Marine Safety Office Hampton Roads, telephone number (757) 441–3290.

SUPPLEMENTARY INFORMATION:

Request for Comments

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, we encourage you to submit comments and related material. If you do so, please include your name and address, identify the docket number for the rulemaking (CGD05–00–019), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope.

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. We were not notified of the event in sufficient time to publish an NPRM, allow for comments, and publish a final rule in sufficient time to allow notice to the public for the fireworks display. In previous years, this event and similar ones have been held without incident and without comment from the public regarding the Coast Guard's establishment of limited safety zones around fireworks displays.

Background and Purpose

The Coast Guard is establishing a temporary safety zone for the Yorktown Fourth of July Celebration fireworks display to be held at the National Park Service Beach Picnic area, Yorktown, Virginia. The safety zone will restrict vessel traffic on the York River within a 1000-foot radius of the fireworks display, which will be fired from shore, in approximate position 37° 14.12′ N, 076° 30.25′ W. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

The safety zone is effective from 9 p.m. until 10 p.m. on the July 4, 2000. Additional public notifications will be made prior to the event via marine information broadcasts.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, l979). This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area. The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of the DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of the York River, Virginia within 1000 feet of a shoreside fireworks display at the National Park Service Beach Picnic area located in approximate position 37° 14.12′ N, 076° 30.25′ W.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This regulation will have no impact on the environment.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary section 165.T05–019 to read as follows:

§ 165.T05–019 Safety Zone; York River, Virginia.

(a) *Location.* The following area is a safety zone: All waters of the York River, within a 1000-foot radius of a shoreside fireworks display in approximate position 37° 14.12′ N, 076° 30.25′ W.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing safety zones found in section 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Effective Date.* This section is in effect from 9 p.m. until 10 p.m. on July 4, 2000.

Dated: June 6, 2000.

J.E. Schrinner,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 00–15516 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–00–020]

RIN 2115–AA97

Safety Zone; Hill Bay, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the County of Mathews fireworks display to be held on shore adjacent to Hill Bay, Mathews, Virginia. This action will restrict vessel traffic on Hill Bay within a 500-foot radius of the shoreside display. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

DATES: This rule is effective from 9 p.m. until 10 p.m. on July 4, 2000.

ADDRESSES: You may mail comments and related material to USCG Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, VA, or deliver them to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. USCG Marine Safety Office Hampton Roads maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer Roddy Corr, project officer, USCG Marine Safety Office Hampton Roads, telephone number (757) 441–3290.

SUPPLEMENTARY INFORMATION:

Request for Comments

Although this rule is being published as a temporary final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the rule is both reasonable and workable. Accordingly, we encourage you to submit comments and related material. If you do so, please include your name and address, identify the docket number (CGD05–00–020), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope.

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. We were not notified of the event in sufficient time to publish a NPRM, allow for comments, and publish a final rule in sufficient time to allow notice to the public for the fireworks display. In previous years, this event and similar ones have been held without incident and without comment from the public regarding the Coast Guard's establishment of limited safety zones around fireworks displays.

Background and Purpose

The Coast Guard is establishing a temporary safety zone for the County of Mathews fireworks display to be held on shore adjacent to Hill Bay, Mathews, Virginia. The safety zone will restrict vessel traffic on Hill Bay within a 500-foot radius of the fireworks display, in approximate position 37° 29.20′ N, 076° 18.50′ W. The safety zone is necessary to protect mariners and spectators from the hazards associated with the fireworks display.

The safety zone is effective from 9 p.m. until 10 p.m. on July 4, 2000. Additional public notifications will be made prior to the event via marine information broadcasts.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area. The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of the DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of Hill Bay within 500 feet of a shoreside fireworks display in approximate position 37° 29.20′ N, 076° 18.50′ W.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This temporary final rule only affects a limited area for one hour, alternative routes exist for maritime traffic, and advance notification via marine information broadcasts will enable mariners to plan their transit to avoid entering the restricted area.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This regulation will have no impact on the environment.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[Amended]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

2. Add temporary § 165.T05–020 to read as follows:

§ 165.T05–020 Safety Zone; Hill Bay, Virginia.

(a) *Location.* The following area is a safety zone: All waters of Hill Bay,

within a 500-foot radius of a shoreside fireworks display in approximate position 37°(29.20′ N, 076° 18.50′ W.

(b) *Captain of the Port.* Captain of the Port means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on his behalf.

(c) *Regulations:* (1) All persons are required to comply with the general regulations governing safety zones found in section 165.23 of this part.

(2) Persons or vessels requiring entry into or passage through this safety zone must first request authorization from the Captain of the Port. The Coast Guard representative enforcing the safety zone can be contacted on VHF marine band radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of this safety zone by marine information broadcast on VHF marine band radio, channel 22 (157.1 MHz).

(d) *Effective Date:* This section is in effect from 9 p.m. until 10 p.m. on July 4, 2000.

Dated: June 6, 2000.

J. E. Schrinner,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 00–15518 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1-percent-annual-chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

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

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
IOWA	
Harrison County (Unincorporated Areas) (FEMA Docket No. 7302)	
Missouri River:	
Approximately 20,000 feet downstream of Highway 30	*1,005
Approximately 10,000 feet upstream of 120th Street ..	*1,032
Maps are available for inspection at the Harrison County, Emergency Management Agency, 116 North 2nd Avenue, Logan, Iowa.	
Polk County (Unincorporated Areas) (FEMA Docket No. 7306)	
Beaver Creek:	
At mouth (approximately 3,950 feet downstream from Northwest Beaver Drive	*805

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Approximately 950 feet downstream from Northwest Beaver Drive	*806
Approximately 5,650 feet upstream of Northwest Beaver Drive	*810
Maps are available for inspection at the Planning Division, 5895 NE 14th Street, Des Moines, Iowa.	
KANSAS	
Holton (City), Jackson County (FEMA Docket No. 7306)	
Banner Creek:	
At Union Pacific Railroad	*1,017
At "P" Road	*1,035
Maps are available for inspection at City Hall, 430 Pennsylvania Avenue, Holton, Kansas.	
Jackson County (Unincorporated Areas) (FEMA Docket No. 7306)	
Banner Creek:	
At its confluence with Elk Creek	*1,002
At "M" Road	*1,092
Maps are available for inspection at the Planning and Zoning Office, 500 Illinois Avenue, Holton, Kansas.	
Reno County and Incorporated Areas (FEMA Docket No. 7306)	
Arkansas River:	
Just downstream of State Route 50	*1,517
Just downstream of Union Pacific Railroad	*1,523
Unnamed Tributary to Sand Creek:	
Just upstream of U.S. Highway 50	*1,519
Just downstream of Main Street	*1,531
Maps are available for inspection at the Public Works Department, 206 W. 1st Avenue, Hutchinson, Kansas.	
Maps are available for inspection at City Hall, 2 South Main, South Hutchinson, Kansas.	
Maps are available for inspection at the Planning Department, 125 E. Avenue B, Hutchinson, Kansas.	
NEVADA	
Mineral County (Unincorporated Areas) (FEMA Docket No. 7302)	
Corey Creek:	
Approximately 50 feet downstream of U.S. Highway 95	*4,253
Approximately 3.6 miles upstream of 1st Street in Hawthorne	*5,028
Corey Creek Overflow:	
Approximately 500 feet upstream of State Highway 359	*4,858
Approximately 1,500 feet upstream of State Highway 359	*4,906
Maps are available for inspection at the Mineral County Courthouse, Clerk and Treasurer's Office, Corner of 1st and A Street, Hawthorne, Nevada.	
OKLAHOMA	
Roger Mills County and Incorporated Areas (FEMA Docket No. 7306)	
White Shield Creek Tributary "B":	
At its confluence with White Shield Creek	*1,737
Approximately 150 feet upstream of Steele Street	*1,778
White Shield Creek:	
At State Route 34	*1,702
Approximately 50 feet upstream from Steele Street	*1,754
Memorial Park Tributary:	
At its confluence with Sergeant Major Creek	*1,938
Approximately 884 feet upstream from U.S. Highway 283 (Main Street)	*1,977
Dry Creek:	
At its confluence with Sergeant Major Creek	*1,941
Approximately 8,400 feet upstream of confluence with Sergeant Major Creek	*1,985
Sergeant Major Creek:	
At its confluence with Washita River	*1,923
Approximately 8,600 feet upstream from confluence with Dry Creek	*1,974
Washita River:	
At State Route 34	*1,703
Approximately 16,800 feet upstream from its confluence with Sergeant Major Creek	*1,949
Maps are available for inspection at the County Courthouse, Llmales and Broadway Avenue, Cheyenne, Oklahoma.	
Maps are available for inspection at City Hall, 714 Main Street, Hammon, Oklahoma.	
Maps are available for inspection at City Hall, 317 N. Broadway, Cheyenne, Oklahoma.	
OREGON	
Clackamas County (Unincorporated Areas) (FEMA Docket No. 7302)	
Tickle Creek:	
Approximately 2,600 feet downstream of Southeast 362nd Avenue	*672
Approximately 2,350 feet upstream of Southeast 395th Avenue	*1,011
Maps are available for inspection at the Clackamas County Department of Transportation and Development, 902 Abernathy Road, Oregon City, Oregon.	
Sandy (City), Clackamas County (FEMA Docket No. 7302)	
Tickle Creek:	
Approximately 1,980 feet downstream of 362nd Avenue	*684
Approxiamtely 1,620 feet upstream of Highway 211	*946
Maps are available for inspection at the Planning and Development Department, 39250 Pioneer Boulevard, Sandy, Oregon.	
TEXAS	
Kerr County and Incorporated Areas (FEMA Docket No. 7278)	
Stream TC–1:	
Approximately 2,300 feet downstream of Interstate Highway 10	*1,662
Just upstream of Interstate Highway 10	*1,718
Stream QC–2:	
Just downstream of State Highway 16	*1,706
Just upstream of Interstate Highway 10	*1,761
Stream QC–1:	
Just upstream of Leslie Road	*1,688
Approximately 200 feet upstream of Interstate Highway 10	*1,801
Quinlan Creek:	
Just upstream of State Highway 27	*1,606
Approximately 900 feet upstream of Interstate Highway 10	*1,719
Town Creek:	
Just upstream of State Highway 27	*1,624
Approximately 200 feet downstream of Schreiner Road	*1,630
Approximately 900 feet upstream of Interstate Highway 10	*1,689
Elm Creek:	
Approximately 600 feet upstream of Goat Creek Road	*1,649
Approximately 800 feet upstream of Laurel Wood Drive	*1,764
Camp Meeting Creek:	
Approximately 500 feet downstream of Preston Trail	*1,592
Approximately 2,100 feet upstream of Southway Drive	*1,699

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Maps are available for inspection at the Upper Guadalupe River Authority, 125 Lehmann Drive, Kerrville, Texas.	
Maps are available for inspection at the City of Kerrville, 800 Junction Highway, Kerrville, Texas.	
WASHINGTON	
Clark County (Unincorporated Areas) (FEMA Docket No. 7250)	
East Fork Lewis River:	
Approximately 17,000 feet downstream of Daybreak Road	*32
Approximately 400 feet downstream of Daybreak Road	*75
Maps are available for inspection at the Clark County Department of Community Development, Development Services Division, Office of Engineering Review, 1408 Franklin Street, Vancouver, Washington.	

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

Dated: June 14, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–15503 Filed 6–19–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 96–98; FCC 00–183]

Clarification of the Commission's Rules Regarding Use of Combinations of Unbundled Network Elements To Provide Exchange Access Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification.

SUMMARY: This document clarifies certain requirements regarding the obligation of incumbent local exchange carriers to provide combinations of unbundled network elements to competitive telecommunications carriers for the provision of exchange access service. This action is needed to clarify the requirements that the Commission adopted in the Supplemental Order in this docket, and is also intended to provide the telecommunications industry with more clearly defined standards for using such combinations.

DATES: Effective June 20, 2000.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Supplemental Order Clarification in CC Docket No. 96–98, FCC 00–183, adopted May 19, 2000 and released June 2, 2000. On November 5, 1999, the Commission released the Third Report and Order and Fourth Further Notice of Proposed Rulemaking (FNPRM) in this docket (65 FR 2367, Jan. 14, 2000; 65 FR 2542, Jan. 18, 2000). On November 24, 1999, the Commission released a Supplemental Order (65 FR 2367, 2368, Jan. 14, 2000; 65 FR 2542, 2547, Jan. 18, 2000) that modified the Third Report and Order and Fourth FNPRM with regard to the ability of requesting carriers to use combinations of unbundled network elements to provide exchange access service prior to resolution of the Fourth FNPRM. The Supplemental Order Clarification clarifies certain requirements contained in the Supplemental Order. The complete text of the Supplemental Order Clarification is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, SW, Washington, DC. It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis of the Supplemental Order Clarification

1. The Commission adopts a Supplemental Order Clarification in CC Docket No. 96–98 regarding the obligation of incumbent local exchange carriers (LECs) to provide access by competitive LECs to unbundled loop-transport combinations for the provision of exchange access service. This order is needed to clarify certain requirements that the Commission adopted in the Supplemental Order in this docket (65 FR 2542, 2547, Jan. 18, 2000).

2. In particular, this document extends the temporary constraint identified in the Supplemental Order in CC Docket No. 96–98 while the Commission compiles an adequate record in the Fourth FNPRM (65 FR 2367, Jan. 14, 2000) regarding the ability of requesting carriers to use unbundled loop-transport combinations as a substitute for the incumbent LECs' special access service. Until the Commission resolves the issues in the Fourth FNPRM, interexchange carriers (IXCs) may not substitute an incumbent LEC's unbundled loop-transport combinations for special access services unless they provide a significant amount of local exchange service, in addition to exchange access service, to a particular customer. This temporary constraint does not apply to stand-alone loops. By issuing the Supplemental Order Clarification, the Commission does not decide any of the substantive issues contained in the Fourth FNPRM.

3. The primary issue on which the Commission must build an adequate record concerns its identification of the network elements that ''should be made available'' for purposes of 47 U.S.C. section 251(d)(2). In considering whether loop-transport combinations meet the ''impair'' standard in section 251(d)(2), the Commission must determine whether the local exchange and exchange access markets, although legally distinct, are otherwise interrelated from an economic and technological perspective, such that a finding that a network element meets the ''impair'' standard for the local exchange market would itself entitle competitors to use that network element solely or primarily in the exchange access market. Unless the Commission finds that these markets are inextricably interrelated in these other respects, it is unlikely that Congress intended to compel the Commission, once it determines that a network element meets the ''impair'' standard for the local exchange market, to grant competitors access—for that reason alone, and without further inquiry—to that same network element solely or primarily for use in the exchange access market.

4. The Commission extends the temporary constraint so that it may take into account the market effects of its new unbundling rules (65 FR 2542, Jan. 18, 2000) as it conducts its ''impair'' analysis for special access service, and must allow a meaningful period of time to elapse from the date on which those new rules became effective. The Commission will therefore issue a Public Notice in early 2001 to gather evidence on this issue so that it may then resolve it expeditiously. In addition, the Commission and the parties need more time to evaluate the issues raised in the record in the Fourth FNPRM.

5. To reduce uncertainty for incumbent LECs and requesting carriers and to maintain the status quo while the Commission reviews the issues

contained in the Fourth FNPRM, it defines more precisely the ''significant amount of local exchange service'' that a requesting carrier must provide in order to obtain unbundled loop-transport combinations. These definitions provide a safe harbor that allows the Commission to preserve the status quo while it examines the issues in the Fourth FNPRM in more detail, while still allowing carriers to use combinations of unbundled loop and transport network elements to provide local exchange service.

6. The Commission finds that a requesting carrier is providing a ''significant amount of local exchange service'' to a particular customer if it meets one of three alternative definitions. The Commission notes that traffic is considered to be local under these definitions if it is defined as such in a requesting carrier's state-approved local exchange tariff and/or it is subject to a reciprocal compensation arrangement between the requesting carrier and the incumbent LEC: (1) The requesting carrier certifies that it is the exclusive provider of an end user's local exchange service. The loop-transport combinations must terminate at the requesting carrier's collocation arrangement in at least one incumbent LEC central office. This option does not allow loop-transport combinations to be connected to the incumbent LEC's tariffed services, or (2) The requesting carrier certifies that it provides local exchange and exchange access service to the end user customer's premises and handles at least one third of the end user customer's local traffic measured as a percent of total end user customer local dialtone lines; and for DS1 circuits and above, at least 50 percent of the activated channels on the loop portion of the loop-transport combination have at least 5 percent local voice traffic individually, and the entire loop facility has at least 10 percent local voice traffic. When a loop-transport combination includes multiplexing (e.g., DS1 multiplexed to DS3 level), each of the individual DS1 circuits must meet this criteria. The loop-transport combination must terminate at the requesting carrier's collocation arrangement in at least one incumbent LEC central office. This option does not allow loop-transport combinations to be connected to the incumbent LEC's tariffed services, or (3) The requesting carrier certifies that at least 50 percent of the activated channels on a circuit are used to provide originating and terminating local dialtone service and at least 50 percent of the traffic on each of these local dialtone channels is local voice traffic, and that the entire loop facility has at least 33 percent local voice traffic. When a loop-transport combination includes multiplexing (e.g., DS1 multiplexed to DS3 level), each of the individual DS1 circuits must meet this criteria. This option does not allow loop-transport combinations to be connected to the incumbent LEC's tariffed services. Under this option, collocation is not required.

7. The Commission clarifies that the definitions described above provide a reasonable threshold for determining whether a carrier has taken affirmative steps to provide local service. There may be extraordinary circumstances under which a requesting carrier is providing a significant amount of local exchange service but does not qualify under any of the three definitions. In such a case, the requesting carrier may always petition the Commission for a waiver of the safe harbor requirements under its existing rules.

8. The Commission does not eliminate the prohibition on ''co-mingling'' (i.e. combining loops or loop-transport combinations with tariffed special access services) in the local usage definitions discussed. It is not persuaded on this record that removing this prohibition would not lead to the use of unbundled network elements by interexchange carriers solely or primarily to bypass special access services. The Commission also emphasizes that the co-mingling determinations that it makes in this order do not prejudge any final resolution on whether unbundled network elements may be combined with tariffed services. The Commission will seek further information on this issue in the Public Notice that we will issue in early 2001.

9. The Commission also clarifies that incumbent LECs must allow requesting carriers to self-certify that they are providing a significant amount of local exchange service over combinations of unbundled network elements. The Commission also states that it continues to believe that the Access Service Request process that incumbent LECs use to provision access circuits will allow requesting carriers to avoid material provisioning delays and unnecessary costs to integrate unbundled loop-transport combinations into their networks, and expect that carriers will use this process for circuit conversions.

10. In order to confirm reasonable compliance with the local usage requirements in the Supplemental Order Clarification, the Commission also finds that incumbent LECs may conduct limited audits only to the extent reasonably necessary to determine a requesting carrier's compliance with the local usage definitions. Incumbent LECs requesting an audit should hire and pay for an independent auditor to perform the audit, and competitive LECs should reimburse the incumbent if an audit uncovers non-compliance with the local usage definitions. Incumbent LECs must provide at least 30 days written notice to a carrier that it will conduct an audit, and may not conduct more than one audit of the carrier in any calendar year unless an audit finds non-compliance. At the same time that an incumbent LEC provides notice of an audit to the affected carrier, it should send a copy of the notice to the Commission. The Commission expects that carriers will maintain appropriate records that they can use to support their local usage certification, and emphasizes that an audit should not impose an undue financial burden on smaller requesting carriers that may not keep extensive records. In the event of an audit of these smaller carriers, the incumbent LEC should verify compliance using the records that the carriers keep in the normal course of business.

Procedural Issues: Final Regulatory Flexibility Certification

11. The Regulatory Flexibility Act (RFA) requires that regulatory flexibility analyses be prepared for notice and comment rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' *See* 5 U.S.C. 605(b). The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' *See* 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. *See* 5 U.S.C. 601(3). 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). *See* 15 U.S.C. section 632. SBA rules provide that for establishments providing ''Telephone Communications Except Radiotelephone,'' which is Standard Industrial Classification (SIC) Code 4813, a small entity is one employing no more than 1,500 persons.

12. This Clarification of the Supplemental Order in CC Docket No. 96–98 sets out the criteria under which a requesting carrier may use combinations of unbundled network

elements to provide exchange access services. The criteria is consistent with several of the Commission's findings in the Supplemental Order. It also extends the date by which the Commission will resolve its Fourth FNPRM from June 30, 2000. Until resolution of the Fourth FNPRM, IXCs are prohibited from converting special access services that they purchase from the Bell Operating Companies or other incumbent local exchange carriers to combinations of unbundled loops and transport network elements unless they meet the designated criteria. This clarification therefore pertains directly to IXCs, and indirectly to Bell Operating Companies (BOCs), other incumbent local exchange carriers, competitive local exchange carriers, and competitive access providers.

13. The Commission certifies that this clarification of the Supplemental Order will not have a significant economic impact on a substantial number of small entities because it maintains the status quo regarding the ability of IXCs to purchase special access services for a longer period of time. It also maintains the status quo for any small incumbent local exchange carriers from which interexchange carriers purchase special access services. The clarification also allows some limited auditing by incumbent local exchange carriers to determine whether IXCs that use combinations of unbundled network elements meet the established criteria in the Order. This limited auditing will not have a significant economic impact on a substantial number of small entities because any incumbent LEC that chooses to voluntarily exercise its limited auditing rights will bear all expenses associated with any resulting audit. The Commission has also required that audits be conducted based on the records that a small carrier keeps in the normal course of business. The Commission will send a copy of the Supplemental Order Clarification, including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Supplemental Order Clarification and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**. *See* 5 U.S.C. 605(b).

Ordering Clauses

14. Pursuant to authority contained in sections 1,3,4,201–205, 251, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 252, 256, 271, 303(r), the Commission clarifies the Supplemental Order discussed.

15. The requirements in this order will become effective immediately upon publication in the **Federal Register**.

16. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Supplemental Order Clarification, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–15576 Filed 6–19–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 022500C]

RIN 0648–AM29

Fisheries of the Exclusive Economic Zone Off Alaska; Rebuilding Overfished Fisheries

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

ACTION: Approval of fishery management plan amendment.

SUMMARY: NMFS announces the approval of Amendment 11 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP). This amendment is necessary to implement a plan to rebuild the overfished stock of Bering Sea Tanner crab (*Chionoecetes bairdi*). This action is intended to ensure that conservation and management measures continue to be based on the best scientific information available and is intended to achieve, on a continuing basis, the optimum yield from the affected crab fisheries.

DATES: The amendment was approved on June 8, 2000.

ADDRESSES: Copies of Amendment 11 to the FMP, and the Environmental Assessment (EA) prepared for the amendment are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Gretchen Harrington, 907-586-7228 or gretchen.harrington@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS declared the Bering Sea stock of Tanner crab overfished on March 3, 1999, because the spawning stock biomass was below the minimum stock size threshold defined in Amendment 7 to the FMP (64 FR 11390). Amendment 7 specified objective and measurable criteria for identifying when all of the crab fisheries covered by the FMP are overfished or when overfishing is occurring. NMFS notified the North Pacific Fishery Management Council (Council) once NMFS determined that the stock was overfished (64 FR 15308, March 31, 1999). The Council then took action to develop a rebuilding plan within 1 year. Amendment 11, the rebuilding plan, is an FMP amendment that accomplishes the purposes outlined in the national standard guidelines to rebuild the overfished stock. Amendment 11 specifies a time period for rebuilding the stock that satisfies the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The rebuilding plan is estimated to allow the Bering Sea Tanner crab stock to rebuild, with a 50 percent probability, in 10 years. The stock will be considered ''rebuilt'' when the stock reaches the maximum sustainable yield stock size level in 2 consecutive years.

The Council's rebuilding plan incorporates the harvest strategy developed by the Alaska Department of Fish and Game and adopted by the Alaska Board of Fisheries. Section 8.0 of the FMP defers to the State of Alaska the authority to develop harvest strategies, with oversight by NMFS and the Council. The rebuilding harvest strategy should result in more spawning biomass because fishery and bycatch mortality would be reduced. This higher spawning biomass is expected to produce large year-classes when environmental conditions are favorable.

An EA was prepared for Amendment 11 that describes the management background, the purpose and need for action, the management alternatives, and the environmental and the socio-economic impacts of the alternatives. A copy of the EA can be obtained from NMFS (see **ADDRESSES**).

A notice of availability for the proposed Amendment 11 to the FMP, which described the proposed amendment and invited comments from the public, was published in the **Federal Register** on March 7, 2000 (65 FR 11973). Comments were invited until May 8, 2000. NMFS received no public comments on Amendment 11.

NMFS determined that Amendment 11 to the FMP is consistent with the Magnuson-Stevens Act and other

applicable laws and approved Amendment 11 on June 8, 2000. Additional information on this action is contained in the March 7, 2000, notice of availability (65 FR 11973).

No regulatory changes are necessary to implement this FMP amendment.

Dated: June 14, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–15510 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 119
Tuesday, June 20, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 353

[Docket No. 99–030–1]

Accreditation Standards for Laboratory Seed Health Testing and Seed Crop Field Inspection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the export certification regulations to provide specific standards under which nongovernment facilities could become accredited to perform laboratory seed testing and seed crop field inspection services that could serve as the basis for the issuance of a Federal phytosanitary certificate, export certificate for processed plant products, or phytosanitary certificate for reexport. The accreditation standards for these laboratory testing and field inspection services were developed to provide the basis for nongovernment facilities to become accredited to perform the testing or inspection services that may be used as supporting documentation for the issuance of certificates for certain plants or plant products.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 21, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–030–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–030–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Narcy G. Klag, Program Manager, Phytosanitary Issues Management, Operational Support, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236; (301) 734–8262.

SUPPLEMENTARY INFORMATION:

Background

The export certification regulations contained in 7 CFR part 353 (referred to below as the regulations) set forth the procedures for obtaining certification for plants and plant products offered for export or reexport. Export certification is not required by the regulations; rather, it is provided by the Animal and Plant Health Inspection Service (APHIS) as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry. After assessing the condition of the plants or plant products intended for export relative to the receiving country's regulations, an inspector will issue an internationally recognized phytosanitary certificate (PPQ Form 577), a phytosanitary certificate for reexport (PPQ Form 579), or an export certificate for processed plant products (PPQ Form 578), if warranted.

Since 1975, APHIS has participated with State governments in the Cooperative Phytosanitary Export Certification Program, which allows certain State and county officials, as well as APHIS officials, to issue phytosanitary certificates, phytosanitary certificates for reexport, or export certificates for processed plant products. Because the number of Federal inspectors is limited, the use of State and county inspectors is a considerable benefit to exporters of plants and plant products in terms of both time and convenience.

In a final rule published in the **Federal Register** on January 8, 1999 (64 FR 1098–1106, Docket No. 95–071–2), we amended the regulations to provide for the establishment of a program under which nongovernment facilities (referred to below as facilities) could become accredited to perform specific laboratory seed testing or seed crop field inspection services that could serve as the basis for the issuance of a Federal phytosanitary certificate, phytosanitary certificate for reexport, or export certificate for processed plant products. That final rule broadened the options for persons who needed to obtain inspection and export certification services.

The final rule stated that in order to accredit facilities, standards would have to be developed to evaluate the capability of facilities to perform various laboratory seed testing and seed crop field inspection services. In § 353.8(b), the regulations state, ''APHIS will develop appropriate standards applicable to accreditation in the area for which the nongovernment facility is seeking accreditation and publish a notice of proposed rulemaking in the **Federal Register** to inform the public and other interested persons of the opportunity to comment on and participate in the development of those standards.''

There are two reasons for this approach. First, it would be difficult, if not impossible, for APHIS to develop a single, one-size-fits-all set of accreditation standards for the numerous disciplines that play a role in phytosanitary certification. Secondly, this approach allows APHIS to develop standards with the participation of those best able to recommend valid scientific criteria; i.e., the government, academic, industry, research, and private-sector individuals who have the experience and expertise in the particular area for which standards are being developed.

This proposed rule publishes for comment standards to be used to evaluate facilities for accreditation to perform laboratory seed testing and seed crop field inspection.

Laboratory seed testing and seed crop field inspection comprise a wide variety of technical tests and procedures, including both laboratory tests and visual inspection of plants growing in fields. The laboratory tests include procedures such as various forms of microscopic examination, culturing microorganisms in various media and

subsequently identifying them, and conducting serological and DNA probe tests of organisms. Test protocols are contained in the *Reference Manual for Laboratory Test and Phytosanitary Inspection Methodologies,* a publication of the National Seed Health System (referred to below as Reference Manual B). A copy of Reference Manual B is available on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation, and Reference Manual B will be incorporated by reference into the regulations when final action is taken on this proposal.

In § 353.8(b)(3), the regulations state that when evaluating the fitness of a facility to be accredited, APHIS will form an assessment team that will focus on four major areas: Physical plant, equipment, methods of testing or inspection, and personnel. The assessment team will compare the facility's performance in these four areas against the accreditation standards that have been identified for the particular laboratory seed testing or seed crop field inspection services for which the facility is seeking accreditation. The standards we propose to establish for facilities to perform laboratory seed testing and seed crop field inspection are discussed below.

Physical Plant

The facility's physical plant (*e.g.,* laboratory space, office space, greenhouses, vehicles, etc.) would have to conform to all State and local zoning and other ordinances, to ensure consistency with State and local laws and to prevent disruption of services that might occur for exporters of plants and plant products if the local government found the facility's physical plant to be in violation of local ordinances. The facility's physical plant would have to consist of a work area that is dedicated to laboratory functions and that has sufficient space to conduct the required tests. Storage space for test materials and samples would have to be large enough to accommodate the samples within a laboratory at any given time and secure from contamination by other samples within the laboratory and other sources. The laboratory area would have to be enclosed by walls and have locking doors to prevent unauthorized access.

Equipment

Equipment is the second major area evaluated when considering a facility for accreditation under the regulations. We propose that the facility's personnel must possess or have unrestricted access to the equipment identified as necessary to properly conduct the laboratory seed testing or seed crop field inspection services in accordance with the procedures contained in Reference Manual B. Specific test methodologies, materials, and the calibration and monitoring of the equipment would have to conform to Reference Manual B. The general procedures proposed are listed below.

1. *Equipment for Seed Crop Field Inspections:* We propose to require that facilities accredited for seed crop field inspection services have direct access to laboratories that are fully equipped to carry out any required field sample diagnostics. Field inspectors would have to have accurate field maps and transportation to the inspection site. Field inspectors would also have to have hand lenses and secure containers for the collection, storage, and transportation of samples.

2. *Equipment for Direct Visual Examination:* We propose to require that facilities accredited to conduct visual examination of seed be equipped with stereo microscopes. Facilities conducting visual examination of tissues would also have to be equipped with compound light microscopes, and those conducting visual examination of loosely attached or accompanying material would have to be equipped with a centrifuge and shaker.

3. *Equipment for Incubation:* We propose to require that facilities accredited to conduct incubations be equipped with incubation chambers, laminar flow hoods, media preparation equipment, scales, pH meters, distilled and sterile water, gas burners, an autoclave, and the appropriate media for the specified tests.

4. *Equipment for Grow Out Tests:* We propose to require that facilities accredited to conduct grow out tests have greenhouse or growth chambers or an outdoor quarantine location, plus access to a laboratory that is fully equipped to carry out any required diagnostic tests.

5. *Equipment for Serological Tests:* We propose to require that facilities accredited to conduct serological tests be equipped with grinding, extraction, and sample purification equipment; fluorescent microscopes; plate readers; spectrophotometers; and the appropriate assay materials.

6. *Equipment for DNA Probes:* We propose to require that facilities accredited to conduct DNA probe tests be equipped with polymerase chain reaction (PCR) equipment, including thermal cyclers, electrophoresis and gel blotting equipment, and the reagents and DNA polymerases necessary to conduct PCR.

Reference Manual B will contain the complete testing protocols and will be updated with new and improved test protocols from time to time in order to keep abreast of the latest technologies, new diagnostic methods, and equipment.

Methods of Testing or Inspection

The third major area to be evaluated when considering a facility for accreditation under the regulations would be methods of testing or inspection. For testing and inspection to be reliable, they must be conducted in accordance with a quality system. The generally accepted definition of a quality system is that it is the organizational structure, procedures, processes and resources needed to ensure quality in the operation and products of a business. The regulations already require that a facility establish a quality system and follow procedures recorded in a quality manual developed by the facility, or equivalent documentation, to ensure that the facility employs scientifically valid and up-to-date methodology to conduct its laboratory seed testing or seed crop field inspection activities. We propose that, when evaluating a facility for accreditation, the assessment team would review the facility's quality manual or other equivalent documentation that describes the system in place at the facility for the conduct of the laboratory seed testing or seed crop field inspection services for which the facility seeks accreditation. The assessors would verify that the quality manual was available to, and in use by, the facility personnel who perform the tests or services.

We propose that the quality system and other controls on test and inspection methods at the facility would have to meet the following requirements.

The quality system would have to follow the general guidelines described in ANSI/ASQC Q9001–1994, ''American National Standard: Quality Systems-Model for Quality Assurance in Design, Development, Production, Installation and Servicing.'' This is an internationally accepted guideline for effective quality systems and is available from the American Society for Quality Control (ASQC), 611 East Wisconsin Avenue, Milwaukee, WI 53202. Acceptable models for quality systems for accredited facilities are also described in detail in the ''Reference Manual for Procedures and Policies'' (also known as Reference Manual A), published by the National Seed Health System. Reference Manual A describes quality systems that meet the

requirements of ANSI/ASQC Q9001–1994, but with particular emphasis on how quality systems would be designed for seed laboratories. Reference Manual A will be incorporated by reference when final action is taken on this proposal and is available on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation. Reference Manual A describes the industry-accepted structure, administration, procedures, policies, and working practices of facilities engaged in seed testing and field inspection.

We also propose that the facility would have to document its procedures and maintain records that will show it is following its quality system. These records will help APHIS representatives when they visit the facility for audit purposes. The facility would have to maintain documented procedures for identification, collection, indexing, access, filing, storage, maintenance, and disposition of quality system records. The purpose of these records would be to demonstrate conformance to the quality manual and the effective operation of the quality system.

Personnel

Personnel would be the fourth major area evaluated when considering a facility for accreditation under the regulations. We propose to require that facilities have a selection procedure and a training system to ensure technical competence of all staff members. The education, technical knowledge, and experience required to perform assigned test and inspection functions would have to be documented and clearly defined. In particular:

1. Evaluation of plant or tissue samples would have to be undertaken by a plant pathologist or by laboratory technicians under the supervision of a plant pathologist. Where personnel are required to be trained at a facility to evaluate the particular types of plants or tissue samples handled by the facility, the training program would have to be evaluated by APHIS and determined to be effective.

2. All staff would have to have access to and be familiar with the reference materials, guides, and manuals required for the routine performance of the tests and inspections they conduct.

Application Procedures, Certification of Accreditation, Monitoring, and Costs

A facility would have to apply to be accredited to perform laboratory seed testing or seed crop field inspection, or to renew such accreditation, by submitting an application in accordance with the procedures already established in § 353.8(b)(2). In addition to the information required in that section, the application would have to be accompanied by a copy of the facility's quality manual and a nonrefundable application fee of $1,000. We would set this application fee at $1,000 based on our experience that processing an application would take 3 days time by employees or contractors with base hourly salary rates of at least $56, a base rate we have used in the past to calculate user fees for activities by employees of Plant Protection and Quarantine, APHIS. We also believe that an initial fee of $1,000, which would go toward the cost of APHIS services for accrediting the facility, would be high enough to prevent frivolous applications or applications from facilities that are not yet ready to qualify for accreditation. We believe the total cost of APHIS services (site visits, evaluation of facility equipment and quality and recordkeeping systems, etc.) required to accredit a facility would always be substantially more than $1,000. Therefore, the applicant would have to make additional deposits into a trust fund, upon request by the Administrator, to cover the costs of gaining and maintaining accreditation. If the cost of approving the initial application comes to less than $1,000, any remainder would be deposited into this trust fund and would be applied toward future costs of maintaining accreditation. However, it is most unlikely that the cost of the initial approval would be less than $1,000. APHIS will adjust the amount of this application fee in future rulemaking if experience in processing the applications for this program indicates that the application fee should be increased or decreased to more closely match actual costs. The procedures for APHIS to recover the costs of its services, and for deposits into a trust fund, are already established in § 353.8(c).

Upon determining that a facility is eligible for accreditation, the Administrator would issue the facility a certificate of accreditation. Accreditation would be for a period of 3 years from the date of issuance of the certificate of accreditation and could be renewed upon request and the submission of a new application and application fee. We believe that requiring reaccreditation every 3 years would be a valuable tool, along with the monitoring audits discussed below, to ensure that accredited facilities continue to meet the requirements for accreditation.

The existing regulations state that the Administrator could deny or withdraw accreditation in accordance with the procedures in § 353.8(a)(2). A facility could appeal denial or withdrawal of accreditation in accordance with § 353.8(a)(2)(i) and (ii).

We propose to require that a facility that has been denied accreditation or had accreditation withdrawn must wait at least 60 days from the date the facility was notified in writing that accreditation was denied or withdrawn before applying again. We believe this delay is justified because accreditation would not be denied or withdrawn unless there were flaws in the facility or its procedures that required time to correct.

We propose to require facilities that are accredited to allow APHIS access to the facility and all of its equipment and records for the purpose of audits to determine the facility's continuing eligibility for accreditation. Such audits would occur as necessary, based on quality system criteria contained in Reference Manual A. These monitoring audits would ensure that facilities continue to meet the requirements for accreditation throughout their period of accreditation.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule would amend the export certification regulations to provide standards under which facilities could become accredited to perform laboratory seed testing or seed crop field inspection services that could serve as the basis for the issuance of Federal phytosanitary certificates for export, phytosanitary certificates for reexport, or export certificates for processed plant products. Accrediting such facilities is currently allowed under 7CFR 353.8. The existing regulations provide a framework upon which accreditation programs could be established, but they do not, in and of themselves, entail any costs to APHIS or any facility. However, if facilities are accredited under the accreditation criteria proposed here for seed laboratories and field inspection facilities, that action would entail costs to both the entities being accredited and the accrediting body; *i.e.,* APHIS. Those costs, and the benefits expected from the accreditation program, are summarized below and were fully evaluated in the economic analysis section of the previous final rule that established a program for accrediting facilities, published in the **Federal**

Register on January 8, 1999 (64 FR 1098–1106, Docket No. 95–071–2).

The accreditation program is expected to be self-supporting, and any costs to APHIS would be recouped through accreditation fees. Costs for establishing each accredited facility will vary depending on the range of activities for which a facility seeks accreditation, the initial cost of the APHIS pre-accreditation assessment, the type and number of any proficiency tests that will have to be conducted, and the frequency with which post-accreditation evaluation activities such as check tests and site visits will have to be conducted. It is expected that, like any business, seed testing laboratories will recoup these expenses by appropriate structuring of the fees they set for their services.

The seed industry is expected to benefit from this action because domestic seed exporters routinely require the services of inspectors and agents in order to obtain the phytosanitary certification required by most, if not all, importing countries; benefits can be realized in terms of more timely certifications, which in turn can lead to reduced costs as well as increased U.S. exports.

The value of seed exported from the United States to other countries continues to grow rapidly, from $665 million in 1994–95 (July to June), to $705 million in 1995–96, to more than $800 million in 1996–97. There has been a concomitant rise in demand for laboratory testing and seed crop field inspection services to meet other countries' import requirements. The ability of Federal, State, and county testing and inspection services to meet this growing demand will be increasingly strained. Already there are instances in which the accreditation of facilities would have prevented the loss of export sales.

For example, some seed export opportunities have been forfeited because the results of preharvest field inspections are usually not known until after harvest, due to the limited number and heavy workload of government laboratories available to perform seed testing. It is common for seed from several fields to be blended after harvest and before shipment. If the sample from one field is subsequently reported to contain an actionable pest, then none of the blended seed—which may have been harvested from as many as eight or nine fields—could be exported. In one case in which this occurred, the affected seed company lost foreign sales worth $250,000. Such losses are much less likely to occur if there is more timely reporting of pre-harvest inspections; accredited inspection facilities may be able to make such timely reports. In general, nongovernment testing and inspection services are expected to be completed with minimal delay, leading to greater marketing flexibility and lower risk of lost sales.

Overall, the economic benefits that would result from the availability of accredited nongovernmental seed laboratories and field inspection facilities would greatly exceed the costs. By providing access to the accreditation needed to issue the phytosanitary certificates that many trading partners require as a condition of entry for U.S. goods, this action would greatly enhance export opportunities for U.S. producers.

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 353

Exports, Plant diseases and pests, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 7 CFR parts 300 and 353 as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 154, 161, 162 and 167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 300.1, new paragraphs (c) and (d) would be added to read as follows:

§ 300.1 Materials incorporated by reference.

* * * * *

(c) *Reference Manual A.* The Reference Manual for Procedures and Policies, published by the National Seed Health System (NSHS), has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5U.S.C. 552(a) and 1 CFR part 51. Copies of Reference Manual A:

(1) Are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW, Suite 700, Washington, DC; or,

(2) May be obtained by writing to Phytosanitary Issues Management, Operational Support, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236, and on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation.

(d) *Reference Manual B.* The *Reference Manual for Laboratory Test and Phytosanitary Inspection Methodologies,* published by the National Seed Health System (NSHS), has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of Reference Manual B:

(1) Are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW, Suite 700, Washington, DC; or,

(2) May be obtained by writing to Phytosanitary Issues Management, Operational Support, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236, and on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation.

PART 353—EXPORT CERTIFICATION

3. The authority citation for part 353 would continue to read as follows:

Authority: 7 U.S.C. 147a; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

4. In § 353.1, definitions of *Reference Manual A* and *Reference Manual B* would be added, in alphabetical order, to read as follows:

§ 353.1 Definitions.

* * * * *

Reference Manual A. The *Reference Manual for Procedures and Policies,* published by the National Seed Health System (NSHS). Reference Manual A describes the structure, administration, procedures, policies, and working practices of the NSHS and also contains relevant documentation, forms, and references for the NSHS. Reference Manual A is incorporated by reference at § 300.1 of this chapter, and is available by writing to Phytosanitary Issues Management, Operational Support, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236, and on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation.

Reference Manual B. The *Reference Manual for Laboratory Test and Phytosanitary Inspection Methodologies,* published by the National Seed Health System (NSHS). Reference Manual B contains the detailed seed health testing, seed sampling, and seed crop field inspection procedures for the NSHS. Reference Manual B is incorporated by reference at § 300.1 of this chapter, and is available by writing to Phytosanitary Issues Management, Operational Support, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236, and on the APHIS Web site at http://www.aphis.usda.gov/ppq/pim/accreditation.

§ 353.8 [Amended]

5. Section 353.8 would be amended by adding a new sentence at the end of the section to read as follows: ''(Approved by the Office of Management and Budget under control number 0579–0130.)''.

6. A new § 353.9 would be added to read as follows:

§ 353.9 Standards for accreditation of nongovernment facilities to perform laboratory seed testing and seed crop field inspection.

(a) *Application for accreditation, certification of accreditation, and monitoring of accredited facilities.* A facility may apply to be accredited to perform laboratory seed testing or seed crop field inspection, or to renew such accreditation, by submitting an application in accordance with § 353.8(b)(2). The application must be accompanied by a copy of the facility's quality manual and a nonrefundable application fee of $1,000. The applicant must make additional deposits to cover the costs of gaining and maintaining accreditation into a trust fund established in accordance with § 353.8(c) upon request by the Administrator.

(1) Upon determining that a facility is eligible for accreditation, the Administrator will issue the facility a certificate of accreditation. Accreditation will be for a period of 3 years from the date of issuance of the certificate of accreditation and may be renewed by submitting a new application and application fee in accordance with this paragraph.

(2) The Administrator may deny or withdraw accreditation in accordance with § 353.8(a)(2). A facility may appeal denial of accreditation in accordance with § 353.8(a)(2)(i), and may appeal withdrawal of accreditation in accordance with § 353.8(a)(2)(ii).

(3) A facility that has been denied accreditation or had its accreditation withdrawn may not reapply within 60 days of the date the facility was notified in writing that accreditation was denied or withdrawn.

(4) After a facility is accredited, the facility must allow APHIS access to the facility and all of its equipment and records for the purpose of conducting unannounced audits to determine the facility's continuing eligibility for accreditation. Such audits will occur at least once a year and may be performed more frequently at the discretion of the Administrator.

(b) *Standards for accreditation.* A facility that, in accordance with § 353.8(b)(2), applies to be accredited to perform laboratory seed testing or seed crop field inspection will be evaluated for accreditation against these standards:

(1) *Physical plant.* The facility's physical plant (*e.g.,* laboratory space, office space, greenhouses, vehicles, etc.) must:

(i) Have laboratory and office spaces enclosed by walls and locking doors to prevent unauthorized access;

(ii) Conform to all State and local zoning and other ordinances; and

(iii) Provide a work area that is dedicated to laboratory functions and has sufficient space to conduct the required tests and store the materials and samples required for the tests in a manner that prevents contamination by other samples in the laboratory and from other sources.

(2) The facility must use the equipment required to conduct the laboratory testing or seed crop field inspections for which it is accredited. Specific test methodologies, materials, and the calibration and monitoring of the equipment must conform to Reference Manual B, which is incorporated by reference at § 300.1 of this chapter. The general requirements for each test category are as follows:

(i) *Seed crop field inspections.* Field inspectors must use accurate field maps, hand lenses, and secure containers for the collection, storage, and transportation of samples. Field inspectors must have direct access to a laboratory that is fully equipped to carry out any necessary diagnostic tests needed for field samples.

(ii) *Direct visual examination.* Visual examination of seed requires a stereo microscope. Visual examination of tissue requires a compound light microscope. Visual examination of loosely attached or accompanying material requires a centrifuge and shaker.

(iii) *Incubation.* Required equipment includes incubation chambers, laminar flow hoods, media preparation equipment, scales, pH meters, distilled and sterile water, gas burners, an autoclave, and the appropriate media for the specified tests.

(iv) *Grow-out tests.* Grow-out tests require a greenhouse, growth chamber, or an outdoor quarantine location, and access to a laboratory that is fully equipped to carry out any required diagnostic tests.

(v) *Serological tests.* These tests require grinding, extraction, and sample purification equipment; fluorescent microscopes; plate readers; spectrophotometers; and the appropriate assay materials.

(vi) *DNA probes.* To conduct these tests, a laboratory must be equipped with polymerase chain reaction (PCR) equipment, including thermal cyclers, electrophoresis and gel blotting equipment, and the reagents and DNA polymerases necessary to conduct the PCR.

(3) *Methods of testing and inspection.* The facility must conduct its laboratory seed testing and seed crop field inspection procedures in accordance with Reference Manual B. The facility must have a quality manual documenting its quality system for laboratory seed testing and seed crop field inspection procedures. The quality system must follow the general guidelines described in ANSI/ASQC Q9001–1994, *American National Standard: Quality Systems-Model for Quality Assurance in Design, Development, Production, Installation and Servicing.* Acceptable models for quality systems for accredited facilities are also described in detail in Reference Manual A, which is incorporated by reference at § 300.1 of this chapter. The personnel who perform the testing and inspection services must comply with the quality manual, and management

must enforce this compliance. The facility must maintain documented procedures for identification, collection, indexing, access, filing, storage, maintenance, and disposition of quality system records. The facility must maintain quality system records to demonstrate conformance to the quality manual and the effective operation of the quality system.

(4) *Personnel.* There must be a selection procedure and a training system to ensure technical competence of all staff members. The education, technical knowledge, and experience required to perform assigned test and inspection functions must be documented and clearly defined. In addition:

(i) Evaluation of plant or tissue samples must be undertaken by a plant pathologist or by laboratory technicians under the supervision of a plant pathologist. Where personnel are required to be trained at a facility to evaluate the particular types of plants or tissue samples handled by the facility, the training program must be evaluated by APHIS and determined to be effective.

(ii) All staff must have access to and be familiar with the reference materials, guides, and manuals required for the routine performance of the tests and inspections they conduct.

(Approved by the Office of Management and Budget under control number 0579–0130.)

Done in Washington, DC, this 14th day of June 2000.

Richard L. Dunkle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–15493 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–34–U

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a provision of Public Law 106–9, enacted April 5, 1999, under which certain types of consideration paid to a small business investment company (SBIC) by a small business are excluded from ''cost of money'' limitations.

DATES: Submit comments on or before July 20, 2000.

ADDRESSES: Address comments to Don A. Christensen, Associate Administrator for Investment, U.S. Small Business Administration, 409 3rd Street, SW, Suite 6300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Leonard W. Fagan, Investment Division, at (202) 205–7583.

SUPPLEMENTARY INFORMATION: This proposed rule would implement a provision of Public Law 106–9, enacted April 5, 1999, that amended section 308(i)(2) of the Small Business Investment Act of 1958. The amendment provided that certain types of consideration paid to an SBIC by a small business are excluded from the regulatory limitations on ''Cost of Money'' established by the Small Business Administration (SBA). The amendment excluded from these Cost of Money limits any consideration consisting of ''contingent obligations'' granting the SBIC an interest in the ''equity or increased future revenue'' of the small business.

To implement this change, SBA is proposing to broaden one of the exclusions from Cost of Money in § 107.855(g) and to add another. First, § 107.855(g)(12) would be revised to allow the exclusion of royalty payments for all SBIC financings. Currently, this exclusion applies only to ''LMI Investments'' as defined in § 107.50. To qualify for the exclusion, the royalty must be based on improvement in the performance of the small business after the date of the financing. The royalty could be expressed, for example, as a percentage of any increase in an underlying unit of measurement (*e.g.,* revenues or sales) after the date of the financing. As discussed in the preamble to the final rule establishing the original provision for LMI Investments (64 FR 52641), the royalty can be based on an increase in more than one unit of measurement. For example, a royalty could provide for payment to the SBIC if either the revenue or the profits of the small business increased.

If an SBIC makes an investment through a holding company or an investment vehicle, as permitted under § 107.720(b), performance improvements will be evaluated in the same manner already established for LMI Investments. In determining whether a business's performance has improved, SBA will look through any holding company or investment vehicle to the performance of the operating business itself.

SBA is proposing one additional change with respect to royalty payments. In § 107.815(a), the definition of a Debt Security would be revised to include a loan with a right to receive royalties that are excluded from the Cost of Money. The effect of this change is that a financing of this type will be subject to the lower Cost of Money ceiling applicable to Debt Securities, rather than the higher ceiling applicable to Loans with no upside potential.

SBA also proposes to add § 107.855(g)(13), which would exclude from Cost of Money any gains realized by an SBIC from the disposition of Equity Securities issued by a small business. This provision has been added as a clarification, since SBA's longstanding practice has been to exclude such gains from the Cost of Money limits. For example, if an SBIC receives warrants that qualify as Equity Securities, or converts debt to an Equity Security, any gains realized on the disposition of these interests do not count against the Cost of Money ceiling.

Finally, SBA proposes to remove paragraph § 107.855(i). This paragraph allows an SBIC that is lending to a small business to receive a one-time ''bonus'' at the end of the loan term, contingent upon one or more factors reflecting the performance of the business during the loan period. Such bonus payments are excluded from the Cost of Money. The proposed revision of § 107.855(g)(12), which would provide a broader exclusion of contingent payments from the Cost of Money, renders the bonus provision redundant.

Compliance With Executive Orders, 12866, 12988, and 13132, the Regulatory Flexibility Act (5 U.S.C. 601, et seq., and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA has determined that this proposed rule does not constitute a significant rule within the meaning of section 3(f) of Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, SBA has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. The purpose of the proposed rule is to implement a provision of Public Law 106–9 allowing small business investment companies (SBICs) to realize contingent payments, such as royalties, from small businesses without being subject to regulatory limits on the amount of consideration received. Interest and other non-contingent payments made to SBICs by small businesses would continue to be subject to the existing Cost of Money regulations. This provision is expected to be attractive primarily to SBICs considering investments in small businesses that are seeking to grow, but whose owners do not want to give substantial equity interests to outside investors. In such cases, the SBIC can

participate in the growth of the business by collecting a royalty rather than through an ownership interest.

Based on recent statistics for the SBIC program, the circumstances that this proposed rule would address do not appear to apply to most small businesses currently receiving SBIC financing. In fiscal year 1999, SBICs provided financing to 1,983 different small businesses. In approximately two-thirds of all the financings closed during that year, the SBIC obtained an actual or potential equity interest in the small business; even if the proposed rule had been in place, it is unlikely that these transactions would have included royalty provisions. The remaining one-third of SBIC financings typically consist of loans to very small businesses with low growth potential, which are unlikely to have the ability to make royalty payments under any circumstances. Thus, it is unlikely that this proposed rule would affect a substantial number of small entities. The proposed rule is expected to expand financing opportunities for certain small businesses wishing to grow while remaining closely held, rather than make SBIC financing more expensive for small businesses currently being served by the program.

For purposes of Executive Order 12988, SBA has determined that this proposed rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 3 of that Order.

For purposes of Executive Order 13132, SBA has determined that this proposed rule has no federalism implications.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this proposed rule contains no new reporting or recordkeeping requirements.

List of Subjects in 13 CFR Part 107

Investment companies, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR part 107 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

1. The authority citation for part 107 continues to read as follows:

Authority: 15 U.S.C. 681 *et seq.*, 683, 687(c), 687b, 687d, 687g and 687m.

2. In § 107.815, revise the first sentence of paragraph (a) to read as follows:

§ 107.815 Financings in the form of Debt Securities.

* * * * *

(a) *Definitions.* Debt Securities are instruments evidencing a loan with an option or any other right to acquire Equity Securities in a Small Business or its Affiliates, or a loan which by its terms is convertible into an equity position, or a loan with a right to receive royalties that are excluded from the Cost of Money pursuant to § 107.855(g)(12).

* * * * *

3. In § 107.855, revise paragraph (g)(12), add paragraph (g)(13), and remove paragraph (i) to read as follows:

§ 107.855 Interest rate ceiling and limitations on fees charged to Small Businesses (''Cost of Money'').

* * * * *

(g) * * *

(12) Royalty payments based on improvement in the performance of the Small Business after the date of the Financing.

(13) Gains realized on the disposition of Equity Securities issued by the Small Business.

* * * * *

Dated: June 8, 2000.

Aida Alvarez,

Administrator.

[FR Doc. 00–15421 Filed 6–19–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–23]

Proposed Establishment of Class D Airspace; Kissimmee, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at Kissimmee, FL. Air traffic controllers at Kissimmee Municipal Airport, FL, are being certificated as weather observers. Therefore, the airport will meet criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to accommodate current Standard Instrument Approach Procedures (SIAPs) and for Instrument Flight Rules (IFR) operations at the airport. This action would establish Class D airspace extending upward from the surface to and including 2,500 feet MSL within a 4-mile radius of the Kissimmee Municipal Airport.

DATES: Comments must be received on or before July 20, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 00–ASO–23, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ASO–23.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM)

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class D airspace at Kissimmee, FL. Air traffic controllers at Kissimmee Municipal Airport, FL, are being certificated as weather observers. Therefore, the airport will meet criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to accommodate current SIAPs and for IFR operations at the airport. Class D airspace designations for airspace areas extending upward from the surface are published in Paragraph 5000 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Kissimmee, FL [New]

Kissimmee Municipal Airport, FL
(Lat. 28°17′23″ N, long. 81°26′14″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4-mile radius of Kissimmee Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15531 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ASO–22]

Proposed Establishment of Class D Airspace; Boca Raton, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at Boca Raton, FL. Air traffic controllers at Boca Raton Airport, FL, are being certificated as weather observers. Therefore, the airport will meet criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to accommodate current Standard Instrument Approach Procedures (SIAPs) and for Instrument Flight Rules (IFR) operations in the airport. This action would establish Class D airspace extending upward from the surface to and including 2,500 feet MSL within a 4.1-mile radius of the Boca Raton Airport.

DATES: Comments must be received on or before July 20, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 00–ASO–22, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ASO–22.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive

public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class D airspace at Boca Raton, FL. Air traffic controllers at Boca Raton Airport, FL, are being certificated as weather observors. Therefore, the airport will meet criteria for Class D airspace. Class D surface area airspace is required when the control tower is open to accommodate current SIAPs and for IFR operations at the airport. Class D airspace designations for airspace areas extending upward from the surface are published in Paragraph 5000 of FAA Order 7400.9G, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Boca Raton, FL [New]

Boca Raton Airport, FL

(Lat. 26°22′43″ N, long. 80°06′28″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.1-mile radius of Boca Raton Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

* * * * *

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

John Thompson,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 00–15532 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM—08]

Proposed Modification of Class E Airspace, Duchesne, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Duchesne, UT, Class E airspace to accommodate airspace required for the establishment of a new instrument approach to the Duchense, Municipal Airport, Duchesne, UT.

DATES: Comments must be relieved on or before August 4, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–08, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the Officer of the Regional Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–08, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–08.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Duchesne, UT, in order to accommodate required airspace for the establishment of a new instrument approach to Duchesne Municipal Airport, Duchesne, UT. This airspace modification would establish 700 foot airspace above the surface of the airport with a 6 nautical mile radius. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under Instrument Flight Rule (IFR) at the Duchense Municipal Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates of this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the Earth, are published in Paragraph 6005, of FAA Order 7400.0G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM UT E5 Duchesne, UT

Duchesne Municipal Airport, Duchesne, UT
(Lat. 40°11′31″ N, long. 110 °22′52″ W)
Myton VORTAC
(Lat. 40°08′42″ N, long. 110°07′40″ W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Duchesne Municipal Airport; that airspace extending upwards from 1,200 feet above the surface within 7 miles north of and 5.3 miles south of the 104° and 284° radials extending from 12.2 miles west of the Myton VORTAC.

* * * * *

Issued in Seattle, Washington, on June 6, 2000.

Daniel A. Boyle,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 00–15412 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AWP–5]

Proposed Modification of Class E Airspace; Elko, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify the Class E airspace area at Elko, NV. A revision to the Global Positioning System (GPS) Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 23 at Elko Municipal-J.C. Harris Field has made this proposal necessary, Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the RNAV RWY 23 SIAP to Elko Municipal-J.C. Harris Field. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Elko Municipal-J.C. Harris Field, Elko, NV.

DATES: Comments must be received on or before July 10, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 00–AWP–5, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261.

The official docket may be examined in the Office of the Regional Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 92061.

An informal docket may also be examined during normal business at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis

supporting the views and suggesting presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AWP–5.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 92061. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 14 CFR part 71 by modifying the Class E airspace area at Elko, NV. A revision to the RNAV RWY 23 SIAP at Elko Municipal-J.C. Harris Field has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the RNAV RWY 23 SIAP at Elko Municipal-J.C. Harris Filed, Elko, NV. The intended effect of this proposal is to provide adequate airspace for aircraft executing the RNAV RWY 23 SIAP at Elko Municipal-J.C. Harris Field, Elko, NV. Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.09G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

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

AWP NV E5 Elko, NV [Revised]

Elko Municipal-J.C. Harris Field, NV
(Lat. 40°49′31″ N, long. 115°47′28″ W

That airspace extending upward from 700 prime above the surface within an 8.3-mile radius of Elko Municipal-J.C. Harris Field and within 1.8 miles either side of 248° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to the 11.7 miles southwest of the Elko Municipal-J.C. Harris Field and within 3.9 miles east and 8.3 miles west of the 161° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to 21.7 miles south of Elko Municipal-J.C. Harris Field and within 4.3 miles eadh side of the 075° bearing from the Elko Municipal-J.C. Harris Field, extending from the 8.3-mile radius to 17.8 miles northeast of the airport. That airspace extending upward from 1,200 feet above the surface within an 18.7-mile radius of Elko Municipal-J.C. Harris Field, and that airspace bounded on the north by the south edge of V–6, on the south by the north edge of V–32, on the east by the 30-mile radius of the Elko Municipal-J.C. Harris Field, between the southern edge of V–465 clockwise to the northern edge of V–32, thence west to the 18.7-mile radius of the Elko Municipal-J.C. Harris Field and that airspace bounded by a line beginning at lat. 40°34′00′N, long. 116°00′00″W; to lat. 40°27′00″N, long. 116°36′00″W; to lat. 40°31′00″N, long. 116°38′00″N; to lat. 40°32′00″N, long. 116°33′00″W; to lat. 40°33′30″N, long. 116°33′30″W; to lat. 40°38′00″N, long. 116°07′00″W, thence via the 18.7-mile radius of Elko Municipal-J.C. Harris Field to the point of beginning.

Issued in Los Angeles, California, on May 24, 2000.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 00–15413 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 70

RIN 1076–AD98

Certificate of Degree of Indian or Alaska Native Blood

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; notice of meeting and extension of comment period.

SUMMARY: On April 18, 2000, the Bureau of Indian Affairs published a proposed rule in the **Federal Register** (65 FR 20775), to establish documentation requirements and standards for filing, processing, and issuing a Certificate of Degree of Indian or Alaska Native Blood (CDIB) by the Bureau of Indian Affairs. This notice announces the time and place of the consultation and extends the comment period.

DATES: The consultation will be held on June 29, 2000, 9 a.m. to 4 p.m., local

time. The comment period is extended from July 17, 2000 to August 16, 2000.

ADDRESSES: The consultation will be held at the Silver Legacy Resort, 407 North Virginia Street, Reno, Nevada 89501; telephone (775) 325–7143 or toll-free telephone number (800) 687–7733.

FOR FURTHER INFORMATION CONTACT: Karen Ketcher, Branch of Tribal Operations, Eastern Oklahoma Region, Department of the Interior, Bureau of Indian Affairs, 101 North 5th Street, Muskogee, OK 74401. You may also hand-deliver comments to us at Room 426, at the same address. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section of the **Federal Register** published on April 18, 2000.

SUPPLEMENTARY INFORMATION: In keeping with Executive Order 13084, ''Consultation with Indian Tribes,'' we are scheduling an additional consultation session on Thursday, June 29, 2000, beginning at 9 a.m. (and ending at approximately 4 p.m.) local time. The topic of discussion will be the proposed Certificate of Degree of Indian or Alaska Native Blood (CDIB) rules as published in the **Federal Register** on April 18, 2000 (65 FR 20775).

The meeting is open to the public, and all comments will be recorded and included in the record. We will go over the bases of the need for the proposed CDIB rule and briefly discuss the proposed new subparts 70.1 through 70.38, as well as the information collection procedures proposed for implementation of the proposed rule. This session is being held primarily for Indian tribal representatives from the states of Arizona, California, Nevada, Oregon, Utah, and Washington to attend. Indian tribal representatives who are interested but were not able to attend previous sessions held in Anchorage, Alaska (April 14), Rapid City, South Dakota (May 10) or Albuquerque, New Mexico (May 24) are also invited to attend. Oral and written comments given by individuals and organizations who attended previous sessions are part of the record.

Written comments and recommendations previously submitted for the record will be considered, along with any new testimony or comments. We ask that individuals who previously commented allow other persons the opportunity to provide their comments for the record.

Persons who wish to testify at the June 29 session are requested to observe the following: (1) In order to assist the transcriber and to ensure an accurate record, please give the transcriber a copy of your prepared testimony; (2) In order to assist us in preparing appropriate responses or answers to your questions, and if you plan to testify, please submit an advance copy of your testimony to us at the address specified below, and plan to have a copy available for the transcriber. However, submission of an advance copy of your testimony is not required.

In response to requests from Indian tribes at our earlier public consultation sessions, we are extending the comment period an additional 30 days from the time period first announced in the **Federal Register** on April 18, 2000 (65 FR 20775). Therefore, comments must be received on or before August 16, 2000.

Dated: June 13, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–15497 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 20 and 25

[REG–100291–00]

RIN 1545–AX74

Lifetime Charitable Lead Trusts; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to lifetime charitable lead trusts.

DATES: The public hearing originally scheduled for Tuesday, June 27, 2000, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy Traynor of the Regulations Unit, Assistant Chief Counsel (Corporate), at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Wednesday, April 5, 2000 (65 FR 17835), announced that a public hearing was scheduled for June 29, 2000, at 10 a.m., in room 4718, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 170, 2055, and 2522, of the Internal Revenue Code. The deadline for requests to speak and outlines of oral comments expired on June 8, 2000.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of June 12, 2000, no one has requested to speak. Therefore, the public hearing scheduled for June 29, 2000, is canceled.

Cynthia E. Grigsby,

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

[FR Doc. 00–15434 Filed 6–19–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 173

[USCG 1999–6094]

RIN 2115–AF87

Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to raise the threshold of property damage for reports of accidents involving recreational vessels to $2,000 for Calendar Year 2001. We have also modified the methodology used to achieve the threshold, to better account for the rising cost of repairs on recreational vessels. This higher threshold would reduce the number of accident reports for minor or cosmetic damage, help us maintain statistics for future years comparable to those for past ones, and reduce the paperwork burden on the public to report such incidents.

DATES: Comments must reach the Docket Management Facility on or before October 18, 2000.

ADDRESSES: Identify your comments and related material by the docket number for this rulemaking [USCG 1999–6094]. To make sure they do not enter the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, D.C. 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The phone number is 202–366–9329.

(3) By fax to the Facility at 202–493–2251.

(4) Electronically through the web site for the Facility at http://dms.dot.gov.

The Facility maintains the public docket for this rulemaking. Comments and materials received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket. They will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC. Hours are between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. You may also find this docket on the Internet at *http://dms.dot.gov.* You may obtain a copy of this proposed rule by calling the U. S. Coast Guard Infoline at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: With questions on this rulemaking, contact Bruce Schmidt, Project Manager, Office of Boating Safety, Program Management Division, Coast Guard, by e-mail at *bschmidt@comdt.uscg.mil* or by telephone at 202–267–0955.

With questions on viewing the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [USCG 1999–6094], and indicate the specific section of this document to which each comment applies, and give your reason for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 81/2 by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Regulatory Authority and History

46 U.S.C. 6101 requires the Secretary (who has delegated the authority to the Commandant) to prescribe rules on the reporting of ''marine casualties''. We use that authority to describe different types of marine casualties, including those involving certain amounts of property damage, that must be reported. 33 CFR Part 173, Subpart C, contains the rules applicable to recreational vessels.

In 1972, the original threshold of property damage for reports of accidents involving recreational vessels was $100. In 1979, the effects of inflation on the original figure dictated that we raise the threshold to $200. The purpose of this adjustment was to reduce the number of reports filed for minor incidents.

Even the threshold of $200, however, eventually resulted in the submission of an excessive number of accident reports on minor incidents. This trend increased the reporting burden on the boating public and the administrative burden on both the States and the Coast Guard. On February 6, 1989, to reduce these burdens, we published a Final Rule [54 FR 5608] raising the threshold to $500. As it had been in 1979, the effect of inflation on repair costs was the basis for this change.

The formula described in the preamble of the Final Rule of 1989 rested on a methodology allowing us to adjust the threshold annually by applying a deflator based on the Gross National Product (GNP) to account for inflation. In that preamble we also stated our intent to review the threshold annually and, if necessary, adjust the threshold each time it rose by another $100.

How We Developed the New Methodology for Adjusting the Threshold

After analyzing the formula described in the preamble of the Final Rule of 1989, we determined that further adjustments both in the threshold and in the methodology used to determine it were necessary. Non-safety-related accident reports continued even after the threshold increased to $500 in 1989. We now believe both that the threshold was too low and that the methodology itself was amiss. An inflation index based on the GNP and applied to a base-year value of $500 yields a threshold for 2001 still low enough for a significant number of cosmetic damages to be reported. We determined that it is necessary to adjust the base-year value of the threshold to reach the level only where accident damage becomes a safety issue.

The National Association of State Boating Law Administrators (NASBLA) is a professional association consisting of officials of States, commonwealths, and provinces having responsibilities for administering or enforcing the boating laws of those bodies. Within NASBLA, the Boating Accident Investigation, Reporting, and Analysis Committee (BAIRAC) has responsibility for accident reporting and analysis.

The Boating Law Administrators (BLAs) who serve on BAIRAC are experts in enforcement, education for boating safety, and investigation of boating accidents. Through their ongoing relationships with facilities that repair recreational boats, as well as through their experience with and knowledge of various types of boat damage and costs needed to repair it, they have strongly conveyed the need for the Coast Guard to raise the threshold of property damage for reports of accidents involving recreational vessels to a level that accurately reflects current prices of boats and costs of repair.

BAIRAC is calling on the Coast Guard to initiate rulemaking that would change the threshold for reports of accidents involving only property damage from $500 to $2,000 and would amend the reportable conditions to include all accidents involving collisions of multiple vessels. The BLAs and the Coast Guard concur that a threshold of $2,000 for those accidents involving only property damage would enable States' accident investigators to focus on reports of safety-related damage and eliminate most of the reports of cosmetic damage.

Data within the Boating Accident Report Database (BARD) for 1998 show that 1,718 reported multi-boat collisions involved only property damage. Of those 1,718, 1,002 involved property damage below the proposed threshold of $2,000. Taking a closer look at the data, we discover that nearly 90% of those 1,002 involve property damage at or below a threshold of $1,500. We consider most of these more cosmetic than safety-related. So, recognizing the need to reduce the number of reports for minor or cosmetic damage, the need to reduce the administrative burden on the

public and the States of reports for such damage, and the need for States' accident investigators to focus on safety-related damage, we do not plan to mandate reports of all multi-boat collisions.

The proposed threshold of $2,000 for reports of accidents with only property damage would be the minimum set by Federal regulation, but States would remain free to impose stricter requirements. Thus, a State could require reports of accidents involving collisions of multiple vessels, even if they resulted only in property damage below the proposed threshold of $2,000.

We have also determined that it is necessary to find an inflation index that tracks the trends in the boat-repair industry more accurately than does the GNP. The GNP is the total market value of all final goods and services produced in the U.S. for a given year. It comprises spending by all sectors of the economy. Therefore, the GNP deflator measures all changes in prices affecting consumers, private industry, and government.

The Producer Price Index (PPI) is an indicator of inflation that measures the average change over time of prices received by sellers of domestic goods and services. The data constituting the PPI are organized by industry and product, making it possible to find specific data about prices of repairs to non-military boats. These data track the specific changes in prices of repairs to recreational boats. As this rulemaking concerns these very prices, we believe the PPI to be more suitable for measuring the changes in those prices with an appropriate threshold of property damage for reports of accidents involving those vessels.

How We Calculate the New Threshold

For 2001 and beyond, we would use the PPI for Standard Industrial Classification (SIC) 3732, ''Boat Building and Repairing: Boat repairing, non-military boats'', to reckon the threshold. The new value for 2001, of $2,000, would serve as the base value. To reckon the value of the threshold for 2002 using 2001 as the base year, one should run the following calculation:

(Base threshold for 2001) × ([PPI for 2002] / [PPI for 2001])

For example, if the preliminary estimate of the PPI by the Bureau of Labor Statistics for 2002 were 191.0, and for 2001 it were 189.0, the calculation would run as follows:

$2,000 × (191.0/189.0) = $2,021.16

Since this amount is below $2,050, we would round down to the nearest $100. Therefore, the reporting threshold for 2002 would remain at $2,000. If the amount had been $2,050 or above, though, we would have rounded up to the nearest $100. In that case, the threshold would have risen to $2,100. We would adjust the threshold according to the results. We would review the new threshold every year; when it increased by $500, we would raise it appropriately.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget (OMB) has not reviewed this rule under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040 (February 26, 1979)). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Cost of Rule

This proposed rule would impose no monetary costs on the operator or owner of a recreational vessel or on anyone else. On the contrary, it would relieve either of costs that the current rule imposes.

Benefits of Rule

Raising the threshold of property damage for reports of accidents involving recreational vessels to $2,000 for the year 2001 would benefit owners and operators of recreational vessels, and officials of States and the Coast Guard, by reducing the current burden of submitting and administering accident reports. There were 3,836 accidents involving only property damage reported in 1998. We estimate that the proposed threshold would have rendered 1,997 of those accidents non-reportable. We further estimate that it would have rendered about 25% of all 8,061 reported accidents non-reportable.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Because it expects the effects of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. Furthermore, as private citizens own the vast majority of recreational vessels and are not small entities, the Regulatory Flexibility Act does not even apply to most of the public that would be regulated by this rule.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104–121], we offer assistance to small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. For clarification of the new threshold, they can consult Bruce Schmidt, Program Management Division, Office of Boating Safety, Coast Guard, telephone 202–267–0955 (email: *bschmidt@comdt.uscg.mil*).

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal enforcement. The Ombudsman will annually evaluate the enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 [44 U.S.C. 3501–3520]. In fact, it should result in an actual reduction of paperwork as it would require reports of fewer accidents.

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that it would not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. States would remain free to impose stricter requirements for reports of accidents involving recreational vessels.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 [2 U.S.C. 1531–1538] and E.O. 12875, Enhancing the Intergovernmental Partnership [58 FR 58093 (October 28, 1993)], govern the issuance of Federal rules that impose unfunded mandates. An unfunded mandate is a requirement that a State, local, or tribal government or the private sector incur direct costs without the Federal Government's

having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have implications for taking under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Reform of Civil Justice

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule would not be an economically significant rule and would not create or condone an environmental risk to health or safety that may disproportionately affect children.

Environment

We have considered the environmental impact of this proposed rule and concluded that under figure 2–1, paragraph (34)(a), of Commandant Instruction M16475.1C, the rule is categorically excluded from further environmental documentation. The rule would merely adjust the threshold of property damage for reports of accidents involving recreational vessels. A Determination of Categorical Exclusion has been prepared and is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 173

Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 173 as follows:

Subpart C—Casualty and Accident Reporting

1. The citation of authority citation for part 173 continues to read as follows:

Authority: 46 U.S.C. 6101, 12302; 49 CFR 1.46.

2. Revise § 173.55(a)(3) to read as follows:

§ 173.55 Report of casualty or accident.

(a) * * *

(3) Damage to vessels and other property totals more than $2,000 an accident or there is a complete loss of any vessel; or

* * * * *

Dated: June 12, 2000.

Terry M. Cross,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 00–15530 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–83–200009c; FRL–6719–4]

Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan; Reopening of Comment Period and Notice of Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; announcement of public hearing and reopening of the comment period.

SUMMARY: EPA is announcing the date, time, and location of a public hearing to accept oral comments on EPA's proposed approval of revisions to the Florida State Implementation Plan (SIP) concerning revisions to the ozone air quality maintenance plans for the Jacksonville (Duval County) and Southeast Florida (Broward, Dade, and Palm Beach Counties) areas. This proposed revision removes the emission reduction credits attributable to the Motor Vehicle Inspection Program from the future year emission projections contained in those plans. EPA is also reopening the comment period for a proposed rule published March 17, 2000 (65 FR 14506) concerning this Florida SIP revision.

DATES: Written comments must be received by EPA on or before August 4, 2000. EPA will hold a public hearing at the following time and at the address listed below: July 20, 2000, at the South Florida Water Management District Auditorium, 3301 Gun Club Road, West Palm Beach, Florida, starting at 6:00 p.m.

ADDRESSES: Comments should be submitted to Joey Levasseur at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303

FOR FURTHER INFORMATION CONTACT: Joey Levasseur at 404/562–9035 (email at *levasseur.joey@epa.gov*).

SUPPLEMENTARY INFORMATION: On March 17, 2000, we solicited public comment on a proposal for approval of revisions to the Florida SIP concerning revisions to the ozone air quality maintenance plans for the Jacksonville (Duval County) and Southeast Florida (Broward, Dade, and Palm Beach Counties) areas. This proposed revision removes the emission reduction credits attributable to the Motor Vehicle Inspection Program from the future year emission projections contained in those plans. In response to requests from the American Lung Association of Florida, Inc., Environmental Defense, and David B. Rivkin, Jr. as counsel for Environmental Systems Products, Inc., on April 13, 2000 (65 FR 19865), EPA extended the comment period until May 17, 2000. EPA subsequently received requests to extend the comment period further and to hold a public hearing.

Based on letters received in response to proposal, we believe there is significant public interest in the proposed Florida SIP revision. EPA has therefore decided to hold a public hearing on the proposed revision to the Florida SIP. The public hearing will be held on July 20, 2000, at the South Florida Water Management District Auditorium, 3301 Gun Club Road, West Palm Beach, Florida, starting at 6:00 p.m.

Persons planning to present oral testimony at the hearing should notify Joey Levasseur, EPA Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303, telephone 404/562–9035, email *levasseur.joey@epa.gov* no later than July 17, 2000. Oral testimony will be limited to five minutes for each presenter. Any member of the public may file a written statement before, during, or by the close of the comment period. Written statements (duplicate copies preferred) should be submitted to Joey Levasseur referencing Docket FL–83–200009c at the above address. A verbatim transcript of the hearing and written statements will be made available for copying during normal working hours at the Region 4 office listed in the address section. A reasonable charge may be assessed for copying of docket materials.

To accommodate the public hearing, we are also extending the deadline for receiving written public comments on the proposal until August 4, 2000, 15 days after the public hearing. Interested persons are invited to attend the public hearing and to comment on all aspects of EPA's proposed rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 8, 2000.

Phyllis Harris,

Acting Regional Administrator, Region 4.

[FR Doc. 00–15506 Filed 6–19–00; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 65, No. 119
Tuesday, June 20, 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

Submission for OMB Review; Comment Request

June 15, 2000.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Guaranteed Farm Loans.

OMB Control Number: 0560–0155.

Summary of Collection: The Consolidated Farm and Rural Development Act (CONTACT), as amended, authorizes the Secretary of Agriculture to make and service loans guaranteed by FSA to eligible farmers and ranchers. The statutory authorities for the guaranteed loan program is set out in the Code of Federal Regulations, Title 7, Chapter VII, part 762. The loans made and serviced under 762 include farm operating, farm ownership, and soil and water loans. The loan applicant must be a citizen of the United States, own and operate or become the owner and operator of not larger than a family size farm and be unable to obtain sufficient credit elsewhere at reasonable rates and terms. The Farm Service Agency (FSA) will collect information using several agency forms.

Need and Use of the Information: FSA will collect information to determine lender and loan applicant eligibility for farm loan guarantees, and to ensure the government's financial interests are protected by the lender. FSA will collect some supporting material electronically, via facsimile, telephone, or on line and some information is obtained from other agencies or program areas. If the information were not collected, this would result in unsound loan-making actions due to lack of sufficient information available.

Description of Respondents: Farm; Individuals or households; Business or other for-profit.

Number of Respondents: 14,500.

Frequency of Respondents: Reporting: On occasion.

Total Burden Hours: 228,014.

Food and Nutrition Service

Title: Food Stamp Program—Store Applications.

OMB Control Number: 0584–0008.

Summary of Collection: The Food Stamp Program (FSP) is designed to promote the general welfare and safeguard the health and well being of the Nation's population by raising levels of nutrition among low-income households. Section 2 of the Food Stamp Act of 1977, as amended states in part, that ''* * * a Food Stamp Program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.'' Section 9(a) of the Act requires that regulations provide for an application to be submitted by retailers and wholesalers to request approval for authorization to accept and redeem food coupons. The need to collect information is established under the Act to determine the eligibility of retail food stores, wholesale food concerns, and food service organizations applying for authorization to accept and redeem food stamp benefits, to monitor these firms for continued eligibility, to sanction stores for noncompliance with the Act, and for program management. The Food and Nutrition Service (FNS) will collect information using forms FNS–252, Food Stamp Application for Store, FNS252–R, Food Stamp Program Application for Stores-Reauthorization, and FNS 252–2, Application to Participate in the Food Stamp Program for Communal Dining Facility/Others.

Need and Use of the Information: FNS will collect information to determine a firm's eligibility for participation in the Food Stamp program, program administration, compliance monitoring and investigations, and for sanctioning stores found to be violating the program. FNS is also responsible for requiring updates to application information and reviewing that information to determine whether or not the retail food store, wholesale food concern, or food service organization continues to meet eligibility requirements. Owners Employer Identification Numbers (EIN) and Social Security Numbers (SSN) may be disclosed to and used by Federal agencies or instrumentalities that otherwise gave access to EINs and SSNs. FNS and other Federal Government agencies examine such information during compliance reviews, audit review, special studies or evaluation efforts.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; Farms; Federal Government.

Number of Repondents: 62,621.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 14,812.

William McAndrew,

Departmental Clearance Officer.

[FR Doc. 00–15468 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. DA–98–03]

United States Standards for Dry Whey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on its proposal to change the United States Standards for Dry Whey. AMS is proposing changes that would lower the bacterial estimate of not more than 50,000 per gram to not more than 30,000 per gram, incorporate maximum scorched particle content as a requirement for U.S. grade, and expand the Test Methods section to allow product evaluation using the latest methods included in Standard Methods for Examination of Dairy Products, in the Official Methods of Analysis of the Association of Official Analytical Chemists, and in standards developed by the International Dairy Federation. These changes are being proposed to strengthen the quality requirements of this Standard to reflect improvements that have occurred in dry whey quality since the Standards were last reviewed. AMS is also proposing editorial changes to provide consistency with other dry milk standards. USDA grade standards are voluntary standards. Manufacturers of dairy products are free to choose whether or not to use these voluntary grade standards. USDA grade standards have been developed to identify degrees of quality in various dairy products. Quality in general refers to usefulness, desirability, and value of the product or its marketability as a commodity.

DATES: Comments must be submitted on or before August 21, 2000.

ADDRESSES: Written comments may be submitted to Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2746, South Building, Stop 0230, P.O. Box 96456, Washington, DC 20090–6456; faxed to (202) 720–2643; or e-mailed to *Duane.Spomer@usda.gov.* Comments should reference the date and page number of this issue of the **Federal Register**. All comments received will be made available for public inspection at the above address during regular business hours. The current United States Standards for Dry Whey, along with proposed changes, are available either through the above addresses or by accessing AMS'' Home Page on the Internet at *www.ams.usda.gov/dairy/stand.htm.*

FOR FURTHER INFORMATION CONTACT: Duane R. Spomer, Chief, Dairy Standardization Branch, AMS/USDA/Dairy Programs, Room 2746-S, P.O. Box 96956, Washington, DC, 20090–6456, (202) 720–7473.

SUPPLEMENTARY INFORMATION: Section 203 (c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and to recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *''. AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and will make copies of official standards available upon request. The United States Standards for Dry Whey no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Dairy Program.

When dry whey is officially graded, the USDA regulations (7 CFR Part 58) governing the grading of manufactured or processed dairy products are used. These regulations require a charge for the grading service provided by USDA. The Agency believes this proposal would accurately identify quality characteristics in dry whey.

AMS is proposing to change the United States Standards for Dry Whey using the procedures that appear in part 36 of title 7 of the Code of Federal Regulations (7 CFR Part 36).

The current United States Standards for Dry Whey have been in effect since October 1, 1990. AMS initiated a review of this Standard and discussed possible changes with the dairy industry. The American Dairy Products Institute, a trade association representing the dry whey industry, provided specific suggestions, including a recommendation to lower the maximum bacterial content.

Proposed by the American Dairy Products Institute

The American Dairy Products Institute provided suggestions to:

- Lower the maximum bacterial content; and
- Reference a color guide to identify the color of dry whey.

Proposed by Dairy Programs, Agricultural Marketing Service

AMS is proposing to:

- Lower the maximum bacterial content requirement as suggested by the American Dairy Products Institute;
- Incorporate scorched particle content in the determination of U.S. grade;
- Reference additional test methods that may be used to determine U.S. grade;
- Reference the Food and Drug Administration's requirements for dry whey; and
- Make editorial changes that would provide consistency with other U.S. grade standards for dairy products.

Concerning the suggestion by the American Dairy Products Association to reference a color guide, AMS agrees that color is an important attribute in the marketing of dry whey. However, since color is not a grade-determining factor, AMS is recommending that a color identification guide be considered separately from the standard in a manner consistent with color determination in other dairy products.

This notice provides for a 60-day comment period for interested parties to comment on proposed revisions to the standards. The following is an outline of these changes.

UNITED STATES STANDARDS FOR DRY WHEY[1]

Current standard	Proposed	Discussion
Definitions	No change	N/A.
Whey	No change	N/A.
''Whey is the fluid obtained by separating the coagulum from milk, cream, and/or skim milk in cheesemaking.	No change	N/A.

UNITED STATES STANDARDS FOR DRY WHEY[1]—Continued

Current standard	Proposed	Discussion
	It shall conform to the applicable provisions of 21 CFR 184.1979.	We propose to include a reference to the Food and Drug Administration regulations concerning this product.
The acidity of the whey may be adjusted by the addition of safe and suitable pH adjusting ingredients. Mositure removed from cheese curd as a result of salting may be collected for further processing as whey if the collection of the moisture and the removal of the salt from the moisture are conducted in accordance with procedures approved by the Administrator.	No change	N/A.
Dry Whey	No change	N/A.
''Dry Whey'' is the product resulting from drying fresh whey which has been pasteurized and to which nothing has been added as a preservative..	''Dry Whey'' is the product resulting from drying fresh whey which has been pasteurized and to which nothing has been added as a preservative. It shall conform to the applicable provisions of 21 CFR 184.1979.	We propose to include a reference to the Food and Drug Administration regulations concerning this product.
It contains all constituents, except moisture, in the same relative proportions as in the whey.	No change	N/A.
U.S. Grade Nomenclature of U.S. grade. The nomenclature of the U.S. grade is U.S. Extra Grade.	No change	N/A.
Basis for determination of U.S. grade	No change	N/A.
The U.S. grade of dry whey is determined on the basis of flavor, physical appearance, bacterial estimate, coliform, milkfat content, and moisture.	No change	N/A.
	Coliform count, milk fat content, moisture and scorched particle content.	We propose to include count following coliform to be consistent with other dairy products standards. We propose to relocate the requirement for scorched particle content from the ''Optional tests'' section of this standard and include it as a required test for assignment of U.S. grade. Test methods have improved so that consistently accurate results are now attainable.
Requirements for U.S. grade	No change	N/A.
(a) U.S. Extra. U.S. Extra Grade dry whey conforms to the following requirements:	No change	N/A.
(1) Flavor. (applies to the reliquefied form). Shall have a normal whey flavor free from undesirable flavors, but may possess the following flavors to a.	(1) Flavor. Reconstituted whey shall have a normal whey flavor free from undesirable flavors, but may possess the following flavors to a slight degree: Bitter, fermented, storage, and utensil; and the following to a definite degree: feed and.	We propose to change ''reliquefied'' to ''reconstituted'' to more accurately describe the process of converting dry whey to a liquid product. We propose to provide a Table 1 that includes the allowed flavors and their
(2) Physical appearance	No change	N/A.
Has a uniform color, and is free flowing, free from lumps that do not break up under slight pressure, and is practically free from visible dark particles.	Dry whey shall possess uniform color. It shall be reasonably free flowing, be free from lumps except those that readily break up with slight pressure and be practically free from visible dark particles. See Table II of this section.	We propose changes that would provide consistency with other dairy products standards and more clearly describe product meeting this grade requirement. We also propose to provide a Table II that includes the allowed physical appearance attributes and their intensities. This would allow the reader to quickly identify physical appearance characteristics and intensities included in this standard.
(3) Bacterial estimate. Not more than 50,000 per gram standard plate count.	(3) Bacterial estimate. Not more than 30,000 per gram standard plate count. See table III of this section.	We propose to reduce the bacterial estimate from not more than 50,000 per gram to not more than 30,000 per gram to reflect improvements in the quality of dry whey currently produced. We also propose to provide a Table III that includes information concerning microbiological and compositional requirements. This would allow the reader to quickly identify microbiological, compositional, and scorched particle requirements.

UNITED STATES STANDARDS FOR DRY WHEY[1]—Continued

Current standard	Proposed	Discussion
(4) Coliform. Not more than 10 per gram ..	(4) Coliform count not more than 10 per gram. See table III of this section.	We propose to include count following coliform to be consistent with other dairy products Standards. We also propose to provide a Table III that includes information concerning microbiological and compositional requirements. This would allow the reader to quickly identify microbiological, compositional, and scorched particle requirements.
(5) Milkfat content. Not more than 1.50 percent.	(5) Milkfat content. Not more than 1.50 percent. See Table III of this section.	We propose to provide a Table III that includes information concerning microbiological and compositional requirements. This would allow the reader to quickly identify microbiological, compositional, and scorched particle requirements.
(6) Moisture content. Not more than 5.0 percent.	(6) Moisture content. Not more than 5.0 percent. See table III of this section.	We propose to provide a Table III that includes information concerning microbiological and compositional requirements. This would allow the reader to quickly identify microbiological, compositional, and scorched particle requirements.
	(7) Scorched particles content. Not more than 15.0 mg. See table III of this section.	We propose to relocate the requirement for scorched particle content from the ''Optional tests'' section of this standard and include it as a required test for assignment of U.S. Grade. Test methods have improved so that consistently accurate results are now attainable. We also propose to provide a Table III that includes information concerning microbiological and compositional requirements. This would allow the reader to quickly identify microbiological, compositional, and scorched particle requirements.
	Table 1.—Classification of Flavor ..... *Flavor Characteristics—U.S. Extra Grade* Bitter—Slight Feed—Definite Fermented—Slight Storage—Slight Utensil—Slight Weedy—Definite	We proposed to provide a Table I that includes the allowed flavors and their intensities. This would allow the reader to quickly identify flavor characteristics and intensities included in this standard.
	Table II.—Classification of Physical Appearance. *Physical Appearance Characteristics—U.S. Extra Grade.* Color—Uniform Free flowing—Reasonably Lumpy—Slight pressure Visible dark particles—Practically free	We proposed to provide a Table II that includes the allowed physical appearance attributes. This would allow the reader to quickly identify physical appearance characteristics and intensities included in this standard.
	Table III.—Classification According to Laboratory Analysis. *Laboratory tests—U.S. Extra Grade* ..... Bacterial estimate; Standard plate count; per gram (max)—30,000 Coliform count; per gram (max)—10 Milkfat content; percent (max)—1.5 Moisture content; percent (max)—5.0 Scorched particle content mg (max)—15.0	We propose to provide a Table III that includes information concerning microbial, compositional, and scorched particle requirements. This would allow the reader to quickly identify microbial, compositional, and scorched particle requirements included in this standard.
Basis for acidity classification	No change	N/A.
Acidity classification is not a U.S. grade requirement. Acidity classification will be made available only upon U.S. graded product and the results will be shown on the grading certificate.	No change	N/A.
The dry whey will be classified for acidity as follows:		
(a) Dry sweet-type whey. Dry whey not over 0.16 percent titratable acidity on a reconstituted basis.	No change	N/A.
(b) Dry whey % titratable acidity. Dry whey over 0.16 percent, but below 0.35 percent titratable acidity on a reconstituted basis. The blank being filled with the actual acidity.	No change	N/A.

UNITED STATES STANDARDS FOR DRY WHEY[1]—Continued

Current standard	Proposed	Discussion
(c) Dry acid-type whey. Dry whey with 0.35 percent or higher titratable acidity on a reconstituted basis.	No change	N/A.
Reserved	No change	N/A.
Optional tests	No change	N/A.
There are certain optional requirements in addition to those specified in section, § 58.2605.	There are certain optional requirements in addition to those required for U.S. Grade assignment.	When U.S. Grade Standards were removed from the Code of Federal Regulations, it was no longer appropriate to reference particular sections of the Code. We proposed to modify this sentence accordingly.
Tests for these requirements may be run occasionally at the option of the Department and will be run whenever they are requested by an interested party.	No change	N/A.
These optional requirements are as follows:		
(a) Protein content (N × 6.38). Not less than 11 percent.	No change	N/A.
(b) Alkalinity of ash (sweet-type whey only). Not more than 225 ml. of 0.1N HCI per 100 grams.	No change	N/A.
(c) Scorched particle content. Not more than 15.0 mg.	Relocated	We propose to relocate the requirement for scorched particle content from the ''Optional Tests'' section of this standard and include it as a required test for assignment of U.S. Grade. Test methods have improved so that consistently accurate results are now attainable.
U.S. grade not assignable	No change	N/A.
	Dry whey shall not be assigned the U.S. grade for one or more of the following reasons:.	We propose to provide a preamble to this section that is consistent with other dairy product standards.
(a) Dry whey which fails to meet the requirements of U.S. Extra Grade shall not be assigned a U.S. grade.	(a) The dry whey fails to meet the requirements of U.S. Extra Grade.	We propose editorial changes to provide consistency with other dairy product standards.
(b) Dry whey which fails to meet the requirements of any optional test, when tests have been made, shall not be assigned a U.S. grade.	(b) The dry whey fails to meet the requirements of any optional test, when tests have been made.	We propose editorial changes to provide consistency with other dairy product standards.
(c) Dry whey produced in a plant found on inspection to be using unsatisfactory manufacturing practice, equipment, or facilities or to be operating under unsanitary plant conditions shall not be assigned a U.S. grade.	(c) The dry whey is produced in a plant found on inspection to be using unsatisfactory manufacturing practice, equipment, or facilities, or to be operating under unsanitary plant conditions.	We propose editorial changes to provide consistency with other dairy product standards.
Test Methods	No change	N/A.
All required tests, and optional tests when specified, shall be performed in accordance with the following methods:.	No change	N/A.
(a) ''Methods of laboratory Analysis,'' DA instruction series 918–103–2, 918–103–5, 918–109–2, and 918–109–3, Dairy Grading Branch, Poultry and Dairy Quality Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, or the latest revision thereof.	(a) Scorched particle content shall be determined by the method contained in the latest revision of 918–RL, Laboratory Methods and Procedures, USDA/AMS/Dairy Programs, Dairy Grading Branch, Room 2746–S, 14th and Independence Ave. SW., Washington, DC 20250–0230.	We propose to limit the use of USDA specific test methods contained in 918–RL to the evaluation of scorched particle content only. This is necessary because a test method for scorched particles is not provided by the Association of Official Analytical Chemists, the Standard Methods for the Examination of Dairy Products, or the International Dairy Federation. We also propose to identify three sources of test methods that can be used to analyze dry whey for determination of U.S. grade. Reference to these sources will eliminate the need for USDA to maintain a separate document to provide this test method information.
	(b) All other tests shall be performed by the methods contained in the latest edition of the ''Official Methods of Analysis of the Association of Official Analytical Chemists'', published by the Association of Official Analytical Chemists International, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877–2504; by the methods provided in the latest edition of the ''Standard Methods for the Examination of Dairy..	

UNITED STATES STANDARDS FOR DRY WHEY[1]—Continued

Current standard	Proposed	Discussion
Explanation of Terms	No change	N/A.
Explanation of Terms	No change	N/A.
With respect to flavor.—(1) Slight	No change	N/A.
An attribute barely identifiable and present only to a small degree.	Detectable only upon critical examination	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(2) Definite. An attribute readily identifiable and present to a substantial degree.	(2) Definite. Not intense but detectable.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(3) Undesirable. Identifiable flavors	(3) Undesirable. those flavors.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
in excess of the intensity permitted, or those flavors not otherwise listed.	No change	N/A.
(4) Bitter. Distasteful, similar to taste of quinine.	No change	N/A.
(5) Feed. Feed flavors such as alfalfa, sweet clover, silage, or similar feed.	(5) Feed. Feed flavors (such as alfalfa, sweet clover, silage, or similar feed) in milk carried through into dry whey.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(6) Fermented. Flavors such as fruity or yeasty, produced through unwanted chemical changes brought about by microorganisms or their enzyme systems.	No change	N/A.
(7) Storage. Lacking in freshness and imparting a ''rough'' or ''harsh'' aftertaste.	(7) Storage. Lacking in freshness and imparting a ''stale'' aftertaste.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(8) Utensil. A flavor that is suggestive of improper or inadequate washing and.	No change	N/A
sterilization of utensils or factory equipment.	sanitation of utensils or manufacturing equipment.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(9) Weedy. Aromatic flavor characteristic of the weeds eaten by cows carried through into the dry whey.	No change	N/A.
(b) With respect to physical appearance: (1) Slight pressure. Only sufficient pressure to readily disintegrate the lumps.	No change	N/A.
(2) Practically free. Present only upon very critical examination.	No change	N/A.
(3) Free flowing. Capable of being poured continuously without interruption.	(3) Reasonably free flowing. Pours in a fairly constant, uniform stream from the open end of a tilted container or scoop.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.
(4) Lumps. Loss of powdery consistency but not caked into hard chunks.	No change	N/A.
(5) Uniform color. Free from variation in shades or color.	No change	N/A.
(6) Visible dark particles. The presence of scorched or discolored specks capable of being seen by the eye.	(6) Visible dark particles. The presence of scorched or discolored specks readily visible to the eye.	We propose to change the wording to provide consistency with other U.S. Grade Standards for dry milk products.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

Authority: 7 U.S.C. 1621–1627.

Dated: June 13, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–15446 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[PY–99–005]

United States Grade Standards for Shell Eggs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is changing the United States Grade Standards for Shell Eggs. Specifically, the changes delete the general term ''Inedible eggs'' and its definition, revise the definition of the general term ''Loss'' eggs by including examples of inedible eggs, revise the term descriptive of an A quality white, and delete specifications for packaging materials. These changes will simplify and clarify the terminology used and will remove information that is no longer of value to the industry.

EFFECTIVE DATE: July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. Crosby, Acting Chief, Standardization Branch, Poultry Program, Agricultural Marketing Service, U.S. Department of Agriculture,

STOP 0259, room 3944–South, 1400 Independence Avenue, SW, Washington, DC 20250–0259, (202) 720–3506.

The updated United States Grade Standards for Shell Eggs are available through the above address or by calling (202) 720–3506, faxing (202) 690–0941, e-mailing elizabeth.crosby@usda.gov, or by accessing the Internet at www.ams.usda.gov/poultry/standards.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946 (AMA), as amended (7 U.S.C. 1621 *et seq.*) authorizes the establishment of U.S. standards and grades for shell eggs. Section 203(c) of the AMA directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * * '' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Grade Standards for Shell Eggs do not appear in the Code of Federal Regulations but are maintained by USDA as AMS 56.

These standards and grades are maintained by AMS for use as a common language of trade among those buying and selling shell eggs. The standards are used by shell egg processors, wholesale traders, institutions, Federal and State governments, and retailers that sell eggs to the ultimate consumer. AMS is updating the United States Standards for Shell Eggs using the procedures that appear in Part 36 of Title 7 of the Code of Federal Regulations (7 CFR part 36).

AMS also administers a voluntary grading program for shell eggs under the AMA. Any interested person, commercial firm, or government agency can, for a fee, have AMS monitor processing operations and verify that the grade and size of eggs being packaged meet the requirements of the U.S. grade standards and weight classes. Eggs meeting the requirements can be packaged into cartons or other containers bearing the USDA grade shield. The grading program is implemented by the regulations in 7 CFR part 56.

Background and Comments

A notice of proposed changes to the United States Grade Standards for Shell Eggs was published in the **Federal Register** (64 FR 34764) on June 29, 1999. Comments on the proposal were solicited from interested parties until August 30, 1999. Three comments were received during the 60-day comment period.

Comments from two State Departments of Agriculture supported the proposed changes, saying the changes would simplify and clarify the grade standards. The third commenter was a manufacturer of equipment that can print on egg cartons and directly onto an eggshell. The commenter objected to the proposed removal of provisions dealing with packaging materials, asking instead for stricter packaging requirements dealing with date coding, safe handling labels for consumers, and carton aeration. The provisions concerning packaging materials proposed for removal do not pertain to package labeling or date coding, but provide program users with suggested package specifications for strength and construction. Additionally, the action suggested by the commenter regarding mandatory requirements for package aeration could not be effectively implemented in the provisions proposed for removal. The majority of table eggs (those not packaged under USDA's grading program) are not subject to these provisions. Therefore, after a review of the comments the Agency concludes that the standards should be revised as proposed, with one technical clarification described below.

Currently, the definition of ''Loss'' eggs includes inedible eggs. There is also a separate definition for ''Inedible eggs'' that includes examples of such eggs. When applying the grade tolerances of the standard, there is no need to separately identify inedible eggs from loss eggs. Therefore, AMS is deleting the general term ''Inedible eggs'' and is adding examples of inedible eggs to the definition of ''Loss'' eggs. This clarifies that eggs with rots, green whites, stuck yolks, blood rings, or free yolk in the white are to be classed as ''Loss'' eggs when applying grade tolerances.

AMS is making one technical clarification to the revisions as proposed. One example of an inedible egg currently listed in the ''inedible eggs'' definition was not included in the revised ''Loss'' definition. Therefore, to be clear that ''sour eggs,'' i.e., those eggs with an acid odor typically caused by microorganism growth within the egg, are to be classed as ''Loss'' eggs, this example has been added to the ''Loss'' definition.

Candling is the process of using light to help determine the quality of an egg. Automated mass scanning equipment is used by most egg packers to detect eggs with cracked shells and interior defects. Hand-candling is done to spot-check and determine accuracy in grading. The breakout method of determining interior quality enables graders and students to calibrate their grading skills against an objective standard. In this method, a micrometer measures the height of the thick white of a broken-out egg and gives a direct reading in Haugh units. Currently, there is a Haugh unit range of ''60 to 72'' for A quality and ''72 or higher'' for AA quality. Because these values appear to overlap, AMS is revising the description for A quality to read ''60 up to, but not including, 72.'' This clarifies the wording and makes it consistent with the intent of the description.

Specifications for packaging materials are provided in the standards as examples of quality packaging. Since they would not have any recognized value to today's industry, AMS is deleting this section entirely.

Authority: 7 USC 1621–1627.

Dated: June 14, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–15445 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) intention to request an extension for a currently approved information collection in support of the CCC Supplier Credit Guarantee Program (SCGP) based on re-estimates.

DATES: Comments on this notice must be received by August 21, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Merle Brown, Director, Program Administration Division, Foreign Agricultural Service, U.S. Department of Agriculture, AgStop 1031, Washington, DC 20250–1031, telephone (202) 720–3573.

SUPPLEMENTARY INFORMATION:

Title: CCC Supplier Credit Guarantee Program (SCGP).

OMB Number: 0551–0037.

Expiration Date of Approval: December 31, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary objective of the SCGP is to expand U.S. agricultural exports by making available export credit guarantees to encourage U.S. private sector financing of foreign purchases of U.S. agricultural commodities on credit terms. Furthermore, the SCGP is designed to assist exporters of U.S. agricultural commodities who wish to provide relatively short term (up to 180 days) credits to their importers evidenced by promissory notes executed by such importers. The CCC currently offers the SCGP for exports to at least 11 countries and 10 country regions, with 1,008 exporters eligible to participate. Under 7 CFR Part 1493, Subpart D, exporters are required to submit the following: (1) Information about the exporter for program participation, (2) export sales information in connection with applying for a payment guarantee, (3) information regarding the actual export of the commodity, (evidence of export report), (4) notice of default and claims for loss, and (5) other documents, if applicable, including notice assignment of the right to receive proceeds under the export credit guarantee. In addition, each exporter and exporter's assignee (U.S. financial institution) must maintain records on all information submitted to CCC and in connection with sales made under the SCGP. The information collected is used by CCC to manage, plan, evaluate and account for government resources. The reports and records are required to ensure the proper and judicious use of public funds.

Estimate of Burden: The public reporting burden for these collections is estimated to average 0.4672 hours per response.

Respondents: Exporters of U.S. agricultural commodities, banks or other financial institutions, producer associations, export trade associations, and U.S. Government agencies.

Estimated Number of Respondents: 288 per annum.

Estimated Number of Responses per Respondent: 8.66 per annum.

Estimated Total Annual Burden of Respondents: 1,165.75 hours.

Copies of this information collection can be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720–2568.

Requests for comments: Send comments regarding (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; (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 automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Merle Brown, Director, Program Administration Division, Foreign Agricultural Service, U.S. Department of Agriculture, AgStop 1031, Washington, DC 20250–1031, or to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Persons with disabilities who require an alternative means for communication of information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD). All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Mary T. Chambliss,

Acting, General Sales Manager, Foreign Agriculture Service.

[FR Doc. 00–15495 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service (NRCS).

ACTION: Notice of meeting.

SUMMARY: The Task Force on Agricultural Air Quality will meet for the third time in FY 2000. Special emphasis will be placed on obtaining a greater about understanding the relationship between agricultural production and air quality. The meeting is open to the public.

DATES: The meeting will convene Tuesday, July 18, 2000 at 9 a.m. and continue until 4 p.m. The meeting will resume Wednesday, July 19, 2000 from 9 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Natural Resources Conservation Service, at the address below, on or before July 12, 2000.

ADDRESSES: The meeting will be held at the Hall of States, 444 Capitol Street NW, Rooms 333/335, Washington, DC 20001, telephone (202) 624–8670/fax (202) 624–8588. Written material and requests to make oral presentations should be sent to George Bluhm, University of California, Land, Air, and Water Resources, 151 Hoagland Hall, Davis, CA 95616–6827.

FOR FURTHER INFORMATION CONTACT: Questions or comments should be directed to George Bluhm, Designated Federal Official, telephone (530) 752–1018, fax (530) 752–1552, email bluhm@crocker.ucdavis.edu.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agendas for the July 18 and 19, 2000 meeting that occur after this **Federal Register** Notice is published, may be found on the World Wide Web at http://www.nhq.nrcs.usda.gov/faca/aaqtf.html.

Draft Agenda of the July 18 and 19, 2000 Meeting

A. Welcome to Washington, DC
  1. USDA Official
  2. EPA Official
B. Approve minutes of the February 15, 17, 2000, AAQTF meeting
C. Subcommittee Reports
  1. Confined animals and emission factors
  a. Air quality technology transfer white paper for concentrated animal feeding
  b. EPA Interim guidance on the CERCLA Sec. 101 (10)h Federally Permitted Release Definition for Certain Air Emissions—(Impact on animal operations)
  2. Research priorities and oversight
  a. ARS Agricultural Air Quality Research Program
  b. ARS/EPA research strategy to improve accuracy of emission forecasting
  c. CSREES Agricultural Air Quality Research Program
  3. Monitoring and health effects
  4. Agricultural burning
  5. Voluntary compliance
D. Task Force charter
E. Public input (Time will be reserved before lunch and at the close of each daily session to received public comment. Individual presentations will be limited to 5 minutes)

Procedural

This meeting is open to the public. At the discretion of the Chair, members of

the public may present oral presentations during the July 18 and 19, 2000 meeting. Persons wishing to make oral presentations should notify George Bluhm no later than July 12, 2000. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting, that person should submit 25 copies to George Bluhm no later than July 12, 2000.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact George Bluhm.

Dated: June 15, 2000.

Lawrence E. Clark,

Deputy Chief for Science and Technology, Natural Resources Conservation Service.

[FR Doc. 00–15491 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Designation of a Fair

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(C)(2)(A)).

DATES: Written comments must be submitted on or before August 21, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, (202) 482–3272, Email Lengelme@doc.gov., Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Linda Harbaugh, ITA's Tourism Industries, Room 2073, 1400 Constitution Ave, NW, Washington, DC 20230; phone: (202) 482–4601, and fax: (202) 482–2887.

SUPPLEMENTARY INFORMATION:

I. Abstract

The International Trade Administration, Tourism Industries office offers trade fair guidance and assistance to trade fair organizers, trade fair operators, and other travel and trade oriented groups. These fairs open doors to promising travel markets around the world. These trade fairs provide an opportunity for showcasing quality exhibits and products from around the world. The ''Application for Designation of a Fair'' is a questionnaire that is prepared and signed by an organizer to begin the certification process. It asks the fair organizer to provide details as to the date, place, and sponsor of the fair, as well as license, permit, and corporate backers, and countries participating. To apply for the U.S. Department of Commerce sponsorship, the fair organizer must have all of the components of the application in order. Then, with the approval, the organizer is able to bring in their products in accordance with Customs laws. Articles which may be brought in, include, but are not limited to, actual exhibit items, pamphlets, brochures, and explanatory material in reasonable quantities relating to the foreign exhibits at a fair, and material for use in constructing, installing, or maintaining foreign exhibits at a fair.

II. Method of Collection

The request is sent to the Department of Commerce, Tourism Industries, to the Trade Fair Chairperson.

III. Data

OMB Number: 0625–0228.
Form Number: ITA–4135P.
Type of Review: Regular submission.
Affected Public: Business or other for-profit.
Estimated Number of Respondents: 200.
Estimated Time Per Response: 30 minutes.
Estimated Total Annual Burden Hours: 100 hours.
Estimated Total Annual Cost: $6,000 (Government $2,500, Respondents $3,500).

IV. Requested for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 15, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–15472 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with § 351.213 (1999) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of June 2000, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in June for the following periods:

	Period
Antidumping Duty Proceedings	
Belgium: Sugar A–423–077	6/1/99–5/31/00
Canada:	
Oil Country Tubular Goods A–122–506	6/1/99–5/31/00
Red Raspberries* A–122–401	6/1/99–12/31/99
France:	
Large Power Transformers* A–427–030	6/1/99–12/31/99
Sugar A–427–078	6/1/99–5/31/00
Germany:	
Industrial Belts, Except Synchronous & V belts A–428–802	6/1/99–5/31/00
Precipitated Barium Carbonate* A–428–061	6/1/99–12/31/99
Sugar A–428–082	6/1/99–5/31/00
Hungary: Tapered Roller Bearings A–437–601	6/1/99–5/31/00
Italy:	
Large Power Transformers* A–475–031	6/1/99–12/31/99
Synchronous and V-Belts A–475–802	6/1/99–5/31/00
Japan:	
Certain Hot-Rolled Carbon Steel Flat Products A–588–846	2/19/99–5/31/00
Engineered Process Gas Turbo-Compressor Systems A–588–840	6/1/99–5/31/00
Fishnetting of Man-Made Fibers* A–588–029	6/1/99–12/31/99
Forklift Trucks A–588–703	6/1/99–5/31/00
Grain-Oriented Electrical Steel A–588–831	6/1/99–5/31/00
Industrial Belts A–588–807	6/1/99–5/31/00
Large Power Transformers* A–588–032	6/1/99–12/31/99
Nitrile Rubber* A–588–706	6/1/99–12/31/99
Republic of Korea: PET Film A–580–807	6/1/99–5/31/00
Romania: Tapered Roller Bearings A–485–602	6/1/99–5/31/00
Singapore: V-Belts A–559–803	6/1/99–5/31/00
Sweden: Stainless Steel Plate* A–401–040	6/1/99–12/31/99
Taiwan:	
Carbon Steel Plate A–583–080	6/1/99–5/31/00
Oil Country Tubular Goods A–583–505	6/1/99–5/31/00
Stainless Steel Butt-Weld Pipe Fittings A–583–816	6/1/99–5/31/00
Certain Helical Spring Lock Washers A–583–820	6/1/99–5/31/00
The Netherlands: Aramid Fiber A–421–805	6/1/99–5/31/00
The People's Republic of China:	
Furfuryl Alcohol** A–570–835	6/1/99–5/31/00
Silicon Metal A–570–806	6/1/99–5/31/00
Sparklers A–570–804	6/1/99–5/31/00
Tapered Roller Bearings A–570–601	6/1/99–5/31/00
Countervailing Duty Proceedings	
Italy: Grain-Oriented Electrical Steel C–475–812	1/1/99–12/31/99
Suspension Agreements	
None.	

*–1AOrder revoked effective 01/01/2000 as a result of sunset review.

**–1AThis order is currently undergoing a ''sunset'' review pursuant to section 751(c) of the Act. If, subsequent to publication of this opportunity notice the order should be revoked pursuant to ''sunset,'' any review (if requested) or automatic liquidation instruction (if no review is requested) will only cover through the last day prior to the effective date of revocation.

In accordance with § 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with § 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of June 2000. If the Department does not receive, by the last day of June 2000, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries

at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: June 14, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II, for Import Administration.

[FR Doc. 00–15523 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Allegheny-Singer Research Institute; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–013. Applicant: Allegheny-Singer Research Institute, Pittsburgh, PA 15212–4772. Instrument: Robot and Microplate Manipulator, Model Q-Bot. Manufacturer: Genetix Limited, United Kingdom. Intended Use: See notice at 65 FR 26583, May 8, 2000.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides a unique multi-tasking robotic system for the production, gridding and regridding of DNA arrays with: (1) A pneumatic picking head for sampling 3500 colonies per hour, (2) ability to create high density arrays on nylon filters, (3) replication of plates (96 or 384 wells) for distributing clones and (4) picking of both colonies or plaques. The National Institutes of Health advised in its memorandum of May 5, 2000 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–15525 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Michigan; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–011. Applicant: University of Michigan, Ann Arbor, MI 48109–1055. Instrument: Electron Beam Evaporator, Model EGN4. Manufacturer: Oxford Applied Research, United Kingdom. Intended Use: See notice at 65 FR 26583, May 8, 2000.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides: (1) Capability to evaporate four different materials and (2) an interface to a vacuum chamber via a 2¾ inch CF flange. Two domestic manufacturers of similar equipment advise that (1) These capabilities are pertinent to the applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 00–15524 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology Commerce.

ACTION: Notice of Prospective Grant of Exclusive Patent License.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent Application 09/016,668, titled, ''Temperature Calibration Wafer For Rapid Thermal Processing Using Thin-Film Thermocouples'', filed January 27, 1998; NIST Docket No. 97–021US to Claud S. Gordon Co., having a place of business at 5710 Kenosha St., Richmond, IL. The grant of the license would be for the field of use of Semiconductor Manufacturing.

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, Building 820, Room 213, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register**, Vol. 63, No. 42 (March 4, 1998).

U.S. Patent application 09/016,668 is owned by the U.S. Government, as represented by the Secretary of Commerce. The present invention enables the measurement of temperature and the calibration of temperature measurements in rapid thermal processing tools for silicon wafer processing to a greater accuracy than previously possible. The invention is a device which is a calibration wafer of novel construction and capabilities. The calibration wafer is comprised of an array of junctions of thin film thermocouples which traverse the

silocon wafer (typically 300 mm in diameter) and are welded to thermocouple wires of the same composition as the thin films. The advantages of very low mass thin-film thermocouples in making these measurements are greatest under the extremely high heat flux conditions present in rapid thermal processing tools (100 w/cm2). In order to achieve these measurements with thin-film thermocouples at temperatures ranging up to 900 degrees celsius a novel approach was taken in the design and fabrication of the wafer including the incorporation of an adhesion film for the thermoelements, diffusion barriers, and high temperature dielectric insulators.

Dated: June 8, 2000.

Karen H. Brown,

Deputy Director.

[FR Doc. 00–15496 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061500A]

At-sea Scale Certification Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA)

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 21, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6066, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at lengelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Alan Kinsolving, NOAA/NMFS, F/AKR2, PO BOX 21668, Juneau, AK 99802–1668; phone 907–586–7228.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) manages the commercial groundfish harvest off Alaska based on an annual total allowable catch for each species. This is based on ''round'' weight, or the weight of the fish prior to processing. However, much of the fish harvested off Alaska is harvested by vessels that process the catch at-sea and do not land whole fish. One way that NMFS uses to estimate the total weight of fish harvested by processing vessels is by requiring the vessel to weigh all or part of their catch on a motion-compensated scale. At this time, two groups of vessels are required to weigh all catch at-sea: catcher processors and motherships that are listed under the American Fisheries act as eligible to harvest pollock; and trawl catcher processors and motherships that are harvesting fish under the Community Development Quota Program (CDQ quota). Non-trawl catcher/processors that harvest CDQ quota are not required to weigh all catch, but they are required to weigh samples of catch. All of these vessels must also provide an observer sampling station where NMFS-certified observers can work. The station must be inspected and approved annually by NMFS.

II. Method of Collection

Scale manufacturers must submit documentation if they wish to have a scale approved by NMFS. Vessel owners required to weigh catch must use NMFS-inspected scales and sampling stations. To schedule an inspection, they must submit a request form. Vessels required to weigh all catch must test their scales daily and maintain documentation verifying that the testing took place. These vessels must also maintain a printed record of the weight of each haul that was required to be weighed. Finally, inspectors employed by other Federal, state, or local weights and measures agencies may request authority to inspect scales on behalf of NMFS.

III. Data

OMB Number: 0648–0330.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 49.

Estimated Time Per Response: 176 hours for the scale type evaluation, 45 minutes for conducting and maintaining a record of the daily scale test, 6 minutes to retain a daily printed scale output, 6 minutes for the request for scale inspection, 6 minutes for maintenance of a scale approval sticker, 6 minutes for an application to inspect scales on behalf of NMFS, and 2 hours to make a request for observer sampling station inspection and maintaining the results.

Estimated Total Annual Burden Hours: 3,508.

Estimated Total Annual Cost to Public: $8,184.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 13, 2000.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 00–15509 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

June 14, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 21, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and

Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for carryover, carryforward, swing, special shift, crochet adjustment and group swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 54872, published on October 8, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 14, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 4, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on June 21, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
237	652,066 dozen.
331/631	7,554,565 dozen pairs.
333/334	338,485 dozen of which not more than 47,265 dozen shall be in Category 333.
335	216,175 dozen.
336	1,076,184 dozen.
340/640	1,195,007 dozen.
341/641	1,125,812 dozen.
345	219,236 dozen.
350	150,107 dozen.
351/651	879,309 dozen.
352/652	3,335,285 dozen.
359–C/659–C [2]	1,109,516 kilograms.
369–S [3]	5,004 kilograms.
431	194,879 dozen pairs.
433	3,875 dozen.
443	46,854 numbers.
445/446	31,114 dozen.
447	9,314 dozen.
611	6,482,594 square meters.
633	65,306 dozen.
634	636,323 dozen.
635	452,194 dozen.
636	2,099,907 dozen.
643	941,787 numbers.
645/646	791,554 dozen.
649	4,292,547 dozen.
650	150,184 dozen.
659–H [4]	1,858,813 kilograms.
847	382,651 dozen.
Group II	
200–227, 300–326, 332, 359–O [5], 360, 362, 363, 369–O [6], 400–414, 434–438, 440, 442, 444, 448, 459pt. [7], 464, 469pt. [8], 600–607, 613–629, 644, 659–O [9], 666, 669–O [10], 670–O [11], 831, 833–838, 840–846, 850–858 and 859pt. [12], as a group.	260,380,920 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–S: only HTS number 6307.10.2005.

[4] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[5] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); and 6406.99.1550 (359pt.).

[6] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[7] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[8] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[9] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[10] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[11] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

[12] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–15500 Filed 6–19–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–37]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–37 with attached transmittal and policy justification.

Dated: June 13, 2000.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

7 JUN 2000
In reply refer to:
I-00/004871

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 00-37, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services estimated to cost $14 million or more. At enclosure 1 is the classified notification package with all required attachments. Soon after this letter is delivered to your office, we plan to notify the news media of the contents of enclosure 2.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Enclosure 1:
Transmittal No. 00-37
Policy Justification
Classified Annex

Enclosure 2:
Unclassified Transmittal No. 00-37
Unclassified Policy Justification

Same ltr to: **House Committee on International Relations**
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-37

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Australia**

(ii) **Total Estimated Value: Undisclosed**

(iii) **Description of Articles or Services Offered: AIM-120 Advanced Medium Range Air-to-Air Missiles (AMRAAM) including AMRAAM Air Vehicles and AMRAAM Air Vehicles-Instrumented, AMRAAM Captive Air Training Missiles, related spare and repair parts, support and test equipment, maintenance and pilot training, logistics program and software support, documentation, technical assistance and other related elements of support.**

(iv) **Military Department: Air Force (YKX, Amendment 3)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none**

(vii) **Date Report Delivered to Congress: 7 JUN 2000**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Australia - AIM-120 Advanced Medium Range Air-to-Air Missiles

The Government of Australia has requested a possible sale of AIM-120 Advanced Medium Range Air-to-Air Missiles (AMRAAM) including AMRAAM Air Vehicles and AMRAAM Air Vehicles-Instrumented, AMRAAM Captive Air Training Missiles, related spare and repair parts, support and test equipment, maintenance and pilot training, logistics program and software support, documentation, technical assistance and other related elements of support.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Asia Pacific region.

Australia will use these missiles to enhance the air-to-air self-defense capability of their F-18 aircraft and to increase interoperability with U.S. forces. Australia, which already has purchased a small quantity of AMRAAM with delivery forecasted for 2001 and 2002, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems Corporation of Tucson, Arizona. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00–15436 Filed 6–19–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–41]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–41 with attached transmittal and policy justification.

Dated: June 13, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

6 JUN 2000
In reply refer to:
I-00/006019

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-41 and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $234 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments	**Same ltr to:**	**House Committee on International Relations**
		Senate Committee on Appropriations
		Senate Committee on Foreign Relations
Separate Cover:		**House Committee on National Security**
Classified Annex		**Senate Committee on Armed Services**
Offset certificate		**House Committee on Appropriations**

Transmittal No. 00-41

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States pursant to P.L. 96-8**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 120 million
Other	$ 114 million
TOTAL	$ 234 million

(iii) **Description of Articles or Services Offered: Thirty-nine sets of PATHFINDER/SHARPSHOOTER (LANTIRN derivative) navigation and targeting pods, flight testing, support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. Targeting pods include laser designator feature.**

(iv) **Military Department: Air Force (DDW)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover**

(vii) **Date Report Delivered to Congress: 6 JUN 2000**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - PATHFINDER/SHARPSHOOTER Navigation and Targeting Pod Sets

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 39 sets of PATHFINDER/SHARPSHOOTER (LANTIRN derivative) navigation and targeting pods, flight testing, support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. Targeting pods include laser designator feature. The estimated cost is $234 million.

This proposed sale is consistent with United States law and policy, as expressed to Public Law 96-8.

The recipient will use these navigation and targeting pods on its F-16A/B aircraft to provide low altitude navigation and targeting capability. The recipient will have no difficulty absorbing these additional pod sets its inventory as part of the F-16A/B aircraft program..

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed-Martin Corporation of Orlando, Florida. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will not require the assignment of U.S. Government representatives to the recipient. There will be four contractor representatives approximately four years for contractor technical support following delivery of the pods.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00–15437 Filed 6–19–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–42]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–42 with attached transmittal and policy justification.

Dated: June 13, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

6 JUN 2000
In reply refer to:
I-00/006133

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-42 and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost $122 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

MS Davison

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments	Same ltr to:	House Committee on International Relations
		Senate Committee on Appropriations
		Senate Committee on Foreign Relations
Separate Cover:		House Committee on National Security
Classified Annex		Senate Committee on Armed Services
Offset certificate		House Committee on Appropriations

Transmittal No. 00-42

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States pursant to P.L. 96-8**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 80 million
Other	$ 42 million
TOTAL	$ 122 million

(iii) **Description of Articles or Services Offered: Forty-eight AN/ALQ-184 Electronic Countermeasures pods, support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics to insure total program supportability**

(iv) **Military Department: Air Force (DDX)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex under separate cover**

(vii) **Date Report Delivered to Congress: 6 JUN 2000**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - AN/ALQ-184 Electronic Countermeasures Pods

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 48 AN/ALQ-184 Electronic Countermeasures pods, support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics to insure total program supportability. The estimated cost is $122 million.

This proposed sale is consistent with United States law and policy, as expressed to Public Law 96-8.

The recipient will use this electronic-countermeasure equipment on the F-16 aircraft to maintain its defensive capabilities. The recipient will have no difficulty absorbing this additional equipment into its inventory.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Company, Electronic Systems Division of Goleta, California. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will not require the assignment of U.S. Government representatives to the recipient; however, it is estimated that approximately three years of contractor technical support will be required following delivery of the pods.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00–15438 Filed 6–19–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–43]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–43 with attached transmittal, policy justification and Sensitivity of Technology.

Dated: June 13, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–01–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

6 JUN 2000
In reply refer to:
I-00/006134

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-43, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services estimated to cost $27 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-43

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Israel**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 24 million
Other	$ 3 million
TOTAL	$ 27 million

(iii) **Description of Articles or Services Offered: Fifty-seven AIM-120B Advanced Medium Range Air-to-Air Missiles (AMRAAM), two Captive Air Training Missiles, missile containers, spare and repair parts, support and test equipment, software support, contractor support and other related elements of logistics support**

(iv) **Military Department: Air Force (YEO, Amendment 3)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(vii) **Date Report Delivered to Congress: 6 JUN 2000**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Israel - AIM-120B Advanced Medium Range Air-to-Air Missiles

The Government of Israel has requested a possible sale of 57 AIM-120B Advanced Medium Range Air-to-Air Missiles (AMRAAM), two Captive Air Training Missiles, missile containers, spare and repair parts, support and test equipment, software support, contractor support and other related elements of logistics support. The estimated cost is $27 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

Israel needs these missiles to enhance the air-to-air self-defense capability of its F-15 aircraft and provide for an increase in interoperability with U.S. forces. Israel will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Company, Missile Systems Division of Tucson, Arizona. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 00-43

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The AIM-120B Advanced Medium Range Air-to-Air Missile (AMRAAM) is a new generation air-to-air missile. The missile, including the guidance section, is classified confidential. Information on certain technologies embedded in the AIM-120B missile, including the software and the target detection device, range in classification from unclassified to secret. This missile incorporates an active radar with an inertial reference unit and microcomputer system, which makes the missile less dependent upon the fire-control system of the aircraft. This state-of-the-art technology is used in the AIM-120B to provide the missile with its unique beyond-visual-range capability.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 00–15439 Filed 6–19–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary; Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms

ACTION: Notice of Meeting.

SUMMARY: The Defense Science Board Task Force on Improving Fuel Efficiency of Weapons Platforms will meet in closed session on June 20–21 at Carderock Division, Naval Surface Warfare Center, 9500 MacArthur Boulevard, West Bethesda, MD 20817–5700.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, The Task Force will review fuel-efficient technologies, including new or improved fuels, engines, Alternative Fueled Vehicles, and other advanced technologies and assess their operational, logistical, cost, and environmental impacts for a range of practical implementation scenarios.

Due to critical mission requirements in finalizing briefings for this Task Force, there is insufficient time to provide timely notice required by Section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force on June 20–21, 2000. Persons interested in further information should call Commander Brian D. Hughes, USN, at (703) 695–4157.

Dated: June 13, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15435 Filed 6–19–00; 8:45 am]
BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Senior Executive Service Performance Review Board

AGENCY: Office of the Inspector General, Department of Defense (OIG, DoD).

ACTION: Notice.

SUMMARY: This notice announces the appointment of the members of the Senior Executive Service (SES) Performance Review Board (PRB) for the OIG, DoD, as required by 5 U.S.C. 4314(c)(4). The PRB provides fair and impartial review of SES performance appraisals and makes recommendations regarding performance ratings,

performance awards and recertification to the Inspector General.

EFFECTIVE DATE: July 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Boardman, Director, Personnel and Security Directorate, Office of Administration and Management, OIG, DoD, 400 Army Navy Drive, Arlington, VA 22202, (703) 604–9716.

Charles W. Beardall, Deputy Assistant Inspector General for Criminal Investigative Policy and Oversight, OAIG—for Investigations

David A. Brinkman, Director, Audit Followup and Technical Support, OAIG—Auditing

C. Frank Broome, Director, Office of Departmental Inquiries

David M. Crane, Director, Office for Intelligence Review

Thomas F. Gimble, Director, Acquisition Management, OAIG—Auditing

Paul J. Granetto, Director, Contract Management, OAIG—Auditing

John F. Keenan, Assistant Inspector General for Investigations

Frederick J. Lane, Director, Finance and Accounting, OAIG—Auditing

Joel L. Leson, Director, Administration and Information Management

Carol L. Levy, Deputy Assistant Inspector General for Investigations

Robert J. Lieberman, Assistant Inspector General for Auditing

Donald Mancuso, Deputy Inspector General

David K. Steensma, Deputy Assistant Inspector General for Auditing

Alan W. White, Director, Investigative Operations, OAIG for Investigations

Shelton R. Young, Director, Readiness and Logistics Support, OAIG—Auditing

Robert L. Ashbaugh, Deputy Inspector General, Department of Justice

Mr. John J. Connors, Deputy Inspector General, Department of Housing and Urban Development

Ms. Patricia Dalton, Deputy Inspector General, Department of Labor

Mr. Joel S. Gallay, Deputy Inspector General, General Services Administration

Mr. Everett L. Mosely, Acting Inspector General, Agency for International Development

Dated: June 14, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–15440 Filed 6–19–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 21, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 14, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New

Title: Integrated Studies of Educational Technology: Evaluation of Educational Technology Policy and Practice

Frequency: On Occasion

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs

Reporting and Recordkeeping Hour Burden: Responses: 2,000 Burden Hours: 2,000

Abstract: As part of the Department of Education's Integrated Studies of Educational Technology, the Professional Development for the 21st Century Classroom study will study best practices and current status of practice in professional development in educational technology. The Formative Evaluation of the E-rate will analyze the extent to which the E-rate is equalizing access to educational technology and supporting integration of educational technology in classroom learning.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie_Montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–15452 Filed 6–16–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 20, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 14, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review:

Title: Graduate Assistance in Areas of National Need (GAANN).

Frequency: Annually.

Affected Public: Not-for-profit institutions; Individuals or household.

Reporting and Recordkeeping Hour Burden: Responses: 325.

Burden Hours: 13,432.

Abstract: These instructions and forms provide the U.S. Department of Education the information needed to make awards to academic departments and to sustain and enhance the capacity for teaching and research in areas of national need.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from http://edicsweb.ed.gov, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–5359 or via his internet address Joe_Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–15453 Filed 6–19–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records

AGENCY: Office of Management.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Education (ED) publishes this notice of a new system of records entitled ''Child Care Subsidy Program System.'' The system will contain information about employees who apply for a subsidy for child care expenses, their spouses and the children who are enrolled in government-subsidized child care, the employee's application for, and participation in, the child care subsidy program, including the employee's name, their spouse's name, the employee's title, grade and salary, the employee's home and work telephone numbers, the employee's home and work addresses, the organization in which the employee works, the employee's social security number, their spouse's social security number, the employee's tax returns, their spouse's tax returns, the name and social security number of the child on whose behalf the parent is applying for a subsidy, the child's date of birth, the date of entry into the Child Care Subsidy Program, and the amount of subsidy received; the name, address, telephone number, employer identification number (EIN), license and accreditation status of the child care center in which the employee's child(ren) is (are) enrolled, and the dates of attendance.

The Department seeks comment on this new system of records described in this notice, in accordance with the requirements of the Privacy Act.

DATES: We must receive your comments on the proposed routine uses for the systems of records included in this notice on or before July 20, 2000. The Department filed a report describing the new system of records covered by this notice with the Chair of the Committee on Governmental Affairs of the Senate, the Chair of the Committee on Government Reform and Oversight of the House, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on June 16, 2000. The changes made in this notice will become effective after the 30-day period for OMB review of the systems expires on July 17, 2000; unless OMB gives specific notice within the 30 days that the changes are not approved for implementation or requests an additional 10 days for its review. The routine uses become effective 30 days after publication unless they need to be changed as a result of public comment or OMB review. The Department will publish any changes to the routine uses.

ADDRESSES: Address all comments about the proposed routine uses to Elizabeth Mackenzie, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., room 6E236, Washington, DC 20202. Telephone: 202–401–6700. If you prefer to send comments through the Internet, use the following address: Comments@ed.gov. You must include the term ''SOR Child Care'' in the subject line of the electronic message.

During and after the comment period, you may inspect all comments about this notice in room 6E236, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we supply an appropriate aid, such as a reader or print magnifier,

to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Ray Van Buskirk, Work/Life Programs Group Director, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., room 2W305, Washington, DC 20202. Telephone: (202) 260–8979.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Introduction

The Privacy Act (5 U.S.C. 552a) (Privacy Act) requires the Department to publish in the **Federal Register** this notice of a new system of records managed by the Department. The Department's regulations implementing the Act are contained in the Code of Federal Regulations (CFR) in 34 CFR part 5b.

The Privacy Act applies to information about individuals that contain individually identifiable information and that may be retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a ''record'' and the system, whether manual or computer-based, is called a ''system of records.'' The Privacy Act requires each agency to publish notices of systems of records in the **Federal Register** and to prepare reports to the Office of Management and Budget (OMB) whenever the agency publishes a new system of records.

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 PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using 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.

Dated: June 15, 2000.

Willie H. Gilmore,

Director, Office of Management.

The Office of Management of the U.S. Department of Education publishes a notice of a new system of records to read as follows:

SYSTEM IDENTIFICATION NUMBER:

18–05–13.

SYSTEM NAME:

Child Care Subsidy Program System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Department of Education, Office of Management, 400 Maryland Avenue, SW., room 2W200, Washington, DC 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on employees who apply for a subsidy for child care expenses, their spouses and the children who are enrolled in government-subsidized child care.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records relating to an employee's application for, and participation in, the child care subsidy program, including the employee's name, their spouse's name, the employee's title, grade and salary, the employee's home and work telephone numbers, the employee's home and work addresses, the organization in which the employee works, the employee's social security number, their spouse's social security number, the employee's tax returns, their spouse's tax returns, the name and social security number of the child on whose behalf the parent is applying for a subsidy, the child's date of birth, the date of entry into the Child Care Subsidy Program, and the amount of subsidy received; the name, address, telephone number, employer identification number (EIN), license and accreditation status of the child care center in which the employee's child(ren) is (are) enrolled, and the dates of attendance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–58 (113 Stat. 477).

PURPOSE(S):

The information contained in this system is used for the purposes of determining program eligibility and benefits, verifying the identity of the individual, verifying the eligibility of the child care center, investigating possible fraud and verifying compliance with regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of Education (the Department) may disclose information contained in a record in the systems of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis.

(1) *Disclosures to Child Care Providers.* The Department may disclose information from this system of records to child care providers in order to verify a child's dates of attendance at the provider's facility.

(2) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, 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, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Employee Grievance, Complaint or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(9) *Disclosure to the Department of Justice (DOJ).* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(10) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(11) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(12) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The Member's right to the information is no greater than the right of the individual who requested it.

(13) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

The records are maintained in hard copy and on a computer database.

RETRIEVABILITY:

The files in this system are retrievable by social security number or name.

SAFEGUARDS:

All physical access to the Department site, and the sites of Department contractors where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need to know basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

RETENTION AND DISPOSAL:

Records of individual are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Lead Program Specialist, Family-Friendly Programs, Work/Life Programs Group, Office of Management, 400 Maryland Avenue SW., room 2W200 Washington, DC 20202.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists regarding you in this system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity. You may present your request in person at any of the locations identified for this system of records or address your request to the system manager at the address listed above.

RECORD ACCESS PROCEDURES:

If you wish to access a record regarding you in this system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity. You may present your request in person at any of the locations identified for this system of records or address your request to the system manager at the address listed above.

CONTESTING OF RECORDS PROCEDURES:

If you wish to contest a record regarding you in this system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7, including proof of identity. You may present your request in person at any of the locations identified for this system of records or address your request to the system manager at the address listed above.

RECORD SOURCE CATEGORIES:

Information is provided by Department employees who apply for a child care subsidy and from the child care providers.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 00–15499 Filed 6–19–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

DOE Implementation Plan for Recommendation 2000–1 of the Defense Nuclear Facilities Safety Board, Stabilization and Storage of Nuclear Material

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board published Recommendation 2000–1, concerning the stabilization and storage of nuclear material, on January 26, 2000 (65 FR 4237). Under section 315(e) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(e), the Department of Energy must transmit an implementation plan on Recommendation 2000–1 to the Defense Nuclear Facilities Safety Board after acceptance of the Recommendation by the Secretary. The Department's implementation plan was sent to the Safety Board on June 8, 2000, and is available for review in the Department of Energy Public Reading Rooms.

ADDRESSES: Send comments, data, views, or arguments concerning the implementation plan to: Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Mr. David Huizenga, Deputy Assistant Secretary for Integration and Disposition, Environmental Management, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, D.C., on June 14, 2000.

Mark B. Whitaker, Jr.,

Departmental Representative to the Defense Nuclear Facilities Safety Board.

The Secretary of Energy

June 8, 2000.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, suite 700, Washington, DC. 20004.

Dear Mr. Chairman: Enclosed is Revision 3 of the Department's Implementation Plan for remediating the nuclear materials identified in Recommendations 94–1 and 2000–1. This revision describes the current status of, and changes to, the Department's plans for stabilizing the nuclear materials, with significant changes included for the Hanford Spent Nuclear Fuel Project, Savannah River Site, Rocky Flats Environmental Technology Site, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory. These plans and any changes to previous commitments have been discussed with members of your staff.

The enclosed plan includes discussion of all of the actions taken to date to address the urgent safety issues described in the original Recommendation 94–1. It also sets forth the Department's plans and commitments for the remaining stabilization activities called for in Recommendation 2000–1. Accordingly, the Department proposes closure of Recommendation 94–1 as we continue to track our stabilization activities under Recommendation 2000–1.

The Department is currently working closely with the Los Alamos National Laboratory to establish a satisfactory path forward for stabilization of its remaining 94–1 legacy inventory. Los Alamos completed stabilization of all of their high-risk vault items in July 1998, and stabilization of the remaining 17 priority items stored in gloveboxes is being actively pursued. Five interim commitments have been established to monitor the preparation of an integrated plan with milestones for the stabilization and discard of those items and all remaining 94–1 legacy material at Los Alamos. This plan will be available by October 31, 2000.

The Department acknowledges that the enclosed revision reflects significant delays to some of our previously approved stabilization commitments, particularly in the area of stabilization activities at the Savannah River Site. As I described in my March 13, 2000, response to your Recommendation 2000–1, these delays result from a variety of interrelated factors that include funding priorities as well as technical and management issues. In developing this plan revision, however, we have been careful to order the activities with the objective of achieving early risk reduction. We recognize the importance of these projects and will work to maximize our efficiency and attain every possible schedule acceleration.

We continue to closely track progress on all stabilization commitments and are pleased to be able to continue to show measurable progress at several sites. Of note is the completion of all remaining 94–1 activities at the Idaho National Engineering and Environmental Laboratory. We will keep you and your staff apprised of our progress in meeting the commitments at the remaining six sites. If you have any questions, please contact me or have your staff contact Mr. David Huizenga at (202) 586–5151.

Yours sincerely,

Bill Richardson.

[FR Doc. 00–15477 Filed 6–19–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Solicitation

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation—Steel Visions of the future.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office, is seeking applications for cost-shared research and development of technologies which will reduce energy consumption, enhance economic competitiveness, and reduce environmental impacts of the Steel Industry. The research is to address research priorities identified by the Steel Industry in Chapters 2, 3, and 4 of the *Steel Industry Technology Roadmap.*

DATES: The deadline for receipt of applications is 3 p.m. MST on September 14, 2000.

ADDRESSES: Applications should be submitted to: Procurement Services Division, U.S. DOE, Idaho Operations

Office, Attention: Carol Van Lente [DE–PS07–00ID13964], 850 Energy Drive, MS 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Carol Van Lente, Contract Specialist, at *vanlencl@id.doe.gov.*

SUPPLEMENTARY INFORMATION: The statutory authority for this program is the Federal Non-Nuclear Energy Research & Development Act of 1974 (P.L. 93–577). Approximately $5,000,000 to $10,000,000 in federal funds is expected to be available to fund the first year of selected research efforts. DOE anticipates making two to five cooperative agreement awards each with a duration of five years or less. Collaborations between industry, university, and National Laboratory participants are encouraged. The solicitation is available in full text via the Internet at the following address: http://www.id.doe.gov/doeid/psd/procdiv.html.

Issued in Idaho Falls on June 13, 2000.

R.J. Hoyles,

Director, Procurement Services Division.

[FR Doc. 00–15475 Filed 6–19–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Meeting Cancellation

AGENCY: Department of Energy.

ACTION: Notice of meeting cancellation until further notice.

SUMMARY: This notice announces the cancellation until further notice of the open meeting of the Secretary of Energy Advisory Board's Laboratory Operations Board (LOB).

NAME: Secretary of Energy Advisory Board—Laboratory Operations Board.

DATES: The meeting scheduled for Wednesday, June 21, 2000, 8:30 a.m.–3:15 p.m., Eastern Daylight Time has been cancelled until further notice.

ADDRESSES: Spallation Neutron Source Project Building, Room 101A, 701 Scarboro Road, Oak Ridge National Laboratory, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Betsy Mullins, Executive Director, or Laurie Keaton, LOB Staff Director, Office of Secretary of Energy Advisory Board (AB–1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7162 or (202) 586–6279 (fax).

Issued at Washington, D.C., on June 14, 2000.

Carol A. Kennedy,

Acting Advisory Committee Management Officer.

[FR Doc. 00–15474 Filed 6–19–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 00–27–NG, et al.]

Texaco Natural Gas Inc., et al.; Orders Granting, Amending and Vacating Authority To Import and Export Natural Gas, Including Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during April 2000, it issued Orders granting, amending, and vacating authority to import and export natural gas, including liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE web site at http://www.fe.doe.gov, or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on June 8, 2000.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

Appendix

ORDERS GRANTING, AMENDING AND VACATING IMPORT/EXPORT AUTHORIZATIONS

DOE/FE authority		Importer/exporter FE Docket No.	In Bcf		Comments
Order No.	Date issued		Import volume	Export volume	
1588	05/01/00	Texaco Natural Gas Inc. 00–27–NG.	120	.....	Import from Mexico beginning on May 3, 2000, and extending through May 2, 2002.
1589	05/01/00	Northwest Natural Gas Company 00–28–NG.	150	150	Import and export from and to Canada beginning on May 1, 2000, and extending through April 30, 2002.
1590	05/05/00	Cabot Energy Service Corporation 00–29–LNG.	100	.....	Import LNG from various international sources over a two-year term beginning on the date of first delivery.
1591	05/10/00	Chevron U.S.A. Inc. 00–26–NG ...	18	.....	Import from Canada beginning on July 1, 2000, and extending through June 30, 2000.
1487–A	05/11/00	Sempra Energy Trading Corp., 99–36–NG.	300	.....	Amendment to existing authority to allow the importation of liquefied natural gas from any international source through June 15, 2001.
1592	05/16/00	OGE Energy Resources, Inc., 00–32–NG.	400		Import and export a combined total from and to Canada over a two-year term beginning on the date of first import or export delivery.
1593	05/16/00	Indeck-Yerkes Limited Partnership, 00–31–NG.	18	.....	Import from Canada beginning on May 16, 2000, and extending through May 15, 2002.
1409–A	05/16/00	Indeck-Yerkes Limited Partnership, 98–60–NG.			Vacate blanket import authority.
1594	05/16/00	Indeck-Oswego Limited Partnership, 00–30–NG.	18	.....	Import from Canada beginning on May 16, 2000, and extending through May 15, 2002.

ORDERS GRANTING, AMENDING AND VACATING IMPORT/EXPORT AUTHORIZATIONS—Continued

DOE/FE authority		Importer/exporter FE Docket No.	In Bcf		Comments
Order No.	Date issued		Import volume	Export volume	
1410–A	05/16/00	Indeck-Oswego Limited Partnership, 98–61–NG.	.....	.....	Vacate blanket import authority.
1595	05/18/00	Ener-Son of U.S.A., 00–19–LNG	.....	33	Export to Mexico, including LNG over a two-year term beginning on the date of first delivery.
1595	05/18/00	Ener-Son of U.S.A., 98–66–LNG	.....	.....	Vacate blanket export authority.
1596	05/22/00	North American Energy, Inc., 00–33–NG.	20	.....	Import from Canada beginning on August 3, 2000, and extending through August 2, 2002.
1597	05/25/00	National Fuel Resources, Inc., 00–35–NG.	50		Import and export a combined total from and to Canada beginning June 1, 2000, and extending through May 31, 2002.
1598	05/25/00	West Texas Gas, Inc., 00–36–NG	.....	50	Export to Mexico beginning on June 1, 2000, and extending through May 31, 2002.
1599	05/25/00	Burlington Resources Trading Inc., 00–34–NG.	200		Import and export a combined total from and to Canada over a two-year term beginning on the date of first delivery.

[FR Doc. 00–15476 Filed 6–19–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–382–000]

Columbia Gas Transmission Corporation; Notice of Application

June 14, 2000.

Take notice that on June 9, 2000, Columbia Gas Transmission Corporation (Columbia), Post Office Box 1273, Charleston, West Virginia 25325–1273 in Docket No. CP00–382–000 an application, as supplemented on September 28, 1999, pursuant to Section 7(c) of the Natural Gas Act to permit Columbia to use firm capacity on Tennessee Gas Pipeline Company (Tennessee) and National Fuel Gas Supply Corporation (National Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at *http://www.ferc.us/online/rims.htm* (call 202–208–2222).

Columbia proposes to use firm capacity on Tennessee of up to 10,000 dt per day from Unionville, Beaver County, Pennsylvania, to Highland, Elk County, Pennsylvania, and to use firm capacity on National Fuel of 6,608 dt per day from Ellwood City, Beaver County, Pennsylvania, to Lewis Run, McKean County, Pennsylvania, both for a primary term beginning November 1, 2000, and ending October 31, 2004, with an evergreen provision.

It is stated that, by order issued November 12, 1999, in Docket No. CP99–625–000, Columbia was permitted to acquire up to 16,476 dt of firm capacity on Tennessee from Broad Run, Kanawha County, West Virginia to Highland, Elk County, Pennsylvania for a period beginning October 1, 1999, and ending March 31, 2000. Columbia indicates it required the firm capacity while it evaluated whether or not to replace portions of its Lines 1818 and 1862. Columbia states that it has now determined that it is more economical to acquire capacity on a long term basis from Tennessee and National Fuel than repair or replace the two pipelines. Columbia states that it will recover the costs associated with the Tennessee and National Fuel capacity in a subsequent Transportation Cost Recovery Adjustment filing.

Columbia also states that it will file an application to abandon the portions of Lines 1818 and 1862 located between the Renova Compressor Station and Smethport in the near future.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 2000, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the 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 and permission for abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15482 Filed 6–19–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–254–002]

Dauphin Island Gathering Partners; Notice of Proposed Changes In FERC Gas Tariff

June 14, 2000.

Take notice that on June 8, 2000, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume

No. 1, the tariff sheets listed below to become effective January 1, 2000.

Second Revised Sheet No. 6
Second Revised Sheet No. 8
Second Revised Sheet No. 178
Second Revised Sheet No. 179

DIGP states that these tariff sheets correct an error in the effective date shown in DIGP's April 24, 2000 filing pursuant to the Commission's Letter Order issued May 24, 2000 in Docket No. RP00–254.

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 of 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. 00–15479 Filed 6–19–00; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–378–000]

Eastern Shore Natural Gas Company; Notice of Request Under Blanket Authorization

June 14, 2000.

Take notice that on June 6, 2000, as supplemented on June 13, 2000, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 1769, Dover, Delaware 19903–1769, filed in Docket No. CP00–378–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations (18 CFR 157.205 and 157.211) under the Natural Gas Act (NGA) for authorization to construct and operate a tap and meter station in Kent County, Delaware to provide interruptible service to First State Power Management, Inc. (First State), an end user, under Eastern Shore's blanket certificate issued in Docket No. CP83–40–000, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/htm (call 202–208–2222 for assistance).

Eastern Shore indicates that, in addition to the tap and meter station, it will construct a delivery lateral 2,425 feet of 8-inch pipeline to deliver the gas to First State, which it will construct under Section157.208(a) of the Commission's Regulations as an eligible facility. Eastern Shore states that it will use these facilities to deliver up to 800,000 dt per year on an interruptible basis pursuant to the terms of Eastern Shore's IT rate schedule.

Eastern Shore estimates the cost of the tap and meter station at $95,000, and the cost of the pipeline lateral at $195,000, all of which it will be reimbursed by First State. It is asserted that Eastern Shore's tariff does not prohibit the addition of delivery point facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission 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 time allowed therefor, 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. 00–15483 Filed 6–19–00; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–83–000]

NSTAR Services Company, Complainant v. New England Power Pool Respondent; Notice of Filing

June 14, 2000.

Take notice that on June 13, 2000, NSTAR Services Company (NSTAR), tendered for filing a Complaint Requesting Fast Track Processing and Prayer for Emergency Relief.

NSTAR petitions the Commission for an order directing the New England Power Pool (NEPOOL) to amend its agreements and market rules to provide for a temporary $1,000/MWh bid cap in the energy and ancillary services markets operated by the Independent System Operator, New England, Inc., (ISO–NE). NSTAR further requests that the Commission direct NEPOOL to conduct studies analyzing the operation of the restructured market, and implement a structural screen that will mitigate market power. They request that both of these measures be implemented by April 1, 2001.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before June 23, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Answers to the complaint shall also be due on or before June 23, 2000.

Linwood A. Watson, Jr.,
Acting Secretary.
[FR Doc. 00–15478 Filed 6–19–00; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–055]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

June 14, 2000.

Take notice that on June 8, 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 sheet to be effective June 9, 2000:

Fifth Revised Sheet No. 8H

REGT states that the purpose of this filing is to reflect the addition of a new negotiated rate contract.

Any person desiring to be heard or to protest said failing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15480 Filed 6–19–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–99–000, et al.]

Public Service Company of New Mexico, et al. Electric Rate and Corporate Regulation Filings

June 13, 2000.

Take notice that the following filings have been made with the Commission:

1. Public Service Company of New Mexico

[Docket No. EC00–99–000]

Take notice that on June 7, 2000, the Public Service Company of New Mexico (PNM) tendered for filing an application seeking Commission authorization for PNM's proposed reorganization of its existing businesses into a holding company structure as a means of achieving the corporate and asset separations required by electric industry retail restructuring legislation in New Mexico. PNM's new holding company will be named ''Manzano Corporation.'' Under the new structure PNM will be renamed ''Manzano Energy Corporation,'' and will be the subsidiary of Manzano Corporation that will retain PNM's interests in existing generation facilities, including Palo Verde Nuclear Generating Station, Four Corners Power Plant, and San Juan Generating Station, and will remain the seller under existing PNM wholesale sales agreements. A new subsidiary corporation, referred to in the filing as ''UtilityCo'' for convenience, will assume the name ''Public Service Company of New Mexico'' upon the effective date of the reorganization, and will be responsible for all functions related to transmission and distribution. PNM's reorganization will involve a transfer to UtilityCo of ownership of all of its electric transmission and distribution facilities (except for generator step-up transformers and leads, and certain interests in switchyard facilities at multi-owner generating stations which will be leased to UtilityCo) as well as operations related to natural gas transmission and distribution, and certain other ''paper'' facilities. UtilityCo will be subject to NMPRC regulation.

PNM has included in its application a request for a disclaimer of jurisdiction over transactions within the meaning of section 305(a) of the Federal Power Act.

Comment date: July 7, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company LLC

[Docket No. ER00–2696–001]

Take notice that on June 8, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply Company), tendered for filing Amendment No. 1 to Supplement No. 45 to complete the filing requirement for one (1) new Customer of the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy requests a waiver of notice requirements to make service available as of February 2, 2000 to Entergy Power Marketing Corporation.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. California Power Exchange Corporation

[Docket No. ER00–2735–000]

Take notice that on June 7, 2000, the California Power Exchange Corporation (CalPX), on behalf of its CalPX Trading Services Division (CTS), tendered for filing proposed changes to its CTS Rate Schedule FERC No. 1. Together these proposed changes constitute Amendment No. 4 to the CTS Rate Schedule. The purpose of Amendment No. 4 is to implement revised credit policies and rules with regard to participants in the markets operated by CTS.

CTS requests waiver of the Commission's regulations to permit an effective date of August 1, 2000.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. California Power Exchange Corporation

[Docket No. ER00–2736–000]

Take notice that on June 7, 2000, the California Power Exchange Corporation (CalPX), tendered for filing proposed amendments to its FERC Electric Service Tariff No. 2, including changes to the main Tariff, Schedules 2, 6 and 7, and Appendix B thereof. Together these changes comprise Tariff Amendment No. 18. The purpose of Tariff Amendment No. 18 is to implement the redesign of CalPX's credit policies and rules.

CalPX requests waiver of the Commission's regulations to permit an effective date of August 1, 2000.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Entergy Nuclear Indian Point 3, LLC

[Docket No. ER00–2740–000]

Take notice that on June 7, 2000, Entergy Nuclear Indian Point 3, LLC (ENIP) tendered for filing an application for authorization to sell wholesale power at market-based rates. ENIP also requested that the Commission accept for filing a long-term power purchase agreement for the sale of power from ENIP to the New York Power Authority as a stand-alone rate schedule to its proposed market rate tariff.

Copies of this filing have been served on the New York Public Service Commission, Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, Council of the City of New Orleans and the New York Power Authority.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Carolina Power & Light Company

[Docket No. ER00–2741–000]

Take notice that on June 7, 2000, Carolina Power & Light Company

(CP&L), tendered for filing Carolina Power & Light Company Second Revised FERC Electric Tariff No. 3 (Revised OATT) that replaces the existing Transmission Loading Relief (TLR) in the tariff with the revised TLR procedures promulgated by the North American Electric Reliability Council.

CP&L has requested that the revised TLR procedures become effective on March 1, 2000 and the remainder of the Revised OATT become effective June 7, 2000, the date of filing.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Southwestern Public Service Company

[Docket No. ER00–2749–000]

Take notice that on June 7, 2000, New Century Services, Inc., on behalf of Southwestern Public Service Company, submitted an Amended Network Transmission Service Agreement for service between the SPS Wholesale Merchant Function, on behalf of Cooperative Customers (Cap Rock Electric Cooperative, Inc., Central Valley Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., Lyntegar Electric Cooperative, Inc., and Roosevelt Electric Cooperative, Inc.) and SPS Transmission Function.

SPS has requested that the Amended Service Agreement become effective on May 1, 2000.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Central Illinois Public Service Corporation

[Docket No. ER00–2750–000]

Take notice that on June 7, 2000, Central Illinois Public Service Corporation (AmerenCIPS), tendered for filing an Electric Power Sales Agreement between AmerenCIPS and Ameren Energy Marketing Company (Marketing Co.) dated June 7, 2000 (the Agreement). AmerenCIPS states that under the Agreement, it will resell to Marketing Co., all of the capacity and associated energy that it purchases from Electric Energy, Inc. (EEInc.), pursuant to a Power Supply Agreement with EEInc. AmerenCIPS further states that the rates under which power is being sold to Marketing Co. will constitute a pass-through of charges to it by EEInc.

AmerenCIPS is proposing to make the Agreement effective as of June 8, 2000.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Energy Service Corporation, on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2751–000]

Take notice that on June 7, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Amendment No. 4 to Supplement No. 8 to the Market Rate Tariff to incorporate a Netting Agreement with Engage Energy US, L.P., into the tariff provisions.

Allegheny Energy Supply Company requests a waiver of notice requirements to make the Amendment effective as of May 12, 2000.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Ameren Services Company

[Docket No. ER00–2752–000]

Take notice that on June 7, 2000, Ameren Services Company (ASC), tendered for filing Service Agreements for Firm Point-to-Point Transmission Services between ASC and Amerada Hess Corporation, Conectiv Energy Supply, Inc., and Allegheny Energy Supply Company, LLC (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER00–2753–000]

Take notice that on June 7, 2000, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply), tendered for filing Supplement No. 48 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply requests a waiver of notice requirements to make service available as of May 11, 2000 to South Carolina Electric & Gas Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota) Northern States Power Company (Wisconsin)

[Docket No. ER00–2765–000]

Take notice that on June 5, 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 Conectiv Energy Supply, Inc.

NSP requests that the Commission accept the Agreement effective May 16, 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: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Detroit Edison Company

[Docket No. ER00–2766–000]

Take notice that on June 8, 2000, The Detroit Edison Company (Detroit Edison) tendered for filing an interconnection and operation agreement between Detroit Edison Company and DTE River Rouge No. 1, L.L.C.

Detroit Edison requests waiver of the Commission's notice requirements necessary to permit the Interconnection Agreement to be made effective as June 9, 2000.

Copies of this filing have been served on DTE River Rouge and the Michigan Public Service Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Duke Energy Corporation

[Docket No. ER00–2767–000]

Take notice that on June 8, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Cinergy Services, Inc., for Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on June 5, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy

has been served on the North Carolina Utilities Commission.

Comment date June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Western Resources, Inc. Kansas Gas and Electric Company

[Docket No. ER–2768–000]

Take notice that on June 8, 2000, Western Resources, Inc. (Western Resources) and Kansas Gas and Electric Company (KGE), tendered for filing the Fourth Supplement to the Electric Interconnection Contract (Contract) dated July 19, 1962 between Western Resources (formerly, The Kansas Power and Light Company) and KGE. Western Resources and KGE state that the purpose of this filing is to add an additional point of interconnection to the Contract.

Western Resources and KGE request an effective date of June 2, 2000.

Copies of the filing were served upon the Kansas Corporation Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. MidAmerican Energy Company

[Docket No. ER00–2769–000]

Take notice that on June 8, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, tendered for filing with the Commission a Second Amendment to Power Sales Agreement (Amendment), dated April 27, 2000, entered into by MidAmerican and Waverly Light and Power, pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of June 9, 2000, for the Amendment and seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on Waverly Light and Power, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Duke Energy Corporation

[Docket No. ER00–2770–000]

Take notice that on June 8, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Cargill-Alliant, LLC for Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on June 5, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Duke Energy Corporation

[Docket No. ER00–2771–000]

Take notice that on June 8, 2000, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Koch Energy Trading, Inc., for Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on May 16, 2000.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Public Service Company of New Mexico

[Docket No. ER00–2772–000]

Take notice that on June 8, 2000, Public Service Company of New Mexico (PNM), tendered for filing an executed service agreement, for electric power and energy sales at negotiated rates under the terms of PNM's Power and Energy Sales Tariff, with the Golden Spread Electric Cooperative, Inc. (dated May 13, 2000).

PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to the Golden Spread Electric Cooperative, Inc. and to the New Mexico Public Regulation Commission.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. MidAmerican Energy Company

[Docket No. ER00–2774–000]

Take notice that on June 8, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, tendered for filing with the Commission a First Amendment to Power Sales Agreement (Amendment), dated April 26, 2000, entered into by MidAmerican and City of Montezuma, Iowa, pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of June 9, 2000 for the Amendment and seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on the City of Montezuma, Iowa, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. MidAmerican Energy Company

[Docket No. ER00–2775–000]

Take notice that on June 29, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, tendered with the Commission a First Amendment to Electric Interchange and Interconnection Agreement (Amendment), dated April 26, 2000, entered into by MidAmerican and Indianola Waterworks and Electric Light and Power Board of Trustees, pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of June 9, 2000 for the Amendment and seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on the Indianola Waterworks and Electric Light and Power Board of Trustees, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. Citizens Utilities Company

[Docket No. ER00–2776–000]

Take notice on that on June 8, 2000, Citizens Utilities Company tendered for filing its compliance filing pursuant to the Commission's order in North American Electric Reliability Council, *et al.,* 91 FERC ¶ 61,122 (2000).

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. New Century Services, Inc.

[Docket No. ER00–2777–000]

Take notice that on June 8, 2000, New Century Services, Inc. (NCS), tendered for filing notice that the New Century Operating Companies will adopt as part of their open-access transmission tariff the revisions to the Transmission Loading Relief procedures filed by the North American Electric Reliability Council and accepted by FERC in North American Electric Reliability Council, 91 FERC ¶ 61,122 (2000). NCS states that these procedures will apply only with respect to service provided on the Southwestern Public Service Company transmission system, which is located in the Eastern Interconnection.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company

[Docket No. ER00–2778–000]

Take notice that on June 8, 2000, Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company (the NSTAR Companies), tendered for filing a joint notification as directed by the Commission in its Order in Docket No. ER00–1666–000 on May 8, 2000 at 91 FERC ¶ 61,122 that the Commission should consider the respective NSTAR companies' open access transmission tariffs as modified by the revised North American Electric Reliability Council Transmission Loading Relief Procedures accepted for filing by that Order.

Comment date: June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Northern/AES Energy, LLC

[Docket No. ER00–2779–000]

Take notice that on June 8, 2000, Northern/AES Energy, LLC (NAES), tendered for filing a letter requesting Commission approval of NAES'; assignment of its membership in the Western Systems Power Pool (WSPP) to Split Rock Energy LLC. Such assignment is allowed under Section 14 of the WSPP Agreement.

A copy of the filing was served upon the General Counsel to the WSPP.

Comment date June 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. PJM Interconnection, L.L.C.

[Docket No. ER00–2780–000]

Take notice that on June 7, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing a notice pursuant to the Commission's order in *North American Electric Reliability Council,* 91 FERC ¶ 61,122 (May 8, 2000), that its Open Access Transmission Tariff is considered modified to adopt the revised North American Electric Reliability Council's transmission loading relief procedures.

Copies of this filing were served upon the parties to Docket No. ER00–1666.

Comment date: June 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–15484 Filed 6–19–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP00–51–000 and CP00–51–001]

East Tennessee Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Rocky Top Expansion Project, and Request for Comments on Environmental Issues

June 14, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction, testing, operation, and abandonment of facilities proposed in the East Tennessee Natural Gas Company (East Tennessee) Rocky Top Expansion Project in various counties of Virginia and Tennessee.[1] These facilities would consist of about 15.1 miles of pipeline, about 0.7 mile of pipeline replacements at seventeen road crossings, three new meter stations and a modification to an existing meter station, mainline valves, uprating of four compressor units and four meter stations, hydrostatic testing of about 26.7 miles of pipeline to increase the maximum allowable operating pressure (MAOP), and the abandonment of about 0.7 mile of pipeline. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner on East Tennessee's proposed route and receive this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice East Tennessee provided to landowners along and adjacent to those proposed route. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

This Notice of Intent (NOI) is being sent to landowners of property crossed by and adjacent to East Tennessee's amended facility locations and to the Commission's list of parties to the proceeding.

Summary of the Proposed Project

East Tennessee is proposing the Rocky Top Expansion Project to satisfy the growing demand for natural gas in the western Virginia and eastern Tennessee regions. The project would provide new firm service to meet increased market demand of specific customers as well as provide system-wide benefits. East Tennessee is requesting authorization to increase its pipeline capacity by a total of 35,068 dekatherms (Dth) per day through the installation of additional pipeline, hydrostatic testing to increase MAOP, pipeline replacement, compressor horsepower and meter station uprates, and installation of additional metering facilities.

East Tennessee proposes to construct the following new facilities on its 3300 and 3100 Lines:

[1] East Tennessee's original application was filed with the Commission on December 13, 1999, under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations. East Tennessee's amended application filed on May 10, 2000, changes the locations of the proposed Lenoir City and Etowah Meter Stations and proposes the installation of new relief valves, new mainline valves, and the replacement of mainline valves.

• About 15.1 miles of 12-inch-diameter pipeline loop [2] in Wythe, Smyth, and Washington Counties, Virginia;

• Four new meter stations—the Hawkins Meter Station in Greene County, Tennessee; the Lenoir City Meter Station in Roane County, Tennessee; the Etowah Meter Station in McMinn County, Tennessee; and a bi-directional meter station at the existing Citizens Meter Station in Morgan, County, Tennessee.

East Tennessee proposed to increase the MAOP of several sections on its 3100 and 3200 Lines through hydrostatic testing activities and pipeline replacements at road crossing:

• Uprate the MAOP of about 12.8 miles of 22-inch-diameter pipeline from main line valve (MLV) 3107–1A in Overton County, Tennessee to MLV 3108–1 in Fentress County, Tennessee, through hydrostatic testing, including pipeline replacements at six road crossings, and the installation of pressure control facilities at East Tennessee's Monterey Lateral;

• Uprate the MAOP of about 4.6 miles of 22-inch-diameter pipeline from MLV 3107–1 to MLV 3107–1A in Overton County, Tennessee, through hydrostatic testing of a pipeline replacement at one road crossing [3], and the installation of a new relief valve within valve section 3107;

• Uprate the MAOP of about 13.6 miles of 22-inch-diameter pipeline from MLV 3105–1 in Smith County, Tennessee to MLV 3105–1E2 in Jackson County, Tennessee, through hydrostatic testing, including pipeline replacement at ten road crossings, the installation of pressure control facilities at East Tennessee's Carthage Lateral, and the installation of a new relief valve, four new MLVs, and the replacement of four MLVs within valve section 3105;

• Uprate the MAOP of the 0.3 mile dual 10-inch-diameter Tennessee River pipeline crossing in Hamilton County, Tennessee, through hydrostatic testing of the crossing, and the relocation of the river crossing valve assemblies; and

• Uprate the MAOPs of four existing meter stations on the 3200 Line in Hamilton County, Tennessee.

East Tennessee also proposes an uprate of horsepower (hp) at two compressor stations:

• Uprate of two turbine units from 1,000 hp to 1,450 hp, and one unit from 1000 hp to 1,360 hp at Station 3101 in Robertson County, Tennessee, and

• Uprate of the single turbine unit from 1,360 hp to 1,590 hp at Station 3210 in Marion County, Tennessee.

East Tennessee also proposes to replace 0.7 mile of pipeline at the seventeen road crossings in order to meet the applicable U.S. Department of Transportation strength and safety regulations applicable to the higher MAOP. As such, East Tennessee proposes to abandon by removal 0.6 mile and abandon in place 0.1 mile of pipeline to effect this replacement.

The general location of East Tennessee's proposed facilities is shown on the map attached as appendix1.[4]

Land Requirements for Construction

Proposed Pipeline Looping—Virginia: Construction of East Tennessee's proposed pipeline facilities would require about 235 acres of land. East Tennessee proposes to use a 100-foot-wide construction right-of-way, and retain a 50-foot wide permanent pipeline right-of-way. Total land requirements for the permanent right-of-way would be about 91 acres.

Proposed MAOP Increase and Hydrotest—Tennessee: The replacement of seventeen road crossings associated with the MAOP increase and the hydrostatic testing of about 26.7 miles of pipeline would affect about 57 acres of land needed during construction and to install the proper facilities for testing, and would require about 7 acres of land during operation. About 2.4 acres of land would be disturbed during the relocation of the existing valves at the Tennessee River Crossing, of which about 0.2 acre would be permanently affected. All temporary work space would be allowed to revert to its original land use.

Proposed Meter Stations and Pressure Control Facilities—Tennessee: Construction of three new meter stations would affect about 2 acres of land and would require about 0.8 acre of land during operation. About 0.2 acre of land within an existing meter station would be affected by the installation of a bi-directional meter. East Tennessee would disturb about 1 acre of land in the hydrostatic testing of its four existing meter stations, with no additional land required for operation. The installation of the Pressure control facilities would require about 1.8 acres of land within the existing permanent right-of-way and would require no additional permanent operating acreage.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [5] to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this NOI, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, elected officials, affected landowners, regional public interest groups, Indian tribes, local newspapers and libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by East Tennessee. This preliminary list of issues may be changed based on your comments and our analysis.

• Geology and Soils

—Potential geologic hazards.

—Crossing of erosion prone soils.

• Water Resources and Wetlands

—Impact on groundwater and surface water resources.

—Impact on wetland hydrology.

• Biological Resources

[2] A loop is a segment of pipeline that is installed adjacent to an existing pipeline and connected to it on both ends. The loop allows more gas to be moved through the pipeline system.

[3] In 1999, as part of the Virginia Expansion Project (Docket No. CP98–40–000), this 4.6 mile section was uprated by hydrostatic testing and replacing pipeline at all of the road crossings in this section, except for one

[4] The appendices referenced in this notice are not being printed in the **Federal Register.** Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendixes were sent to all those receiving this notice in the mail.

[5] ''We,''''us,'' and ''our'' refer to the environment staff of the Office of Energy Projects, part of the Commission staff.

—Impact on wildlife and fishery habitats.
—Potential impact on Federal- and State-listed threatened or endangered species.
• Cultural Resources
—Effect on prehistoric and historic sites.
—Native American concerns.
• Land Use
—Impact on residential areas (7 residences within 50 feet of the construction work area in Virginia and 1 residence within 50 feet of the construction work area in Tennessee).
—Impact on public lands and special use areas including the Tennessee River Park.
—Visual effect of the new aboveground facilities on surrounding areas.
• Air and Noise Quality
—Impacts on local air quality and noise environment as a result of the operation of the uprated horsepower units at existing Compressor Stations 3101 and 3210.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Environmental Gas Group 1, PJ–11.1;

• Reference Docket Nos. CP00–51–000 and CP00–51–001; and

• Mail your comments so that they will be received in Washington, DC on or before July 14, 2000.

[If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be removed from the environmental mailing list.]

Becoming an Intervener

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–15481 Filed 6–19–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[IL 200, IN 130, WI 97–01–7328; FRL–6719–6]

Adequacy Status of Chicago, IL, Northwest Indiana, IN, and Milwaukee, WI in Submitted Ozone Attainment Demonstrations for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this document, EPA is notifying the public that EPA has found that the motor vehicle emissions budgets in each of the three Lake Michigan area ozone attainment demonstrations are adequate for transportation conformity purposes. The three areas affected are: Chicago, Illinois; Northwest Indiana (Lake and Porter Counties), Indiana, and Milwaukee, Wisconsin. On March 2, 1999, the D.C. Circuit Court ruled that submitted State Implementation Plans (SIPs) cannot be used for transportation conformity determinations until EPA has affirmatively found the motor vehicle emission budgets adequate. We have made that finding in letters to the States affected and are providing notice to the public in this **Federal Register**. As a result of our finding, Chicago, Northwest Indiana and Milwaukee can use the motor vehicle emissions budgets from their submitted ozone attainment demonstrations for future transportation conformity determinations. The motor vehicle emissions budgets are for two pollutants, volatile organic compounds (VOC) and oxides of nitrogen (NOx), that combine to form ground level-ozone. Ozone can cause inflamation of the lungs, decrease lung capacity, and aggravate asthma. These budgets are effective July 5, 2000.

FOR FURTHER INFORMATION CONTACT: The finding and the response to comments will be available at EPA's transportation conformity website: *http://www.epa.gov/oms/traq,* (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Ryan Bahr, Environmental Engineer, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4366, bahr.ryan@epa.gov.

SUPPLEMENTARY INFORMATION:

Background:

Throughout this document, whenever ''we,'' ''us'' or ''our'' is used, we mean EPA. Today's notice is simply an announcement of a finding that we have already made. EPA Region 5 sent letters to the Illinois Environmental Protection Agency on March 24, 2000, and May 31, 2000, stating that both the VOC and NOx motor vehicle emissions budgets in the Chicago, Illinois submitted ozone attainment demonstration for 2007 are adequate. EPA sent similar letters to the Indiana Department of Environmental Management on May 8, 2000, and May 31, 2000. Similar letters were sent to the Wisconsin Department of Natural Resources on May 1, 2000, and May 31, 2000.

Before making these findings, we opened a 30 day public comment period for the adequacy of mobile source vehicle emission budgets in the States' submittals. No comments were received during this comment period. However, there were comments received during the comment period relating to the proposed conditional approval of the attainment demonstration SIPs. After examining those comments, we determined that several applied to the adequacy process and while they were not submitted during the adequacy comment period, they should be addressed. We responded to these comments and issued supplemental letters to Illinois, Indiana, and Wisconsin finalizing the adequacy findings on May 31, 2000. All three letters found that the VOC and NOx motor vehicle emissions budgets in the submitted ozone attainment demonstrations for 2007 are adequate. These findings and the response to comments will also be announced on EPA's conformity website: *http://www.epa.gov/oms/traq,* (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for transportation conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudge EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP motor vehicle emission budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 8, 2000.

Norman Niedergang,

Acting Regional Administrator, Region 5.

[FR Doc. 00–15508 Filed 6–19–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6719–5]

Drinking Water Utilities Team; Strategic SDWA Compliance Planning for Small Systems Workshops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; announcement of Workshops on Strategic SDWA Compliance Planning for Small Systems.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has scheduled a series of one-day workshops on ''Strategic SDWA Compliance Planning for Small Systems'' for consulting engineers, state regulatory agency staff, and other individuals who provide advice or assistance to small water systems. Water system managers and decision-makers are also encouraged to attend. The agency is conducting these workshops in cooperation with the Association of State Drinking Water Administrators, American Consulting Engineers Council, American Water Works Association, National Association of Regulatory Utility Commissioners, National Association of State Utility Consumer Advocates, National Association of Water Companies, National Drinking Water Clearinghouse, National Rural Water Association, Rural Community Assistance Program, and U.S. Department of Agriculture—Rural Utilities Service. One workshop will be offered in each EPA Region. There will be no teleconferencing available at any of these workshops.

The purpose of the workshops is to offer approaches designed to assist small systems in understanding the full range of challenges and opportunities they face in the very near future. Acknowledging the increasing regulatory burden to be faced by small systems, the workshops will cover issues such as: source water supply and protection; existing infrastructure repair and replacement; system organizational structures; new regulations; technologies for compliance; and financial issues. Specific tools and techniques to assist systems in identifying and prioritizing strategic issues and to identify optimum solutions will also be presented.

Included on the agenda for these workshops will be:

Strategic Planning in the 21st Century

Internal System Assessment

- Existing Infrastructure
- Technical, Financial, and Managerial Capacity

Assessing External Challenges

- New Regulations
- Treatment Technology for regulatory compliance
- Source Water Supply
- Competition

Assessing External Opportunities

- Partnerships
- Source Water Protection
- Resources
- Public Awareness

Identifying Options and Determining Optimum Solutions

DATES: All workshops will be held from 8 a.m. to 5 p.m. The schedule for the workshops is as follows:

June 27—DoubleTree Riverfront Hotel, 50 Warren Street, Lowell, MA 01852, Phone #: 978–452–1200; For group rate, must contact hotel by June 12

June 28—Desmond Hotel and Conference Center, Albany, NY 12211, 800–448–3500; For group rate, must contact hotel by June 13

June 29—The Venice Inn, 431 Dual Highway, Hagerstown, MD 21740, Phone #: 301–733–0830; For group rate, must contact hotel by June 15 301–733–0830

July 12—Clarion Hotel, 3601 N. Desert Drive, Atlanta, GA 30344, Phone #: 404–762–5566; For group rate, must contact hotel by June 21

July 13—Radisson Hotel Dallas, 1893 West Mockingbird Lane, Dallas, TX 75235, Phone #: 888–588–9846; For group rate, must contact hotel by June 21

July 26—Radisson Hotel Lincolnwood, 4500 W. Touhy Ave., Lincolnwood, IL 60646, Phone #: 847–677–1234; For group rate, must contact hotel by July 4

July 27—Hilton St. Louis Airport, 10330 Natural Bridge Road, St. Louis, MO 63134, Phone #: 314–426–5500; For group rate, must contact hotel by July 7

August 15—Holiday Inn Denver International Airport, 15500 E. 40th Ave., Denver, CO 80239, Phone #: 303–371–9494; For group rate, must contact hotel by July 15)

August 16—Cathedral Hill Hotel, 1101 Van Ness Ave., San Francisco, CA 94109, Phone #: 800–622–0855 or 415–776–8200; For group rate, must contact hotel by July 18

August 17—Radisson Hotel Seattle Airport, 17001 Pacific Highway, So., Seattle, WA 98188, Phone #: 206–244–6000; For group rate, must contact hotel by July 16

FOR FURTHER INFORMATION CONTACT: To register for any of the workshops, please contact the Safe Drinking Water Act Hotline at 1–800–426–4791. For additional information, please visit our web site at http://www.epa.gov/safewater.html or contact Peter E. Shanaghan, Team Leader, Drinking Water Utilities Team, U.S. EPA, Office of Ground Water and Drinking Water (4606), 1200 Pennsylvania Avenue, NW.,Washington, DC 20460 at 202–260–5813.

Dated: June 13, 2000.

Janet Pawlukiewicz,

Acting Director, Office of Ground Water & Drinking Water.

[FR Doc. 00–15507 Filed 6–19–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1329–DR]

New Mexico; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Mexico FEMA–1329–DR, dated May 13, 2000, and related determinations.

EFFECTIVE DATE: June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective June 9, 2000.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 00–15502 Filed 6–19–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1309–DR]

U.S. Virgin Islands; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the U.S. Virgin Islands (FEMA–1309–DR), dated November 23, 1999, and related determinations.

EFFECTIVE DATE: June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 9, 2000, the President concurred with the Director's recommendation to adjust the cost sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), and the Insular Areas Act (10 U.S.C. 1469a (d) in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in the U.S. Virgin Islands, resulting from Hurricane Lenny on November 16–20, 1999, is of sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements for Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (Stafford Act).

Therefore, I concur with your recommendation to amend my declaration of November 23, 1999 to authorize Federal funds for the Individual and Family Grant, Public Assistance, and Hazard Mitigation Grant Programs at 90 percent of total eligible costs.

Please notify the Federal Coordinating Officer of this amendment to my major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–15501 Filed 6–19–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL LABOR RELATIONS AUTHORITY

Notice of Opportunity to Attend Focus Group Meeting and/or Submit Written Comments Regarding the Quality of the Authority's Written Decisions and the Measures for Assessing That Quality

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of meeting and request for comments.

SUMMARY: The decisional component of the Federal Labor Relations Authority is evaluating the quality of the Authority's written decisions and the measures for assessing that quality. The Authority has established an internal Task Force to conduct this evaluation. The Task Force proposes to conduct a focus group meeting to solicit and consider customers' views on the quality of Authority decisions and measurements of such quality.

DATES: A meeting will be held at 10 a.m. on July 19, 2000, in Washington, DC. Written comments must be received on or before July 31, 2000.

ADDRESSES: The meeting will be held at the Federal Labor Relations Authority's Headquarters, 607 14th St. NW., Washington, DC 20424, 2nd Floor Agenda Room. Mail or deliver written comments to the Office of Case Control, Federal Labor Relations Authority, 607 14th Street, NW., Washington, DC 20424–0001.

FOR FURTHER INFORMATION CONTACT: For further information or to register for the meeting contact the Authority's Office of Case Control, at the address listed above or by telephone at (202) 482–6540. If you prefer to participate in a discussion with representatives from local unions and agency field offices during the meeting, please indicate your preference when you register.

SUPPLEMENTARY INFORMATION: Pursuant to the Government Performance and Results Act of 1993, Pub. L. 103–62, 107 Stat. 285, the Federal Labor Relations Authority has identified as a performance goal that it shall ''consistently comply with established quality standards (with) ongoing evaluation of the effectiveness of quality performance measures.'' The Chairman and Members of the Authority have established an internal Task Force to evaluate the quality of the Authority's written decisions and the measures for assessing that quality. To that end, the Authority will hold a meeting with interested persons to receive comments in response to the following questions:

- With what frequency and for what purposes do you read Authority decisions?
- Are you able to use easily Authority decisions as guidance regarding labor-management relations?
- What is your overall impression of the quality of the decisions?
- What specific comments do you have about the decisions' clarity, precision, length, format, timeliness, usefulness, and responsiveness to the issues raised?
- How would you define a high quality Authority decision?
- What, if any, changes would you make to the style, timing and/or content of the Authority's decisions?
- What are the measures of quality that you would recommend applying to Authority decisions?
- Do you have any other comments regarding the quality of Authority decisions?

You may also submit written comments in response to these questions. Written comments must be received on or before July 31, 2000, by the Office of Case Control, Federal Labor Relations Authority, at the address listed above.

Dated: June 15, 2000.

For the Authority.

Peter J. Constantine,

Director of Case Control.

[FR Doc. 00–15512 Filed 6–19–00; 8:45 am]

BILLING CODE 6727–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 5, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Tamara S. Jacobson, Rake, Iowa; to retain voting shares of Rake Bancorporation, Rake, Iowa, and thereby indirectly retain voting shares of State Savings Bank, Rake, Iowa.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Whipple Family Banking Limited Partnership, Arkadelphia, Arkansas; to acquire additional voting shares of Summit Bancorp, Inc., Arkadelphia, Arkansas, and thereby indirectly acquire additional voting shares of Summit Bank, Arkadelphia, Arkansas.

Board of Governors of the Federal Reserve System, June 15, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15527 Filed 6–19–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 14, 2000.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. First Graham Bancorp, Inc., Graham, Texas; to acquire 100 percent of the voting shares of First Bryson Bancorporation, Inc., Flower Mound, Texas; and thereby indirectly acquire First Security Bancshares of Delaware, Inc., Dover, Delaware; and First Security Bank, Flower Mound, Texas.

Board of Governors of the Federal Reserve System, June 14, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15449 Filed 6–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity

that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 5, 2000.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. CB Bancshares, Inc., Honolulu, Hawaii; to acquire Citibank Properties, Inc., Honolulu, Hawaii, and thereby holding and acquiring commercial and residential mortgage loans and mortgage backed securities, pursuant to Section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, June 15, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15526 Filed 6–19–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Meeting; Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12 noon, Monday, June 26, 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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 16, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–15700 Filed 6–16–00; 3:04 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 992 3202]

Riley Manufactured Homes, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 13, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: John Hallerud or C. Steven Baker, Federal Trade Commission, Midwest Region, 55 E. Monroe St., Suite 1860, Chicago, IL 60603–5701. (312) 960–5633.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to crease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 13, 2000), on the World Wide Web, at ''http://www.ftc.gov/ftc.formal.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposes Consent Order To Aid Public Comments

The Federal Trade Commssion has accepted an agreement to a proposed consent order from Riley Manufactured Homes, Inc., and its president, Dennis Ohnstad (''respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The Commission's complaint alleges that respondents' credit advertisements violated section 144 of the Truth in Lending Act, (''TILA''), 15 U.S.C. 1664, and Section 226.24 of Regulation Z, 12 CFR 226.24. Congress established statutory disclosure requirements for credit advertising under the TILA and directed the Federal Reserve Board (''Board'') to promulgate a regulation implementing such statute—Regulation Z. *See* 15 U.S.C. 1601–1667e; 12 CFR part 226.

According to the complaint, respondents' advertisements stated a rate of finance charge for financing the pubchase of manufactured homes but did not properly disclose the rate as an annual percentage rate, as required by Regulation Z. The complaint also alleges that respondents' credit advertisements stated a monthly payment amount or other ''triggering'' terms (the amount or percentage of any downpayment; the number of payments or the period of repayment; the amount of any payment;

or the amount of any finance charge), but failed to disclose the following information required by RegulationZ: the amount or percentage of the downpayment; the terms of repayment; and the annual percentage rate.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the proposed respondents from engaging in similar acts in the future. In particular, Part I of the proposed order prohibits respondents from: (A) Stating a rate of finance charge without disclosing the APR; (B) using triggering terms without providing the additional disclosures required by Regulation Z; and (C) failing to comply with TILA and Regulation Z. Part II of the proposed order requires respondents to maintain and make available records of compliance for five years. Part III requires respondents to distribute copies of the order to company personnel. Part IV requires respondents to notify the Commission of changes in corporate structure that may affect acompliance obligations under the proposed order. Part V requires the individual respondent to notify the Commission of changes in his employment status for three years. Part VI requires respondents to file compliance reports. Finally, Part VII sunsets the proposed order after twenty years.

The purpose of this analysis is to facilitate public comments on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–15471 Filed 6–19–00; 8:45 am]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office

ACTION: Notice of meeting in San Francisco on July 3, 2000.

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October, 1999, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will meet on Monday, July 3, from 9:00 AM to 3:00 PM (Pacific Coast Time) in San Francisco, California, in the Pacific Conference Room J (4th floor) of the San Francisco Marriott Hotel. The address of the hotel is 55 Fourth St., San Francisco, CA 94103. The telephone number is 415–896–1600. The meeting is being held in conjunction with the Professional Development Conference of the Association of Government Accountants.

The purpose of the meeting is to:

- Review and discuss the FY 1999 Consolidated Financial Statement,
- Discuss the status of the SFFAS 7 Implementation Guide, and
- Review changes to the Stewardship Exposure Drafts.

Any interested person may attend the meeting as an observer. Board discussion and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW., Room 6814, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. 92–463.

Dated: June 15, 2000.

Wendy M. Comes,

Executive Director.

[FR Doc. 00–15487 Filed 6–19–00; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00122]

Prevention and Control Micro-Nutrient Malnutrition; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC), Division of Nutrition and Physical Activity (DNPA) announces the availability of fiscal year (FY) 2000 funds for a sole source cooperative agreement program with the World Health Organization (WHO), Geneva, Switzerland, for the prevention and control of micro-nutrient malnutrition.

B. Eligible Applicant

Single Source

Assistance will be provided only to the World Health Organization (WHO) in Geneva, Switzerland. No other applications are solicited.

WHO is the most appropriate and qualified agency to conduct the activities under this cooperative agreement because; WHO (a) has demonstrated the necessary expertise and experience in technical, policy, and program issues relating to micro-nutrient malnutrition; (b) maintains relationships with officials of ministries of health and other policy makers throughout the region; and (c) serves as the source of international standards for nutritional status, including micro-nutrient status.

1. WHO supports micro-nutrient malnutrition intervention programs throughout the Eastern Mediterranean region. In the past 10 years WHO through WHO/EMRO has made progress in working towards the prevention of iron deficiency anemia (IDA) and the elimination of iodine deficiency disorders (IDD). WHO through WHO/EMRO identified flour fortification with iron and folate as the best preventive and most sustainable strategy for IDA, as bread and other wheat-flour products are widely consumed in the countries of region. Through regional workshops, WHO through WHO/ERMO has helped countries write action plans for flour fortification with iron and folate and at present six countries have either begun or are in the process of beginning flour fortification. Additionally, WHO through WHO/EMRO supports country-based salt iodization programs throughout the region which has had a significant impact on reducing the burden of iodine deficiency disorders.

2. The proposed program is strongly supportive of, and directly related to, the achievement of WHO through WHO/EMRO and the CDC/Micro-nutrient Malnutrition Program objectives for the prevention and control of micro-nutrient malnutrition.

3. WHO is the only organization within the Eastern Mediterranean Region that has demonstrated the experience and maintains relationships with officials of ministries of health throughout the region in order to coordinate micro-nutrient malnutrition programs.

C. Availability of Funds

Approximately $250,000 is available in FY 2000 to fund one award. It is expected that the award will begin on or about September 30, 2000 will be made for a 12-month budget period within a project period of up to two years.

D. Where To Obtain Additional Information

Business management technical assistance may be obtained from: Robert Hancock, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone

number (770)488–2746, Email address: RNH2@cdc.gov.

Program technical assistance may be obtained from: Ibrahim Parvanta, Division of Nutrition and Physical Activity, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, Atlanta, GA 30341, Telephone Number (770) 488–5865, Email address: ixp1@cdc.gov.

Dated: June 13, 2000.

John L. Williams,

Director, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).

[FR Doc. 00–15461 Filed 6–19–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00128]

Rural Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) Prevention and Education Project; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC 2000 funds for a cooperative agreement program for Rural HIV/AIDS Prevention and Education. This program addresses the ''Healthy People 2010'' focus area of HIV Prevention. For the conference copy of ''Healthy People 2010'', visit the internet site: http//www.health.gov/healthy people. The purpose of the program is to support the following activities: (1) An information exchange program among health and education officials in local and State government concerning HIV prevention in non-urban areas; (2) HIV prevention program and policy development; and (3) the provision of technical assistance to community-based organizations (CBOs), local and State health departments, and others involved in health promotion and disease prevention activities to persons in non-urban areas.

B. Eligible Applicants

Assistance will be provided only to the Rural Center for AIDS and STD Prevention (RCAP) at Indiana University. No other applications are solicited. [This is consistent with Senate Appropriations language for the Labor, Health and Human Services, Centers for Disease Control and Prevention regarding HIV for Fiscal Year 2000 which encourages CDC to sustain the Rural Center for AIDS and STD Prevention so it may continue its efforts in rural communities through prevention specialists.]

Eligibility is limited to RCAP because it is the only national organization in the country that solely focuses on HIV and Sexually Transmitted Diseases (STD) prevention in rural communities. RCAP was created specifically to promote HIV/STD prevention in rural America, with the goal of reducing HIV/AIDS. RCAP has served as a policy-development and capacity-building organization in intergovernmental affairs for more than five years and has as one of its major objectives the sharing of information between local governments.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $250,000 is available in FY 2000, to fund one award. It is expected that the award will begin on or about September 30, 2000 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

Funds may not be used to supplant or duplicate existing funding.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under 1. ''Recipient Activities'', and CDC will be responsible for the activities listed under 2. ''CDC Activities'.

1. Recipient Activities

a. Identify and evaluate HIV prevention policies, practices, procedures, programs, and processes that are considered to be effective in rural areas.

b. Assist representatives of rural communities in identifying and evaluating mechanisms to incorporate HIV prevention into their short-and long-range plans.

c. In collaboration with other agencies, develop prevention education materials and guidelines, as well as technical and practical information warranted by new epidemiological, behavioral, or clinical discoveries that particularly have applications for rural areas.

d. Use existing information vehicles, *e.g.,* information exchange newsletters, capsule and technical assistance reports, case studies, information alerts, directories, conferences, workshops, and HIV/AIDS-related telecommunications networks in disseminating successful program elements.

e. Provide technical assistance to rural health and education officials and CBOs on HIV prevention program and management issues such as: grant writing, educational material development, and program development, implementation, and evaluation. Provide training to selected groups of rural prevention specialists, such as adolescent peer educators, through workshops and/or conferences.

f. Develop rural case studies that will enable: Community Planning Groups (CPGs), local health departments (LHDs) and CBOs to benefit from the experience of other organizations in the planning, development, implementation, and evaluation of community prevention planning processes, needs assessments, programs and related activities which are particularly relevant to rural areas.

g. Prepare abstracts, posters, oral presentations, and articles for publication in peer-reviewed journals.

h. Obtain information and materials through surveys of local school districts and health departments, other local government agencies, CBOs, CPGs, and other community entities concerning HIV/AIDS prevention-related funding, policies, practices, procedures, programs, and processes.

2. CDC Activities

a. Collaborate as needed/requested in the development of a dissemination plan so that practical and technical information related to rural HIV/AIDS prevention can be rapidly shared with appropriate government and health department officials, as well as CBOs and CPGs.

b. Assist as needed/requested in identifying (1) HIV prevention-related policies, practices, procedures, community needs and processes; (2) local health education/risk reduction programs that have demonstrated the capability to successfully serve the needs of rural populations with AIDS or HIV infection, sex and needle-sharing partners, high-risk populations, health-care providers, or the general public; and (3) other local HIV prevention-related efforts (*e.g.* community planning

or peer youth education) that offer valuable lessons to benefit others.

c. Collaborate as needed/requested in the planning of all workshops, conferences and other professional gatherings that serve a rural public health purpose, and provide speakers for meetings that are regional or national in scope.

d. Collaborate as needed/requested and give technical feedback to RCAP on drafts of all HIV-related materials intended for dissemination, including assistance in evaluation efforts of rural prevention programs.

e. Collaborate in the analysis and presentation of all materials for publication.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed under ''Section G, Evaluation Criteria.'' Therefore it is important to follow the specified criteria when designing your program plan. Provide a detailed plan for activities for the initial budget period and a more general plan for activities in Years 2 through 5 of the project period. Specifically:

1. Describe the need for and a plan to address the required recipient activities. This description should include the need for programs and activities that directly address HIV prevention gaps that have already been identified by non-urban areas of the nation.

2. Describe past experience in providing technical assistance, on a national scope, to State and local health and education agencies, CBOs and others engaged in HIV/AIDS and STD prevention and education activities.

3. Provide realistic, measurable, and time-phased objectives that are related to the purpose of this program and the Healthy People 2010 national objectives. Provide program objectives for the budget period (year 1) and the project period (5 years).

4. Describe the activities that will be carried out to accomplish the proposed objectives.

5. Provide a plan of evaluation that addresses each of the objectives and activities. Indicate how the evaluation findings will be used in program planning and decision making.

6. Provide a line item budget and justification that is consistent with the purpose of this program and the proposal submitted.

The narrative should be no more than 15 double-spaced pages, with one inch margins, printed on one side in 10 or 12 point font(s).

F. Submission and Deadline

Application

The applicant must submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available at the following Internet address: www.cdc.gov/...Forms, or in the application kit. On or before August 18, 2000, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: The application shall be considered as meeting the deadline if it is either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (The Applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Application: If the application does not meet the criteria in (a) or (b) above, it will be considered a late application. Subsequently, it will not be considered for funding and will be returned to the applicant.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by CDC:

1. Description of Need (25 points) The extent to which the applicant has described the need for a program to address rural HIV prevention needs and its ability to conduct HIV prevention activities and programs that will address the needs identified.

2. Program Plan and Objectives (25 points) The extent to which the application includes an achievable plan, with specific, measurable, and attainable objectives, for conducting project activities as described under the section ''Program Requirements, 1. Recipient Activities.''

3. Evaluation Plan (40 points) The extent to which the application includes reasonable and appropriate methods for evaluating the project's effectiveness.

4. Personnel Policies and Procedures (10 points) The extent to which the applicant demonstrates the existence and use of organizational policies and procedures requiring the hiring, training and assigning of qualified personnel to conduct and manage project activities.

5. Budget and Justification (not scored) The extent to which the budget is reasonable, clearly justifiable, and consistent with the intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. annual progress reports;

2. Financial Status Report (FSR), SF 269, no more than 90 days after the end of the budget period; and

3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–5 HIV Program Review Panel Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
AR–20 Conference Support

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 (a) of the Public Health Service Act, [42 U.S.C. section 241 (a)], as amended. The Catalog of Federal Domestic Assistance number is 93.939, HIV Prevention Activities—Non-Governmental Organizations.

J. Where To Obtain Additional Information

To obtain additional information, contact: Annie Harrison Camacho, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Room 3000, 2920 Brandywine Road, Mailstop E–15, Atlanta, Georgia 30341. Telephone number: (770) 488–2735. Email address: atc4@CDC.gov

Access to this information and all other CDC announcements are available on the CDC home page on the Internet: http://www.cdc.gov

For program technical assistance, contact: Mr. David Brownell, Division of HIV/AIDS Prevention, National Center

for HIV, STD, and TB Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road N.W., Mailstop E–35, Atlanta, Georgia 30333, Telephone: (404) 639–5200, Email: DFB2@CDC.gov

Dated: June 14, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–15463 Filed 6–19–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00109]

Cooperative Agreements for National Programs That Build the Capacity of Schools To Prevent Foodborne Illness Through Coordinated School Food Safety Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for cooperative agreements that establish a national program to assist the nation's schools and health departments to prevent foodborne illness through coordinated school food safety programs.

The purpose of this announcement is to develop a national program that builds the capacity of national non-governmental, non-profit organizations' constituents to help schools prevent foodborne illness. CDC recognizes that many state education agencies (SEAs) and local education agencies (LEAs) have implemented components of a coordinated school health program that addresses important health risk behaviors and health problems. This announcement provides support to national non-governmental, non-profit organizations to collaborate with state education agencies, state health agencies and others engaged in activities related to Coordinated School Health Programs to focus on foodborne illness prevention and school food safety.

CDC is committed to working collaboratively with the nation's state education and health agencies and to helping them implement comprehensive school health education as part of a coordinated school health program that can prevent the leading causes of death and disability. CDC is also committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the focus area(s) of Educational and Community-Based Programs. For the conference copy of ''Healthy People 2010'' , visit the internet site: http://www.health.gov/healthypeople.

B. Eligible Applicants

Assistance will be provided only to national organizations that are private health, education, or social service agencies (professional, or voluntary); and must qualify as a non-profit 501 (c)(3) entity. Priority will be given to organizations whose constituencies have a direct impact on the school food safety program including school food service professionals, school nurses, and administrators. Eligible applicants must have the capacity and experience to assist their local affiliates. Applicants and their local affiliates must have experience working with personnel from state and local education agencies, state or local health agencies, or other relevant agencies within the previous ten years that could contribute toward foodborne illness prevention efforts through coordinated school food safety programs. Eligible organizations must have affiliate offices or local/state/or regional membership constituencies in a minimum of 10 states and territories. Affiliate offices and local/state/or regional membership constituencies may not apply in lieu of, or on behalf of, their parent national office.

National organizations that are funded currently by CDC/Division of Adolescent and School Health (DASH) under program announcements 99023, and 97065, 00026,or 00037 are not eligible for this program announcement. A listing of CDC/DASH funded national organizations that are not eligible to apply is provided on the DASH website, http://www.cdc.gov/nccdphp/dash/.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $420,000 is available in FY 2000 to fund approximately three awards. It is expected that the average award will be $140,000, ranging from $125,000 to $155,000 and that the project period will be for 3 years. It is expected that the awards will begin on or about September 30, 2000. Funding estimates may change. Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under section 1 (Recipient Activities), and CDC will be responsible for conducting activities under section 2 (CDC Activities) as listed below:

1. Recipient Activities

a. Collaborate with constituents; state and local education, health, agriculture, and social service agencies; non-governmental partners; and federal government agencies to develop a national strategy to prevent foodborne illness within school-based food safety programs.

b. Establish specific, measurable, and realistic goals and objectives that reduce and or manage school foodborne illness outbreaks.

c. Establish an operational plan that includes collaborating with federal and state agencies and others engaged in coordinated school food safety program-related activities, in developing target-audience and discipline-specific training materials needed to effectively build the capacity of school personnel to implement a model coordinated school food safety program.

d. Specific activities can also include:

1. Build the capacity of constituents to better prevent school foodborne illness and implement a model coordinated school food safety program through participation in 3–4 training workshops facilitated by a State Education Agency;

2. Develop discipline-specific training materials for accompanying a model coordinated school food safety program for constituents;

3. Evaluate the effectiveness of the program in achieving goals and objectives;

4. Disseminate programmatic information through appropriate methods, such as:

a. Sharing materials that would reduce school foodborne illness through a variety of mechanisms (*e.g.* clearinghouses, conferences and/or workshops, newsletters, annual progress reports, etc.).

b. Sharing project-related news and information with State and Local Education Agencies, State Health Agencies, national organizations, and others through the Internet, other computer networks, the mail and at workshops and conferences;

5. Help schools, or other agencies that serve young people, conduct coordinated programs that prevent behaviors that place elementary through college-aged young people at risk for foodborne illness;

6. Collaborate with other national organizations to establish and maintain initiatives to prevent behaviors that place elementary through college-aged young people at risk for foodborne illness;

7. Educate and enable managers, leaders, teachers, school food service managers, school nurses, and decision makers who are members of the national organizations to act individually and collectively to support locally determined programs to reduce/manage school foodborne illness outbreaks;

8. Educate and enable families, media, businesses, and others in the community to act individually and collectively to support coordinated school health programs to reduce/manage school foodborne illness outbreaks;

9. Build the capacity of community agencies and parents to establish and/or maintain programs that reduce/manage school foodborne illness outbreaks;

10. Provide technical assistance and training to professionals and parents to use proven, effective strategies and programs to prevent behaviors that place elementary through college-aged young people at risk for foodborne illness.

11. Participate in national conferences to promote model coordinated school food safety programs.

12. Participate in CDC-planned meetings of national, state, and local education agencies and other appropriate agencies to address issues and program activities related to improving coordinated school health programs; and strengthen the capacity of post-secondary institutions and youth-serving agencies to prevent foodborne illness through coordinated school food safety programs.

2. CDC Activities

a. Provide and periodically update information related to the purposes or activities of this program announcement.

b. Coordinate with national, state, and local education, health and social service agencies as well as other relevant organizations in planning and conducting national strategies designed to prevent foodborne illness through coordinated school food safety programs.

c. Provide programmatic consultation and guidance related to program planning, implementation, and evaluation; assessment of program objectives; and dissemination of successful strategies, experiences, and evaluation reports.

d. Plan meetings of national, state, and local education agencies and other appropriate agencies to address issues and program activities related to improving coordinated school health programs; and strengthen the capacity of postsecondary institutions and youth-serving agencies to prevent foodborne illness through coordinated school food safety programs.

e. Assist in the evaluation of program activities.

E. Application Content

Use the information in the Purpose, Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow the criteria as you construct your program plan. The narrative should be no more than twenty (20) double-spaced pages, printed on one side, with one inch margins, and unreduced font.

1. Background (No More Than 4 Pages)

a. Describe your organization's current structure (mission, goals and its primary constituency). Describe how that structure can support school-based food safety programs that are part of a coordinated school health program, including the potential role of your organization's primary constituency in a school food safety initiative. Identify current gaps in the existing structure and implementation of school-based food safety programs and discuss how your constituency can enhance the state and local education agencies' ability to deliver an optimal food safety program.

b. Describe your organization's constituency experience in assisting the state education, state health and state agriculture departments' current school food safety program. Include in your description constituency experience assisting these agencies' use of existing protocols, training, and educational materials available from the USDA and FDA related to food safety and foodborne illness outbreaks. Describe barriers within state and local education agencies to effectively reporting foodborne illnesses and outbreaks and indicate how your organization and constituency can build that capacity.

c. Describe your organization's experience in developing and implementing policy related to food safety programs and reporting school-based foodborne outbreaks. Discuss potential limitations to existing policies and describe, if any, the need for new policies that address school food safety and the prevention of foodborne illness.

d. Describe your organization's experience in developing and implementing model policy, curricula, training programs, surveillance activities, and evaluation protocols. Describe your organization's experience providing technical assistance and training.

2. Operational Plan (No More Than 8 Pages)

a. Provide short-term (1-year) and long-term (3-year) objectives for the proposed project that build the capacity of coordinated school food safety programs nationwide. The objectives must be specific, time-phased, measurable, and realistic. The proposed objectives should compliment ongoing activities related to ''From Farm to Table: A National Food Safety Initiative'' (see the U.S. government food safety information gateway website http://www.foodsafety.gov for more information on activities related to the National Food Safety Initiative).

b. Submit a plan that proposes first year activities to build the capacity of your organization and others to implement a model food safety program designed to prevent foodborne illness in schools. Include a time-line for the completion of each component or major activity that describes who will do what by when. Examples of acceptable activities can include, but are not limited to the Recipient Activities Described in Section D Program Requirements.

3. Administration and Management (No More Than 2 Pages)

a. Describe how the proposed professional staff will contribute to the overall school food safety program. Describe how the current or proposed placement of each staff will assure that program implementation among state education, health, and agriculture agencies, their affiliates, and partners is coordinated with your organization's constituents.

b. Demonstrate that existing or proposed professional staff have or will have the necessary background and qualifications for the proposed responsibilities. Indicate how your organization can ensure that for each professional working on the project, their position description requires the appropriate level of education and experience related to the level of responsibility and expected duties. A curriculum vitae (no more than two pages for each professional staff) should be included in an appendix to the

application for existing staff who are assigned to this project.

c. In an appendix to the application, provide an organizational chart that identifies lines of communication, accountability, reporting, authority, and describes management and control systems within your organization.

4. Collaboration (No More Than 2 Pages)

a. Describe the organization's current collaboration with states' health, education, and agricultural departments. Describe your organization's collaboration with other federal agencies, national non-profit organizations, foundations, community-based groups, and others who have an interest in or whose mission includes food safety programs, whether their efforts are school-based or not. Discuss how your collaborative relationship can strengthen this project. Indicate who you propose to collaborate with to implement the proposed Operational Plan. Include letters of participation and support documenting these anticipated collaborations. In particular, describe how the proposed activities compliment or build on existing food safety programs.

b. Describe collaborative activities or anticipated relationships with other national organizations who support school-based health education programs. Include letters of participation and support documenting these anticipated collaborations. In particular, describe how your organization can compliment the activities of existing national organizations and how their expertise can support this proposed project.

5. Evaluation Plan (No More Than 2 Pages)

Describe plans to evaluate progress in meeting objectives and conducting activities during the budget period. Specify what data will be obtained and present a plan that includes how the data will be obtained, disseminated, and used to improve the program. Indicate in the plan who will do what and when.

6. Budget and Justification (No More Than 2 Pages)

Provide a detailed budget and line-item justification for all operating expenses that are consistent with proposed objectives and planned activities. The budget should include funds for travel to two CDC meetings during the budget year.

F. Submission and Deadline

Application Content

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are in the application kit. Submit the application kit on or before August 1, 2000, to the Grants Management Specialist (GMS) identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications will be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing).

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following evaluation criteria by an independent review group appointed by CDC.

1. Background and Need (30 Points)

a. (10 points) The extent to which the applicant describes the current organizational structure, how that structure can support school-based food safety programs, and identifies current gaps in the existing structure of state agencies that decreases the states' ability to deliver an optimal food safety program.

b. (10 points) The extent to which the applicant discusses barriers within states to using existing resources that contribute to the prevention of foodborne illnesses, describes experience in assisting state education, state health and state agriculture departments' current school food safety programs and describes experience assisting state agencies' use of existing protocols, training, and educational materials.

c. (5 points) The extent to which the applicant describes experience in developing policy related to food safety programs and reporting school-based foodborne outbreaks, discusses gaps in the existing policy at the state level and discusses a proposal for new policy.

d. (5 points) The extent to which the applicant describes experience in developing and implementing model policy, curricula, training programs, surveillance activities, and evaluation protocol and describes your organization's experience providing technical assistance and training.

2. Operational Plan (30 Points)

a. (15 Points) The extent to which the applicant provides short-term (1-year) and long-term (3-year) objectives for the proposed project that build the capacity of coordinated school food safety programs nationwide. The objectives must be specific, time-phased, measurable, and realistic. The proposed objectives should compliment ongoing activities related to ''From Farm to Table: A National Food Safety Initiative'' (see the U.S. government food safety information gateway website, http://www.foodsafety.gov, for more information on activities related to the National Food Safety Initiative).

b. (15 points) The extent to which the applicant submits a plan that builds the capacity of its constituents and others to assist state and local education agencies in establishing a model school food safety program designed to prevent foodborne illness and includes a time-line for the completion of each component or major activity that describes who will do what by when. The extent to which the proposed activities are comparable to the identified Recipient Activities Described in Section D Program Requirements.

3. Administration and Management (15 Points)

a. (5 points) The extent to which the applicant provides job descriptions for existing and proposed professional positions and describes how the proposed professional staff will contribute to the overall school food safety program. To the extent to which the applicant describes how the current or proposed placement of each staff will assure that program implementation among state education, health, and agriculture agencies, their affiliates, and partners is coordinated with the organization's constituents.

b. (5 points) The extent to which the applicant demonstrates that existing or proposed staff have or will have the necessary background and qualifications for the proposed responsibilities and indicates how the organization can ensure that for each professional working on the project, their position description requires the appropriate level of education and experience related to the level of responsibility and expected duties. The extent to which the applicant provides a curriculum

vitae for existing staff who are assigned to this project.

c. (5 points) The extent to which the applicant provides an organizational chart that identifies lines of communication, accountability, reporting, authority, and describes management and control systems within the organization and discusses how the proposed placement of the project in the organization will increase its likelihood of success.

4. Collaboration (20 Points)

a. (15 points) The extent to which the applicant describes current collaboration with states' health, education, and agricultural departments, the organization's collaboration with other federal agencies, national non-profit organizations, foundations, community-based groups, and others who have an interest in or whose mission includes food safety programs, and discusses how the current collaborative relationships can compliment the proposed project. The extent to which the applicant indicates proposed collaborative relationships that will support the proposed operational plan and includes letters of participation and support documenting these anticipated collaborations especially with proposed activities.

b. (5 points) The extent to which the applicant describes collaborative activities or anticipated relationships with other national organizations who support school-based health education programs, and includes letters of participation and support documenting these anticipated collaborations. The extent to which the applicant describes how the organization can compliment the activities of existing organizations and how their expertise can support this proposed project.

5. Evaluation Plan (5 Points)

The extent to which the applicant describes their plan to evaluate progress in meeting objectives and conducting activities during the budget period including their ability to describe: (1) What data will be obtained; (2) how the data will be obtained; (3) how evaluation information will be disseminated; (4) how the evaluation data will be used to improve the program; and (5) who will implement the evaluation plan and when.

6. Budget and Justification (Not Scored)

The extent to which the budget is reasonable and consistent with the purposes and activities of the program.

H. Other Requirements

Technical Reporting Requirements

1. Provide CDC with original plus two copies of the progress report, submitted on an annual basis and due 90 days after the end of the budget period. The progress reports must include the following for each program, function, or activity involved:

- A comparison of actual accomplishments to the objectives established for the period;
- Documentation on why established objectives were not met; and
- A summary of the project's annual progress in achieving performance measures, which will be developed and established in collaboration with CDC during the first budget period.

2. Provide CDC with original plus two copies of the financial status report, no more than 90 days after the end of the budget period.

3. Final financial and progress reports, no more than 90 days after the end of the project period, should be sent to the business management contact listed in Section J, ''Where to Obtain Additional Information.''

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirement
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
AR–15 Proof of Non-Profit Status
AR–20 Conference Support

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), 311(b) and (c), and 317 (k)(2) [42 U.S.C. 241(a), 243(b) and (c), and 247b(K)(2)] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.938.

J. Where To Obtain Additional Information

If you have questions after reviewing the contents of all documents, business management technical assistance may be obtained from: Jesse Robertson, Grants Management Specialist, Grants Management PA00109, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Rd, M/S E18, Atlanta, Georgia 30341–4146, telephone (770) 488–2747, jtr4@cdc.gov.

This and other CDC announcements can be found on the CDC Homepage Internet address: http://www.cdc.gov Also, CDC Guidelines to Promote Healthy Eating: http://www.cdc.gov/nccdphp/dash/nutguide.htm and CDC Guidelines to Promote Physical Activity: http://www.cdc.gov/nccdphp/dash/physact.htm

For program technical assistance, contact: Pete Hunt, Chief, School Program Section, Program Development and Services Branch, Division of Adolescent and School Health, National Center for Chronic Disease Prevention and Health Promotion, Announcement 00109, Centers for Disease Control and Prevention, 4770 Buford Highway, NE MS K31, Atlanta, GA 30341, telephone: 770–488–3253, pch0@cdc.gov.

Dated: June 13, 2000.

John L. Williams,

Director, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).

[FR Doc. 00–15462 Filed 6–19–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1311]

Agency Information Collection Activities; Proposed Collection; Comment Request; Export of Medical Devices—Foreign Letters of Approval

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on collection of information requirements for reporting requirements for firms that intend to export certain unapproved medical devices.

DATES: Submit written comments on the collection of information by August 21, 2000.

ADDRESSES: Submit written comments on the collection of information to the

Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520) Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

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

Export of Medical Devices—Foreign Letters of Approval—Federal Food, Drug, and Cosmetic Act—21 U.S.C. 381(e)(2) (OMB Control No. 0910–0264)—Extension

Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 381(e)(2)) provides for the exportation of an unapproved device under certain circumstances if the exportation is not contrary to the public health and safety and it has the approval of the foreign country to which it is intended for export.

Requesters communicate (either directly or through a business associate in the foreign country) with a representative of the foreign government to which they seek exportation, and written authorization must be obtained from the appropriate office within the foreign government approving the importation of the medical device.

FDA uses the written authorization from the foreign country to determine whether the foreign country has any objection to the importation of the device into their country.

The respondents to this collection of information are companies that seek to export medical devices.

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

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

Statute	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act	20	1	20	2.5	50
Total					50

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

These estimates are based on the experience of FDA's medical device program personnel, who estimate that completion of the requirements of this collection of information should take approximately 2.5 hours to complete. Prior to the enactment of the Food and Drug Export Reform and Enhancement Act of 1996, FDA received approximately 800 requests from U.S. firms to export medical devices under section 801(e)(2) of the act. The enactment of the Food and Drug Export Reform and Enhancement Act of 1996 has greatly reduced the number of export permit requests made to the present estimated 20 per year.

Dated: June 14, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–15433 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4166]

Agency Information Collection Activities; Announcement of OMB Approval; Electronic Records; Electronic Signatures

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Electronic Records; Electronic Signatures'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezutto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 1, 1999 (64 FR 53392), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0303. The approval expires on May 31, 2003. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: June 14, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–15432 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0726]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; General Licensing Provisions: Changes to an Approved Application, Labeling, and Revocation and Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 20, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

General Licensing Provisions: Changes to an Approved Application, Labeling, and Revocation and Suspension (OMB Control Number 0910–0315)—Extension

Under Section 351 of the Public Health Services Act (PHS Act) (42 U.S.C. 262), manufacturers of biological products must submit a license application for FDA review and approval prior to marketing a biological product in interstate commerce. Licenses may be issued only upon showing that the establishment and the products for which a license is desired meet standards prescribed in regulations designed to ensure the continued safety, purity, and potency of such products. All such licenses are issued, suspended, and revoked as prescribed by regulations.

In part 601 (21 CFR part 601), § 601.2(a) requires a manufacturer of a biological product to submit an application with accompanying information, including labeling information, to FDA for approval to market a product in interstate commerce. Section 601.12(b), (c), and (d) requires applicants to follow specific procedures in informing FDA of each change, established in an approved license application, in the product, production process, quality controls, equipment, facilities, or responsible personnel depending on the potential for the change to have a substantial, moderate, minimal or no adverse effect on the safety or effectiveness of the product. Section 601.12(e) requires applicants to submit a protocol, or change to a protocol, as a supplement requiring FDA approval prior to distributing the product. Section 601.12(f)(1), (f)(2), and (f)(3) requires applicants to follow specific procedures in reporting labeling changes to FDA. Section 601.12(f)(4) requires advertising and promotional labeling and any changes to be reported to FDA. Section 601.45 requires applicants to submit to the agency for consideration, during the preapproval review period, copies of all promotional materials, including promotional labeling as well as advertisements. In addition to §§ 601.2 and 601.12, there are other regulations that relate to certain information submitted in a license application or supplement as follows: Part 640 (21 CFR part 640), specifically §§ 640.6, 640.17, 640.21(c), 640.22(c), 640.25(c), 640.56(c), 640.64(c), 640.74(a), and (b)(2); 21 CFR 660.51(a)(4) and 680.1(b)(2)(iii) and (c). The burden associated with the information collection requirements in these regulations is included in the burden estimate for § 601.2, reported under OMB Control No. 0910–0427, and § 601.12 in table 1 of this document. Sections 600.15(b) and 610.53(d) require the submission of a request for an exemption or modification regarding the temperature requirements during shipment and from dating periods, respectively, for certain biological products. Section 601.25(b) requests interested persons to submit, for review and evaluation by an advisory review panel, published and unpublished data and information pertinent to a designated category of biological products that have been licensed prior to July 1, 1972. Section 601.26(f) requests that licensees submit to FDA a written statement intended to show that studies adequate and appropriate to resolve questions raised about a biological product have been undertaken for a product if designated as requiring further study under the reclassification procedures. Section 601.5(a) requires a licensee to give notice of its intention to discontinue manufacture of a product or all products. Section 601.6(a) requires the licensee to notify selling agents and distributors upon suspension of its license, and provide FDA with records of such notification.

Form FDA 2567 is used by manufacturers of licensed biological products to submit labeling (e.g., circulars, package labels, container labels, etc.) and labeling changes for FDA review and approval. The labeling information is submitted with the form for license applications, supplements, or as part of an annual report. Form FDA 2567 is also used for the transmission of advertisements and promotional labeling. Form FDA 2567 serves as an easy guide to assure that the manufacturer has provided the information required for expeditious handling of their labeling by the Center for Biologics Evaluation and Research (CBER). For advertisements and promotional labeling, manufacturers of licensed biological products may submit to CBER either Form FDA 2567 or 2253. Form FDA 2253 was previously used only by drug manufacturers regulated by the Center for Drug Evaluation and Research. In August of 1998, FDA revised and harmonized Form FDA 2253 to enable the form to be used to transmit specimens of promotional labeling and advertisements for biological products as well as for prescription drugs and antibiotics. The revised, harmonized form updates the information about the types of promotional materials and the codes that are used to clarify the type of advertisement or labeling submitted; clarifies the intended audience for the advertisements or promotional labeling (e.g., consumers, professionals, news services); and helps ensure that the submission is complete.

The number of respondents is based on the estimated annual number of manufacturers that submitted the required information to FDA. There are an estimated 350 licensed biologics manufacturers. However, not all manufacturers will have any submissions in a given year and some may have multiple submissions. The

total annual responses is based on the estimated number of submissions (i.e., license applications, labeling and other supplements, protocols, advertising and promotional labeling, notifications) received annually by FDA. The rate of submissions are not expected to change significantly in the next few years. The hours per response are based on past FDA experience with the various submissions or notifications. Additional information regarding these estimates is provided below as necessary.

Under § 601.2(a), the total annual responses is based on the numbers of applications submitted to FDA for approval to market a biological product. The estimated burden hours include the time required to fill out the form and collate the documentation. The estimated burden hours to prepare the labeling information submitted with a license application are included in the burden hours to submit a license application that are reported under OMB Control No. 0910–0427.

Under § 601.12(f)(1), (f)(2), and (f)(3), the estimated burden hours include the time to prepare the supplement, fill out the form, and collate the documentation.

Under §§ 601.12(f)(4) and 601.45, manufacturers of biological products may use either Form FDA 2567 or Form FDA 2253 to submit advertising and promotional labeling. In fiscal year 1999, CBER received 3,784 submissions of advertising and promotional labeling from 114 manufacturers. FDA estimates that approximately 55 percent of those submissions were received with Form FDA 2567 resulting in an estimated 2,081 submissions by 63 manufacturers. The estimated burden hours include the time to prepare the submission, fill out the form, and collate the documentation. The burden hours for the remaining submissions received using Form FDA 2253 are reported under OMB Control No. 0910–0376.

Under §§ 601.12(b) through (d), and 601.12(e), the estimated burden hours include the time to prepare the appropriate supplement or protocol, respectively, and collate the documentation.

Under §§ 600.15(b) (21 CFR 600.15(b)) and 610.53(d), FDA receives very few requests for an exemption or modification to the requirements, therefore, FDA has estimated one respondent per year in table 1 of this document to account for the rare instance in which a request may be made. The estimated burden hours include the time to prepare the request for modification or exemption.

Under § 601.25(b)(3), FDA estimates no burden for this regulation because all requested data and information had been submitted by 1974. Under § 601.26(f), FDA estimates no burden for this regulation because there are no products designated to require further study and none are predicted in the future. However, based on the possible reclassification of a product, the labeling for the product may need to be revised, or a manufacturer, on its own initiative, may find further study necessary. As a result, any changes to product labeling would be reported under § 601.12. The information collection requirements for § 601.12 are reported under OMB control number 0910–0315.

Under § 601.5(a), the total annual responses are based on the estimated annual number of notifications received by FDA to discontinue either an establishment and/or product license(s). The estimated burden hours include the time to prepare and submit a letter of discontinuance.

Under § 601.6(a), the number of respondents (21) is based on FDA estimates that establishments would need to notify an average of 20 selling agents and distributors of such suspension, and provide FDA with the records of such notification. The number of respondents is based on the estimated annual number of suspensions by FDA of an establishment or product license(s). The estimated burden hours includes the time to prepare a notification letter and submit record of such notification to FDA.

In the **Federal Register** of March 7, 2000 (65 FR 12011), the agency requested comments on the proposed collections of information. No significant comments were received.

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

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR section	Form FDA No.	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
601.2(a)	2567 and 356h[2]	17	3.71	63	2	126
601.12(f)(1)	2567	12	1	12	40	480
601.12(f)(2)	2567	10	1	10	20	200
601.12(f)(3)	2567	70	1.43	100	10	1,000
601.12(f)(4) and 601.45	2567	63	33.03	2,081	10	20,810
601.12(b)(1) and (b)(3)	356h[2]	190	4.75	903	80	72,240
601.12(c)(1) and (c)(3)	356h[2]	98	2.60	255	50	12,750
601.12(c)(5)	356h[2]	34	1.21	41	50	2,050
601.12(d)	356h[2]	166	1.37	227	10	2,270
601.12(e)	356h[2]	14	1.43	20	20	400
600.15(b)	356h[2]	1	1	1	8	8
610.53(d)	356h[2]	1	1	1	8	8
601.25(b)(3)	NA	0	0	0	0	0
601.26(f)	NA	0	0	0	0	0
601.5(a)	NA	33	1	33	.33	11
601.6(a)	NA	2	10.50	21	.33	7
Total						112,360

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The burden hours for the use of Form FDA 356h are reported under OMB Control No. 0910–0427.

Dated: June 14, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–15429 Filed 6–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0505]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Substances Prohibited From Use in Animal Food or Feed; Animal Protein Prohibited in Ruminant Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by July 20, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Title: Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed—21 CFR Part 589—(OMB Control No. 0910–0339)—Extension

Description: This rule (§ 589.2000 (21 CFR 589.2000)) provides that protein derived from mammalian tissue (with some exceptions) for use in ruminant feed is a food additive subject to section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348). Proteins derived from animal tissues contained in such feed ingredients in distribution cannot be readily identified (i.e., species), by recipients engaged in the manufacture, processing and distribution, and use of animal feeds and feed ingredients.

Thus, under the agency's authority in section 701(a) of the act (21 U.S.C. 371(a)), to issue regulations for the efficient enforcement of the act, this rule places three general requirements on persons that manufacture, blend, process, distribute, or use products that contain or may contain protein derived from mammalian tissues and feeds made from such products. The first requirement is for cautionary labeling of these products with direct language developed by FDA. This labeling requirement is exempt from the scope of the PRA because it is a ''public disclosure of information originally supplied by the Federal Government for the purpose of disclosure to the public'' (5 CFR 1329.3(c)(2)).

The second requirement is for establishments to maintain and make available to FDA, records that are sufficient to track any material that contains protein derived from mammalian tissues (as defined in § 589.2000(a)(1)), throughout the material's receipt, processing, and distribution. Based on available information, FDA believes that maintenance of these records is a usual and customary part of normal business practices for these firms. Therefore, this recordkeeping requirement creates no additional paperwork burden.

The third requirement is that individuals or firms that manufacture, blend, process, or distribute both mammalian and nonmammalian materials must maintain written procedures to prevent commingling and cross-contamination. An estimate of the burden resulting from this recordkeeping requirement is provided in table 1 of this document. The estimate is based on the time required to develop written procedures.

Respondents to this collection of information are individuals or firms that manufacture, blend, process distribute, or use feed or feed ingredients that contain or may contain protein that may be derived from mammalian tissue.

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

TABLE1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Response	Total Annual Records	Hours per Record	Total Hours
589.2000(e)(1)(iv)	1,030	1	1,030	14	14,420

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

The estimated number of respondents, persons that separate mammalian and nonmammalian materials, is derived from inspections of firms handling animal protein intended for use in animal feed. The estimate of the time required for this recordkeeping requirement is based on agency records and communication with industry.

Dated: June 14, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–15430 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Biological Response Modifiers Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration

(FDA). The meeting will be open to the public.

Name of Committee: Biological Response Modifiers Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 13, 2000, 8:30 a.m. to 6 p.m. and July 14, 2000, 8:30 a.m. to 3 p.m.

Location: Hilton Hotel, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Gail Dapolito or Rosanna Harvey (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12389. Please call the Information Line for up-to-date information on this meeting.

Agenda: On July 13 and 14, 2000, the committee will discuss product development issues related to human stem cells as cellular replacement therapies for neurological disorders.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by June 30, 2000. Oral presentations from the public will be scheduled between approximately 9 a.m. and 10 a.m. on July 14, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before June 30, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 9, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–15431 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Nonprescription Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Nonprescription Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 12, 2000, 1 p.m. to 5:30 p.m.

Location: Holiday Inn, Versailles Ballrooms, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Sandra L. Titus, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or e-mail: TitusS@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12541. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss the remarketing and labeling of the Today® Vaginal Contraceptive Sponge, new drug application (NDA) 18–683, Allendale Pharmaceuticals. This product was approved by FDA in 1983, but has not been marketed since January 1995.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by July 6, 2000. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 6, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 9, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–15428 Filed 6–19–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Phase I of the National Evaluation of the Comprehensive Community Mental Health Services for Children and Their Families Program (0930–0171—Extension, revision)—The core and comparison studies of the evaluation collect information on child and family demographics, child mental health status, and service system development. In the core study, data were collected from children and families at intake into services, 6 months later, and every 12 months thereafter while the children remain in services. In the comparison study component, information is collected at intake, 6 months, 12 months, 24 months, and annually thereafter. In both studies, data were collected annually from grantees' administrators and providers.

SAMHSA's Center for Mental Health Services (CMHS) is seeking OMB approval for a 4-month extension of approval for the comparison study of this evaluation of integrated child mental health service systems funded by CMHS to allow sufficient follow-up data to be collected. The comparison study of the evaluation collects information on child and family demographics, and child mental health status and social functioning. The table below summarizes burden for this extension.

Respondent	Average number of respondents	Average number of responses	Average hours per response	Total burden
Currently approved				1493
Caregivers	400	.94	1.20	451
Youth	240	1.11	1.04	277
Administrators/providers	75	2.69	0.25	50
Total	715			778

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 13, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–15460 Filed 6–19–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Comprehensive Conservation Plan and Environmental Assessment for Flint Hills National Wildlife Refuge, Hartford, KS

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the Draft Flint Hills National Wildlife Refuge Comprehensive Conservation Plan and Environmental Assessment. This Plan describes how the FWS intends to manage the Flint Hills NWR for the next 10–15 years.

DATES: Submit written comments by July 20, 2000. All comments need to be addressed to: Adam Misztal, Refuge Planner, Land Acquisition and Refuge Planning, U.S. Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, CO 80225.

ADDRESSES: A copy of the Draft Plan may be obtained by writing to U.S. Fish and Wildlife Service, Flint Hills NWR, P.O. Box 128, Hartford, KS 66854 or download from http://www.r6.fws.gov/larp/.

FOR FURTHER INFORMATION CONTACT: Adam Misztal, U.S. fish and Wildlife Service, P.O. Box 25486 DFC, Denver CO 80225, 303/236–8145 extension 607: fax 303/236–8680: E–Mail: adam_misztal@fws.gov.

SUPPLEMENTARY INFORMATION: Flint Hills National Wildlife Refuge straddles the Neosho River in eastern Kansas. The area is dominated by complex resource management issues revolving around the flood control function of John Redmond Reservoir. Activities associated with agriculture, flood control, and public recreation have placed increasing demands on the landscape and identified the need for more responsible utilization of land and water resources that support the remaining native ecosystem components.

Flint Hills National Wildlife Refuge will continue to conserve habitat for the diverse array of native plants and animals that rely upon the resources of the Refuge for survival. This Plan describes the conservation activities that the Fish and Wildlife Service intends to carry out on Flint Hills NWR and other areas of the Neosho watershed.

Dated: June 8, 2000.

Patricia L. Smith,

Acting Regional Director, Denver, Colorado.

[FR Doc. 00–15465 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–10–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Decision and Availability of the Record of Decision Document for the Comprehensive Conservation Plan/Environmental Impact Statement for the Little Pend Oreille National Wildlife Refuge, Stevens County, Washington.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Decision and Availability of the Record of Decision Document for the Little Pend Oreille National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement.

SUMMARY: This notice makes available to the public the Record of Decision (ROD) for the Final Comprehensive Conservation Plan and Final Environmental Impact Statement (Final CCP/EIS) for Little Pend Oreille National Wildlife Refuge, Stevens County, Washington. Pursuant to Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1505.2), and U.S. Fish and Wildlife Service (Service) Comprehensive Conservation Plan policy, the Service issues this ROD upon consideration of the Final CCP/EIS prepared for the Proposed Action to Develop and Implement a Comprehensive Conservation Plan for the Little Pend Oreille National Wildlife Refuge. The Final CCP/EIS was released to the public on April 21, 2000. A notice of Availability of the Final CCP/EIS was published in the **Federal Register** on April 25, 2000 (65 FR 24221). The ROD which documents the selection of the Preferred Alternative as presented in the Final CCP/EIS, was signed by U.S. Fish and Wildlife Service Acting Regional Director Dan Diggs, on May 31, 2000. The determination was based on a thorough analysis of the environmental, social, and economic considerations presented in the FEIS.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding the Record of Decision or the Final CCP/EIS should be submitted to the Refuge Manager, Little Pend Oreille National Wildlife Refuge, 1310 Bear Creek Road, Colville, Washington 99114, phone (509) 684–8384. Copies of the CCP/EIS and this ROD may be obtained from the above address; or downloaded from http://www.r1.fws.gov/planning/plnhome.html.

SUPPLEMENTARY INFORMATION: The text of the Record of Decision follows.

Record of Decision for the Final Comprehensive Conservation Plan/Environmental Impact Statement for Little Pend Oreille National Wildlife Refuge

The U.S. Fish and Wildlife Service (Service) began the process of developing a management plan for the 40,198-acre Little Pend Oreille National Wildlife Refuge (Refuge) in 1995. The National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57) now requires that each national wildlife refuge be managed under a Comprehensive Conservation Plan. The

purpose of this Plan is to develop a vision for the Refuge and provide management guidance for protection, maintenance, restoration, and public use of Refuge resources during the next 15 years.

This Record of Decision (ROD) for the Final Comprehensive Conservation Plan/Environmental Impact Statement for Little Pend Oreille National Wildlife Refuge (final CCP/EIS) is a statement of the decision made, including, how the decision responds to primary issues, other alternatives considered, public involvement in the decision making process, and the basis for the decision.

Decision (Selected Alternative E)

The Refuge will implement Alternative E, which was identified as the alternative that best satisfies Refuge System and Service missions, as well as long-term management objectives in the final CCP/EIS. Alternative E recognizes both the need to protect natural and cultural resources and to provide opportunities for compatible recreational uses. Some guidelines and actions in Alternative E remain consistent with those presented in the draft CCP/EIS. Others were modified in the final CCP/EIS to respond to public comments and concerns.

The Service plans to manage the Refuge for the next 15 years through implementation of Alternative E. Key Refuge management components of Alternative E follow.

Forest Management. Restore natural forest structure and composition creating a mosaic of stands which approximate the Historic Range of Variability within each forest type. For the long-term, promote large tree size and stand development into mature and old stages over approximately 50 percent of the Refuge. Use precommercial and commercial thinning, selective harvest techniques, and prescribed fire. Suppress all wildfires outside of prescription. Promote protection of wildlife corridors and buffer zones with neighboring landowners and managers.

Riparian and Stream Management. Repair and improve roads that limit fish passage or cause excessive sedimentation, and plant and stabilize streambanks. In-stream flows take priority over diversion flows. Protect riparian areas, water bodies and fish bearing streams by enacting a 300-foot slope distance setback (600 feet, including both sides of a stream channel) or to the extent of the outer edges of the 100-year floodplain, whichever is greatest for dispersed camping, commercial thinning, and road construction.

Roadless Area. Manage the 5,520-acre roadless area in the southeast corner of the Refuge to protect the primitive roadless character and associated values. The roadless area will be studied further concurrent with development of the step-down Habitat Management Plan and the Public Use Management Plan to determine its suitability as a Wilderness Study Area.

Use of Old Fields. Plant up to 200 upland acres with crops to provide wildlife forage and wildlife viewing opportunities. Allow about 135 acres to revert to native vegetation, using prescribed fire and thinning to enhance natural succession. Maintain remaining upland openings with mowing, prescribed fire, and other methods.

Noxious Weed Management. Develop an integrated weed management plan to treat existing weeds, minimize new weed introduction, and prevent conditions that favor weed establishment and spread.

Entrances and Roads. Provide nine entrances and close minor entry points. Close or remove numerous selected roads as outlined in the road management criteria. The density of open roads in 14 subwatersheds is not to exceed 1.5 miles per square mile from April 15 to December 31 and 0.5 miles per square mile from January 1 to April 14. Close all roads except the County-maintained roads from January 1 to April 14.

Hunting. Expand quality hunting opportunities (spring turkey, grouse, and deer/elk bow hunts). A Refuge-wide hunting closure is retained from January 1 through August 31, with the exception of allowing hunting during the spring turkey season. The use of bait to hunt any wildlife on the Refuge as well as hound hunting for cougar, black bear, coyote, fox or bobcat, is prohibited. Specialized hunter education programs will be offered.

Wildlife Observation, Interpretation, and Photography. Increase available wildlife viewing, information, and opportunities and offer programs and events such as a summer youth program. Interpretation will focus on the natural and cultural history of the area.

Fishing. Continue current April through October fishing season and emphasize catch and release fishing in the Little Pend Oreille River. Increase opportunities for natural spawning in lakes. Continue stocking program in lakes with emphasis on native sources.

Camping. Allow camping in designated campgrounds from April 15 to December 31 and in designated dispersed sites only between October 1 and December 31. Close undesignated campsites located in riparian areas.

Horseback Riding. Develop an equestrian plan, specifically addressing overnight use, trails, feed, and maintenance.

Off-road Vehicles and Snowmobiling. Control illegal use with law enforcement patrols. Discontinue snowmobiling on all Refuge roads and lands except for passage through the Refuge on four miles of Olson Creek Road to Calispell Peak. Seek off-Refuge locations for the snowpark and trail to Calispell Peak.

Livestock Grazing. Eliminate the annual grazing program in five years and thereafter use grazing only as habitat management tool to achieve wildlife objectives.

Air Force Survival School. Phase out the use of the Refuge by the Air Force Survival School within five years.

Other Alternatives Considered

The draft and final CCP/EIS evaluated four other alternatives for the management of the Refuge, a brief summary of each follows.

Alternative A, the no action alternative. Make no changes to the prevailing practices and uses at the refuge.

Alternative B, restore wildlife habitat while managing existing public uses. This alternative combines an active forest and riparian restoration program with minimal change to existing public uses.

Alternative C, restore wildlife habitat while emphasizing priority public uses. This alternative adopts a greater emphasis on priority uses identified under the National Wildlife Refuge System Improvement Act of 1997 and eliminates or reduces non-priority uses. This alternative also incorporates a strong forest and riparian restoration program.

Alternative D, manage the Refuge as an ecological reserve and reduce human disturbances. This alternative minimizes human access and use of the refuge while conducting a moderate restoration program, with a greater emphasis on hydrologic restoration than other alternatives.

Actions common to all alternatives include the maintenance and protection of the Refuge's two Research Natural Areas; protection of the roadless area; management of other fee and easement parcels; continuation of annual payments to counties; continuation of timber salvage and firewood harvest; and cultural resource protection.

Public Involvement and Comments Received

Public comment has been requested, considered, and incorporated throughout the planning process in numerous ways. Public outreach included open houses, public meetings, plan work group meetings, a camping evaluation, planning update mailings, and **Federal Register** notices. Five previous notices were published in the **Federal Register** concerning this CCP/EIS (61 FR 65591, December 13, 1996; 63 FR 39884, July 24, 1998; 64 FR 24168, May 5, 1999; 64 FR 36712, July 7, 1999; 64 FR 46404, August 25, 1999 and 65 FR 24221 April 25, 2000).

Persons and organizations involved in the review process included: U.S. Forest Service; U.S. Natural Resource Conservation Service; U.S. Air Force; Washington Department of Fish and Wildlife; members of national, state and local conservation organizations; timber industry representatives; grazing permittees; inholders and neighboring landowners; and other interested citizens. Comments and concerns received early in the planning process were used to identify issues and draft preliminary alternatives. Preliminary alternatives were developed and public input sought through open houses and mailings. These alternatives generated 141 comments. During the Draft CCP/EIS comment period that occurred from May 5 to August 31, 1999, the Service received a total of 300 communications (letters, faxes, postcards, email messages, visits, or telephone calls) representing 327 persons. These comments were received from the following locations: Stevens County (42%), Spokane area (24%), other parts of Washington (22%), out of state (6%), and location unknown (5%). The Service also received three petitions signed by a total of 318 people.

All substantive issues raised in the comments have been addressed through revisions incorporated into the Final CCP/EIS text or responses contained in Appendix J of the Final CCP/EIS. These responses are incorporated by reference into the ROD.

Responses to Comments Received on the Final CCP/EIS

U.S. Congressman George R. Nethercutt, Jr. requested that the Service complete a risk takings analysis pursuant to Executive Order 12630, ''Government Actions and Interference with Constitutionally Protected Property Rights.'' This request was made specifically in the relation to the CCP/EIS proposal to eliminate the annual grazing program and cited several recent court cases. The Service researched property rights associated with water rights and found no valid claims associated with stock water rights or ditched rights of way. The Service concluded that eliminating an annual grazing program does not result in a constitutional taking and that Executive Order 12630 does not apply to federally owned lands within the Little Pend Oreille National Wildlife Refuge.

U.S. Senator Slade Gorton's Eastern Washington Director, Catherine O'Connell, called to question the science referenced in the evaluation of effects of Air Force training. The Service referenced the best available science in the CCP/EIS. While reactions to disturbance can and do vary by wildlife species, the weight of evidence indicates that aircraft disturbance can (under the right conditions) cause a variety of stress reactions to large mammals and raptors. Ms. O'Connell requested that the Air Force be allowed to continue using the Refuge if they desired, since their mission and stability is a national priority. The Service concludes that their use is not compatible with the purpose of the Refuge and that five years is a reasonable length of time for the Air Force to relocate in other suitable training locations.

Individuals representing the Kettle Range Conservation Group and the Pacific Biodiversity Institute requested that the Service reconsider its selection of a preferred alternative and encouraged more stringent measures to protect wildlife. These organizations questioned the preferred alternative's treatment of cattle grazing, Air Force training, snowmobiling, commercial logging, riparian buffers and riparian camping, open road density, and cumulative effects analysis. The commentators stated they thought the Service should be more aggressive in closing some of these activities. The Service's preference was to eliminate the existing annual cattle grazing program and Air Force training immediately. However, providing five years to phase out these long-term uses is determined to be a practical and reasonable approach to reduce impacts to affected parties. Stipulations to prevent further degradation from these uses will be incorporated in special use permits.

Regarding snowmobiling and protection of Canada lynx, the Service intends to work with neighboring land owners to seek an alternate snowmobile route off-refuge for access to Calispell Peak. Since the Service does not have sole jurisdiction and ownership of Olson Creek/Tacoma Creek Road, traditional ingress and egress will be allowed to continue. The lynx, a wide ranging species, requires landscape scale management and cooperation between landowners and land managing agencies. The Service will seek a landscape-scale solution to lynx protection.

Regarding the extent of riparian conservation buffers, the Service has reviewed the standards for riparian protection and agreed to increase the 200-foot distance recommended in the Final EIS, to 300 feet slope distance (600 feet, including both sides of the channel) for fish-bearing streams and lakes.

Regarding open road densities, the Kettle Range Conservation Group would like the Service to adopt a stricter road density standard for summer range (one mile per square mile). After reviewing this comment, it is decided that the CCP recommended road density standard will remain at 1.5 miles per square mile, consistent with State of Washington recommendation for white-tailed deer summer range. This will allow the Service flexibility in habitat restoration, forest management and fire management which are high priorities in the next 15 years. Over time, as forest habitat is restored to more stable and natural conditions, additional roads may be closed thus reducing summer road densities in future years.

Environmentally Preferable Alternative

The alternative which causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural, and natural resources is Alternative D. The focus of Alternative D was to manage the Refuge as an ecological reserve. The key components of the alternative were to promote habitat restoration, to restore aquatic conditions to natural states, and to effectively enlarge roadless areas in the eastern Refuge by reducing human intrusions. The alternative supported the priority uses established under the National Wildlife Refuge System Improvement Act of 1997, however, access for these uses was very restrictive. Only no-trace camping would be allowed. Other uses such as horseback riding, livestock grazing, and the Air Force survival training would be eliminated from the Refuge. Only four access points to the Refuge would be maintained. Many of the recommendations contained in Alternative D were opposed by a large number of public commentators.

Findings and Basis for Decision

Based upon review and careful consideration of—the impacts identified in the Final CCP/EIS; results of the various studies and surveys conducted in conjunction with the Draft and Final CCP/EIS; public comments received throughout the process including comments on the Draft and Final CCP/EIS; and other relevant factors including the purposes for which the Refuge was established by Executive Order and statutory and regulatory guidance—the Service finds that selecting Alternative E for implementation is appropriate for the following reasons.

Alternative E consists of the programs and facilities mentioned above;

Alternative E, as it is described in the Final CCP/EIS for the Little Pend Oreille National Wildlife Refuge, best accomplishes the establishing purposes of the Refuge and balances the statutory mission of the Service to provide long-term protection of the Refuge's resources, while allowing for appropriate levels of visitor use and appropriate means of visitor enjoyment. Alternative E also best accomplishes identified management goals and desired future conditions.

Alternative E represents the best balance between provision of habitat restoration, public access and recreation, and other programs, and public and agency concerns identified during the public participation process.

Based on an Intra-Service Section 7 evaluation, no state or federally listed endangered or threatened or endangered species or their critical habitats are known to be effected by the plan. Implementation of the decision would avoid any adverse impacts on wetlands and is not likely to adversely affect any endangered or threatened species, or result in destruction or adverse modification of critical habitat of such species. The determinations are: No effect to peregrine falcon; No effect to Utes ladies' tresses; and Not likely to adversely affect any of the following: bald eagle, gray wolf, grizzly bear, and Canada lynx.

No historic properties listed in or eligible for listing in the National Register of Historic Places are known to be affected by the plan.

The requirements of NEPA and the implementing regulations (40 CFR parts 1500–1508) have been satisfied.

Measures To Minimize Environmental Harm

Public concerns, potential impacts, and methods or stipulations to mitigate those impacts are addressed in the Final CCP/EIS. All practicable measures to avoid or minimize environmental impacts that could result from implementation of the selected action have been identified and incorporated into the selected action. Implementation of the selected action would avoid any adverse impacts on wetlands and any endangered or threatened species, or that would result in the destruction or adverse modification of critical habitat of such species. Mitigation measures called stipulations will be followed. They are documented in Appendix F, Compatibility Determinations for the Final CCP/EIS and are incorporated here by reference. These stipulations make public and other uses compatible with the purpose for which the Refuge was established. The referenced compatibility stipulations ensure that all practical means to avoid or minimize environmental harm from the Selected Alternative have been adopted.

The Service has considered the environmental and relevant concerns presented by agencies, organizations and individuals on the proposed action to develop and implement a Comprehensive Conservation Plan for the Little Pend Oreille National Wildlife Refuge. I have decided to implement Alternative E, the Service's preferred alternative. The ROD serves as the written facts and conclusions relied upon in reaching this decision.

Dated: May 31, 2000.

Daniel H. Diggs,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00–15466 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–026298

Applicant: Ana M. Gaisiner, San Diego, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the San Diego fairy shrimp (*Brachinecta sandiegonensis*) and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys in Riverside and San Diego Counties, California for the purpose of enhancing their survival.

Permit No. TE–796280

Applicant: Hydrozoology, Newcastle, California.

The permittee requests an amendment to take (harass by survey, collect and sacrifice) the San Diego fairy shrimp (*Brachinecta sandiegonensis*) and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE–838742

Applicant: Michelle M. Dohrn, Glendale, California.

The permittee requests an amendment to take (survey by pursuit) the El Segundo blue butterfly (*Euphilotes battoides allyni*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE–012136

Applicant: Oregon Department of Environmental Quality, Portland, Oregon.

The permittee requests an amendment to take (capture and handle) the Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*) in conjunction with surveys throughout each species' range in Oregon for the purpose of enhancing their survival.

Permit No. TE–026656

Applicant: Barry A. Prigge, North Hollywood, California.

The applicant requests a permit to remove and reduce to possession specimens of *Astragalus jaegerianus* in conjunction with scientific research throughout the species' range for the purpose of enhancing its survival.

Permit No. TE–018180

Applicant: National Park Service, Point Reyes, California

The permittee requests an amendment to remove and reduce to possession specimens of *Alopecurus aequalis* var. *sonomensis* in conjunction with research and the collection of voucher specimens throughout the species' range for the purpose of enhancing its survival.

Permit No. TE–026659

Applicant: Ventana Wilderness Society, Carmel Valley, California.

The applicant requests a permit to take (capture, handle, mark, and release)

the California condor (*Gymnogyps californianus*) in conjunction with reintroduction actions throughout the species' range for the purpose of enhancing its survival. These activities were previously authorized under subpermit VENTWS–10.

Permit No. TE–026932

Applicant: Darlene B. Woodbury, Santa Maria, California.

The applicant requests a permit to take (locate and monitor nests) the California least tern in conjunction with monitoring activities in San Luis Obispo and Santa Barbara Counties, California for the purpose of enhancing its survival.

Permit No. TE–027425

Applicant: Michael D. White, Encinitas, California.

The permittee requests an amendment to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE–028233

Applicant: Jonathan Stead, Oakland, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE–028228

Applicant: Richard H. Rohrbeck, Romeo, Michigan

The applicant requests a permit to purchase, in interstate commerce, two female and two male captive bred Hawaiian (=nene) geese (*Nesochen* [=*Branta*] *sandvicensis*) for the purpose of enhancing the species propagation and survival.

Permit No. TE–843449

Applicant: Richard J. Eisenbart, San Diego, California.

The permittee requests an amendment to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE–702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The permittee requests an amendment to take the O'ahu 'elepaio (*Chasiempis sandwichensis ibidis*) throughout the species' range in conjunction with recovery efforts for the purpose of enhancing its propagation and survival.

Permit No. TE–027422

Applicant: Brian T. Pittman, Oakland, California.

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys in northern California for the purpose of enhancing their survival.

Permit No. TE–829250

Applicant: Hawaii Wildlife Fund, Laie, Hawaii.

The permittee requests an amendment to take (capture, mark, collect eggs, and relocate eggs) of the hawksbill sea turtle (*Eretmochelys imbricata*) in conjunction with scientific research on the islands of Molokai and Hawaii, for the purpose of enhancing its survival.

Permit No. TE–807078

Applicant: Point Reyes Bird Observatory, Stinson Beach, California.

The permittee requests an amendment to take (harass, capture and band) the California least tern (*Sterna antilluarum browni*) in conjunction with monitoring in Alameda County, California for the purpose of enhancing its survival.

Permit No. TE–795934

Applicant: Jones and Stokes Associates, Sacramento, California.

The permittee requests an amendment to take (capture) the Fresno kangaroo rat (*Dipodomys nitratoides exilis*) in conjunction with population studies throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE–797267

Applicant: H.T. Harvey and Associates, San Jose, California.

The permittee requests an amendment to take (harass, locate nests) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with ecological research throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE–802107

Applicant: Patricia Baird, Long Beach, California.

The permittee requests an amendment to take (collect blood) the least tern (*Sterna antillarum*) throughout the species' range in Mississippi, Texas, and Nebraska and take (collect blood) the California least tern (*Sterna antillarum browni*) throughout the species' range in California in conjunction with genetic research for the purpose of enhancing their survival.

Permit No. 027730

Applicant: National Fisheries Service, SWFSC, Tiburon Lab, Tiburon, California.

The applicant requests a permit to take (harass by survey, capture and release) the tidewater goby (*Eucyclogobius newberryi*) throughout the species' range in California in conjunction with presence or absence surveys for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before July 20, 2000.

ADDRESSES: Written data or comments should be submitted to the Chief—Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: June 13, 2000.

Don Weathers,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00–15467 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[MT010–1220–AA]

Amendment to Notice of Closure of Public Land to Certain Uses in Yellowstone County, MT

ACTION: Notice; amendment.

SUMMARY: The Bureau of Land Management published a document in the **Federal Register** of October 14, 1999, closing 765 acres of public land to the use of motorized vehicles and mechanized vehicles, the discharge of firearms, horseback riding, hang gliding, and rock climbing. This notice will amend the closure to the area known as Four Dances Natural Area (formerly known as the Sacrifice Cliff or the Larsen property) to include closure to the use of Blowguns or Bow & Arrow. This area is also closed to killing or any attempt to kill animals without a special permit.

FOR FURTHER INFORMATION CONTACT: David Jaynes, 406–896–5013.

Dated: June 14, 2000.

David Jaynes,

Assistant Field Manager.

[FR Doc. 00–15464 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NMNM 94897]

Public Land Order No. 7457; Partial Modification of Two Executive Orders and Transfer of Jurisdiction; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies two Executive orders insofar as they affect approximately 4,526 acres of land by changing the reservation of the land for military purposes to a reservation of the land for Bureau of Indian Affairs programs and establishing a 20-year term. The Army Corps of Engineers has filed a partial relinquishment of their reservation under these executive orders. Jurisdiction of the land is transferred from the Secretary of the Army to the Secretary of the Interior for management by the Bureau of Indian Affairs. The land will remain closed to surface entry and mining to protect an area having cultural, historical, religious, geological, and archeological significance to the Navajo Nation and the Pueblo of Zuni.

EFFECTIVE DATE: June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Debby Lucero, BLM Albuquerque Field Office, 435 Montano Road NE, Albuquerque, New Mexico 87107, 505–761–8787.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Orders dated February 18, 1870 and March 26, 1881, which withdrew public land and reserved the land for use by the Department of the Army, are hereby modified to establish a 20-year term and to transfer jurisdiction to the Secretary of the Interior and reserve the land for use and administration by the Bureau of Indian Affairs. The land is described as follows:

New Mexico Principle Meridian

T. 13 N., R. 16 W.,
Sec. 6, lot 6.
T. 13 N., R. 17 W.,
Sec. 1, lots 1 to 4, inclusive;
Sec. 2, lots 1 to 4, inclusive;
Sec. 3, lots 9 to 11, inclusive.
T. 14 N., R. 16 W.,
Sec. 19, lots 1 to 4, inclusive;
Sec. 30, lots 1 to 4, inclusive;
Sec. 31, lots 1 to 4, inclusive.
T. 14 N., R. 17 W.,
Secs. 24, 25, and 26;
Sec. 27, lots 5 to 8, inclusive, and E½;
Sec. 34, lots 5 to 10, inclusive, NE¼, and N½SE¼;
Sec. 35, lots 1 to 4, inclusive, N½, and N½S½;
Sec. 36, lots 1 to 4, inclusive, N½, and N½S½.

The area described contains approximately 4,526 acres in McKinley County.

2. The land described in paragraph 1 continues to be withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch.2 (1994)), but not from leasing under the mineral leasing laws, to protect an area having cultural, historical, religious, geological and archeological significance to the Navajo Nation and the Pueblo of Zuni. The withdrawn land is to be managed by the Bureau of Indian Affairs for these values, as well as, other compatible uses. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

3. The land and resources shall be managed by the Bureau of Indian Affairs, its successors or assignees, in accordance with the Memorandum of Agreement between the Ballistic Missile Defense Organization and the Department of the Interior. The Memorandum of Agreement shall be incorporated into any future land transfers for the life of the Memorandum of Agreement. The Memorandum of Agreement may be reviewed and amended by the agencies as necessary.

4. The Army and its officers, agents, employees, contractors, and subcontractors will have the right of access, upon reasonable notice, to enter the land described in this order for the purposes of activities related to the Fort Wingate Depot Activity Installation Restoration Program and other environmentally related compliance programs and to construct, operate, maintain or undertake response and remedial actions to implement this program.

5. The Army represents that, to the best of its knowledge, no unexploded ordnance are currently present on the land described in this order. Due to the former use of the land as an active military installation, there is a possibility that unexploded ordnance may exist on the land. Upon due notice, the Army agrees to remove any such remaining unexploded ordnance discovered on the land, as required under applicable law and regulations, as expeditiously as is reasonable and practicable, subject to the availability of funds.

Dated: June 7, 2000.

Sylvia V. Baca,

Assistant Secretary of the Interior.

[FR Doc. 00–15492 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

RIN 1010–AC09

Market Centers for Use in Applying Revised Royalty Valuation Regulations for Federal Oil

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of market centers.

SUMMARY: As required by revised Federal oil valuation regulations, the

Minerals Management Service (MMS) has identified the market centers that royalty payors should use to value oil produced from Federal leases.

EFFECTIVE DATE: June 1, 2000.

ADDRESSES: See **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: David Domagala, Royalty Valuation Division, Royalty Management Program, Minerals Management Service, P.O. Box 25165, Mail Stop 3151, Denver, Colorado 80225, telephone number (303) 275–7255 or fax number (303) 275–7227.

SUPPLEMENTARY INFORMATION: MMS published its revised regulations establishing oil value for royalty due on Federal leases in the **Federal Register** on March 15, 2000 (65 FR 14022), effective June 1, 2000. The primary changes in the revised regulations affect Federal lessees who value oil not sold at arm's length. The rule provides that the primary means of valuing crude oil not sold at arm's length is an adjusted spot price, except in the Rocky Mountain Region, where use of an adjusted spot price for valuation purposes is the third valuation benchmark (30 CFR 206.103(b)(4)) (65 FR 14091). The applicable spot price is the one for the oil most closely representing the lease production in terms of physical proximity and quality parameters.

On June 13, 2000, MMS published a list of approved publications from which a lessee may select the appropriate spot price (65 FR 37043). These publications provide spot prices for various types of oils at specific market centers.

Under § 206.113 of the final rule for establishing oil value for royalty due on Federal leases (65 FR 14095), MMS must also identify and publish a list of appropriate market centers using the following factors and conditions:

(1) Points where MMS-approved publications publish prices useful for index purposes;

(2) Markets served;

(3) Input from industry and others knowledgeable in crude oil marketing and transportation;

(4) Simplification; and

(5) Other relevant matters.

These market centers and the oil types at each location are listed below:

Market center location	Oil types at that location
Cushing, Oklahoma ..	West Texas Intermediate.
Midland, Texas	West Texas Intermediate. West Texas Sour.
Saint James, Louisiana.	Light Louisiana Sweet. Eugene Island. Bonito Sour.
Empire, Louisiana	Heavy Louisiana Sweet.
Clovelly, Louisiana	Mars Blend.
Houma, Louisiana	Poseidon.
Los Angeles, California.	Alaska North Slope.
San Francisco, California	

MMS will monitor market activity and, if necessary, add to or modify the list of market centers and will publish such modifications in the **Federal Register**.

Dated: June 15, 2000

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 00–15498 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Final General Management Plan/ Environmental Impact Statement, Whitman Mission National Historic Site, Washington

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement (FEIS).

SUMMARY: The National Park Service (NPS) announces the availability of a Final General Management Plan/ Environmental Impact Statement (GMP/ EIS) for Whitman Mission National Historic Site, Washington. The final GMP/EIS presents the proposed action for management of the historic site for the next 15 years. The proposed action best satisfies the historic site and NPS mission, as well as the site's long-term management objectives.

Approximately 250 copies of the draft GMP/EIS were distributed to the public. Two public workshops on the draft were held in Walla Walla, WA, and Mission, OR. The Environmental Protection Agency's notice of availability published in the **Federal Register** started the review and comment period on September 3, 1999. All comments received at the park by November 26, 1999, were reviewed and considered by the NPS in the preparation of the final GMP/EIS.

This document is in an abbreviated format and contains a series of corrections and revisions describing changes to the text of the draft, copies of substantive comment letters received from all agencies and organizations, and responses to all substantive comments. Readers may find it convenient to refer to the draft GMP/EIS while reviewing this abbreviated final document.

SUPPLEMENTARY INFORMATION: The no-action period on this final GMP/EIS will expire 30 days after the Environmental Protection Agency has accepted the document and published a notice of availability in the **Federal Register**. Following the no-action period, a record of decision to implement the proposed action will be signed. All who submitted substantive comments on the draft GMP/EIS will receive a copy of the final. In addition, the document has been placed on the NPS website at www.nps.gov/whmi/gmp.htm. Public reading copies of the final GMP/EIS will be available for review at the following locations: Office of Public Affairs, National Park Service, 1849 C St., NW, Washington, DC 20240; Whitman Mission National Historic Site headquarters, 328 Whitman Mission Rd., Walla Walla, WA 99362, and at public libraries in the Walla Walla area.

Dated: June 8, 2000.

William C. Walters,

Deputy Regional Director, Pacific West Region.

[FR Doc. 00–15456 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston Harbor Islands Advisory Council; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92–463) that the Boston Harbor Islands Advisory Council will meet on Wednesday, July 12, 2000. The meeting will convene at 4:00 PM at the New England Aquarium, Central Wharf, Conference Center, Boston, Massachusetts.

The Advisory Council was appointed by the Director of National Park Service pursuant to Public Law 104–333. The 28 members represent business, educational, cultural, and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operation of the Boston Harbor Islands National Recreation Area.

The Agenda for this meeting is as follows:

1. Approval of minutes from March 2, 2000.

2. Discussion on the Advisory Council's reccomendation to the Partnership regarding the draft General Management Plan.

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Ave., Boston, MA, 02110, telephone (617) 223–8667.

Dated: June 9, 2000.

George E. Price, Jr.,

Superintendent, Boston Harbor Islands NRA.

[FR Doc. 00–15455 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Delta Drinking Water Council Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Delta Drinking Water Council will meet on July 5, 2000 to discuss several issues including the CALFED Drinking Water Improvement Strategy and projects related to the Strategy. This meeting is open to the public. Interested persons may make oral statements to the Delta Drinking Water Council or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council's Delta Drinking Water Council meeting will be held from 12:00 noon to 3:30 p.m. on Wednesday, July 5, 2000.

ADDRESSES: This meeting will be held at the Resources Building, 1416 Ninth Street, Room 1131, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Judy Heath, CALFED Bay-Delta Program, at (916) 653–2994. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA). The BDAC provides advice to CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BADAC has established a subcommittee called the Delta Drinking Water Council to advise the CALFED Program and the CALFED Policy Group through BDAC on necessary adaptations to the Program's Drinking Water Quality Improvement Strategy to achieve CALFED's drinking water objectives.

Minutes of the meeting will be maintained by the Program, 1416 Ninth Street, Suite 1155, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday, within 30 days following the meeting.

Dated: June 14, 2000.

Lester A. Snow,

Regional Director, Mid-Pacific Region.

[FR Doc. 00–15457 Filed 6–19–00; 8:45 am]

BILLING CODE 4310–94–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 30, 2000 at 10 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731–TA–831–832, 835, and 827 (Final) (Certain Cold-Rolled Steel Products from China, Indonesia, Slovakia, and Taiwan)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 10, 2000.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 14, 2000.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15695 Filed 6–16–00; 2:54 am]

BILLING CODE 7020–02–M

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission

TIME AND DATE: June 26, 2000 at 2 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC, 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–464 (Review) (Sparklers from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 10, 2000.)
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not

disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 14, 2000.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 00–15696 Filed 6–16–00; 2:59 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of the following information collection: Health Insurance Claim Form (OWCP–1500). Copies of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 21, 2000.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Health Insurance Claim Form (OWCP–1500)

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) (5 U.S.C. 8101, *et seq.*) and the Federal Black Lung Benefits Act (FBLBA) (30 U.S.C. 9101 *et seq.*). These Acts provide for payment of medical expenses necessitated by a work-related injury or disease to eligible injured workers. The OWCP–1500 is a form used by bill payment staff to adjudicate requests for reimbursement of medical services provided by medical professionals other than hospitals, pharmacies, and certain other providers.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to carry out its responsibility to provide payment for certain covered medical services to injured employees who are covered under the FECA and the FBLBA.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Health Insurance Claim Form.

OMB Number: 1215–0055.

Agency Number: OWCP–1500.

Affected Public: Individuals or households, Businesses or other for-profit; Not-for-profit institutions; Federal Government, State, Local or Tribal Government.

Total Respondents: 1,267,049.

Frequency: On occasion.

Total Responses: 1,902,146.

Average Time per Response: 7 minutes.

Estimated Total Burden Hours: 188,994.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $47,242.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 14, 2000.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 00–15473 Filed 6–19–00; 8:45 am]

BILLING CODE 24510–48–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. S–012–B]

The Control of Hazardous Energy (Lockout/Tagout): Notice of the Availability of a Lookback Review Pursuant to the Regulatory Flexibility Act and Executive Order 12866

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration has completed a lookback review of its Lockout/Tagout Standard, 29 CFR 1910.147, pursuant to Sec. 610 of the Regulatory Flexibility Act and Sec. 5 of Executive Order 12866. That review indicates that the standard protects 3.3 million workers at 1 million facilities; that it has reduced fatalities from unexpected activation of machinery at facilities in the automobile and steel making industries by 20% to 55% in the years since promulgation; that there is still a substantial amount of noncompliance; that the standard does not impose a significant impact on small business; and that public commenters agree that the standard should remain in effect. Based on this review, OSHA concludes that the Lockout/Tagout Standard should be continued without change and that OSHA should continue to improve its compliance assistance in this area.

FOR FURTHER INFORMATION CONTACT: Joseph Pipkin, Director, Electrical and Mechanical Engineering Standards, Rm.N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 693–2042, Fax (202) 693–1663. Direct technical inquiries about the Lockout/Tagout Standard to: Walter Siegfried, General Industry Compliance Assistance, Rm. N–3107, telephone

(202) 693–1866, or visit the OSHA Homepage at *www.OSHA.dol.gov.*

ADDRESSES: Copies of the entire report may be obtained from the OSHA Publication Office, Rm. N2101, 200 Constitution Ave., NW. Washington, DC 20210, telephone (202) 693–1888, Fax (202) 693–2498. The full report, comments, and referenced documents are available for review at the OSHA Docket Office, Docket No. S–012–B, Rm. N–2625, 200 Constitution Ave., NW. Washington, DC 20210, telephone (202) 693–2119.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration (OSHA) issued its final standard on the ''The Control of Hazardous Energy (Lockout/Tagout)'' on September 1, 1989 at 54 FR 36644–36695. That standard, more commonly known as the ''Lockout/Tagout Standard,'' is codified at 29 CFR 1910.147.

OSHA has completed a ''Lookback'' review of the Lockout/Tagout standard. Lookback reviews evaluate the effectiveness of a standard in achieving the statutory goals of the Act under which it was promulgated and determines whether action is needed to revise or rescind the standard. Lookback reviews also evaluate whether changes need to be made to the standard to mitigate any impacts on a substantial number of small entities. This **Federal Register** notice announces the availability of that review and briefly summarizes it. The standard establishes requirements employers must follow to disable machinery and equipment and to prevent the release of potentially hazardous energy during the servicing and maintenance of that machinery and equipment. The Lockout/Tagout standard requires employers to develop and implement lockout/tagout programs and to train their workers to follow required procedures during servicing and maintenance work. ''Lockout'' refers to the practice of installing a lock on an energy-isolating device, such as a circuit breaker or shut-off valve, so that the equipment will not be energized by mistake. The term ''tagout'' refers to the practice of attaching a warning tag to an energy-isolating device to warn employees not to energize the equipment until the warning tag has been removed.

In 1997, the Agency initiated a regulatory review of the standard, as required by Section 610 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601, 610, and Section 5 of Executive Order (EO) 12866. Section 610 of the RFA requires agencies to determine whether their standards should be continued without change or should be amended or rescinded, consistent with the objectives of the Occupational Safety and Health Act (OSH Act), to minimize any significant impact of the rule on a substantial number of small entities. Section 5 of EO 12866 requires agencies to determine whether, to reduce the regulatory burden on the American people, their families, communities, State, local, and tribal governments, and industries, the standard should be modified or eliminated to make it more effective in achieving its regulatory objectives, or less burdensome, or to bring it into better alignment with the President's priorities and the principles set forth in the Executive Order.

To facilitate the review, OSHA on May 29, 1997, requested public comments on the Lockout/Tagout Standard at 62 FR 29089. OSHA also held a public meeting on June 30, 1997, on the review. Comments and other materials received in the course of the review were placed in public Docket S–012–B.

OSHA specifically asked for comments on eight aspects of the rule, including the benefits and utility of the rule in its current form or in an amended form; potential feasible alternatives to the rule; the continued need for the rule; the complexity of the rule; evidence of overlap, duplication, or conflict between the rule and other federal, state, and local rules; information on economic, technological, and other material changes since the promulgation of the rule; alternatives to the rule or portions of the rule that could minimize significant impacts on small businesses; and the effectiveness of the rule as implemented by small entities. Comments were received from employers, unions, trade associations, safety organizations, the Small Business Administration and others.

Conclusions

Based on the comments and testimony of participants in this lookback review process and other evidence submitted to the public docket, OSHA concludes that the Agency's Control of Hazardous Energy (Lockout/Tagout) standard should be continued without change. The evidence also demonstrates that the standard does not need to be rescinded or amended to minimize significant impacts on a substantial number of small entities.

OSHA also finds that the Lockout/Tagout standard is necessary to protect employee safety and health, is compatible with other OSHA standards containing lockout/tagout provisions, is not duplicative or in conflict with other Federal, State, or local government rules, is not inappropriately burdensome, and is consistent with the President's priorities and the principles of EO 12866. In addition, although the standard is technically complex, compliance assistance materials will assist employers in interpreting the standard. Further, no changes have occurred in technological, economic, or other factors that would warrant revision of the standard at this time.

Impact of the Standard

The Lockout/Tagout standard protects approximately 3.3 million employees working at 1 million firms. There is some evidence that the level of compliance could be improved; the standard is generally one of the five standards most frequently cited by OSHA Compliance Officers for violations.

The most typical situation covered by the standard is to protect employees from death or injury when a machine is unexpectedly turned on by an operator while another employee is servicing or repairing the machine. For example, accidents often occur when one employee is inside the equipment or has his or her hands inside a press to repair or adjust it, and another person inadvertently turns the machine on, crushing or amputating the repair worker's limb.

The standard provides, in general terms, that the repair person must lock out the switch and keep the key while repairing the machine so that the machine cannot be activated while the repairs are taking place. The standard also has other provisions on training, setting up programs to implement the standard, and exceptions.

Three sources of data were submitted to the docket that demonstrate the rule's effectiveness: Data from the United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) fatality database; data from a similar database maintained by the United Steelworkers of America (USWA); and data from a study of sawmill injuries in Maine. The UAW database shows a significant decline in lockout-related fatalities. In the years between 1989 (when the final rule was published) and 1997, lockout-related fatalities declined by 20 percent per year; when the concomitant increase in the proportion of auto workers exposed to lockout hazards is taken into account, the UAW believes that a 30 percent annual decline in the rate of these fatalities has occurred.

The USWA database tells a similar story: over a seven year period (1990–

1997), a 55 percent reduction in lockout/tagout-related fatalities occurred at the 10 basic steel-producing companies represented in the data base. The third study involved an epidemiological analysis of wood product industry workers in Maine and included 157 cases involving injured workers (''cases'') and 251 cases involving uninjured workers (''controls''). This study showed that injured workers were three times less likely than uninjured workers to work in an establishment having a lockout/tagout program. Although the data from this epidemiological study do not establish a direct link between injuries and the absence of lockout/tagout programs, they do suggest an association between these factors.

In addition to these analyses, commenters (including companies like Bell Atlantic and Kodak), unions (such as the UAW, USWA, and the International Brotherhood of Electrical Workers), employer groups (such as the Organization Resources Counselors), and professional societies, such as the American Society of Safety Engineers, stated that the standard had been effective in saving lives and preventing injuries. Overall, most comments supported continuation of the standard because it had been effective in achieving its worker protection goal. Some participants suggested that OSHA revise certain provisions of the rule they felt were complex. However, most commenters urged OSHA to address these issues by providing compliance assistance materials rather than by reopening the rulemaking.

Those commenters to the docket who represented small businesses, such as the National Association of Manufacturers, the Society of the Plastics Industry, and the Synthetic Organic Chemical Manufacturers Association, also generally agreed. They stated that additional compliance assistance, rather than a reopening of the rulemaking, was an appropriate way for OSHA to address these commenters' concerns.

In response to these suggestions, OSHA has decided to provide additional compliance assistance materials. Specifically, OSHA intends to:

- Review and update the Lockout/Tagout compliance directive, STD 1–7.3;
- Review existing interpretations relating to the standard and develop interpretations to address questions raised by review participants; and
- Develop, in conjunction with the National Automobile Dealers Association, compliance assistance materials for industries engaged in vehicle maintenance and repair.

OSHA has already completed several documents related to the Lockout/Tagout standard in response to comments made during this lookback review. These include:

•–The Lockout/Tagout Interactive Training Program, which consists of three major components: a Tutorial, a group of abstracts called ''Hot Topics,'' and a group of Interactive Case Studies. The Tutorial explains the standard in a question/answer format. The ''Hot Topics'' consist of five abstracts containing a detailed discussion of major issues in which relevant highlighted sections of the all-inclusive documents are linked together. In the Interactive Case Studies, seven simulated Lockout/Tagout inspections are presented.

•–The Integrated Preamble, which combines the final rule preamble published in the September 1, 1989 **Federal Register** and the final rule corrections and technical amendments document published in the September 20, 1990 **Federal Register**.

•–The Lockout/Tagout Plus Advisor, which is interactive, expert, diagnostic software. It allows users to be interviewed about their activities to determine whether workers might be exposed to hazards from moving machinery or electricity or other sources of energy. It asks questions to determine whether the work is covered by the Lockout/Tagout Standard or other standards concerned with hazardous energy. The software responds to the users' facts to provide expert guidance, explanations, and assistance.

These materials may be obtained from the OSHA Publications Office, Room N–2101, 200 Constitution Ave., N.W., Washington, D.C. 20210, or the OSHA web page at *www.osha.dol.gov*.

Signed at Washington, D.C. this 2nd day of June, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–15490 Filed 6–19–00; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Finance Committee

TIME AND DATE: The Finance Committee of the Legal Services Corporation Board of Directors will meet on June 25, 2000. The meeting will begin at 1:00 p.m. and continue until the Committee concludes its agenda.

LOCATION: Radisson Plaza Hotel Minneapolis, 35 South 7th Street, Minneapolis, MN 55402.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Review of the Legal Services Corporation's Consolidated Operating Budget, Expenses, and Other Funds available through April 30, 2000.
3. Review the projected operating expenses for fiscal year 2000 based on operating experience through March 31, 2000 and the required internal budgetary adjustments due to shifting priorities.
4. Consider and act on the President's recommendations for consolidated operating budget reallocations.
5. Report on internal budgetary adjustments by the President and Inspector General.
6. Report on budgetary needs for Fiscal Year 2002.
7. Consider and act on other business.
8. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel, and Corporate Secretary, 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: June 15, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel, and Corporate Secretary.

[FR Doc. 00–15708 Filed 6–16–00; 3:30 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on June 26, 2000. The meeting will begin at 9:15 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Radisson Plaza Hotel Minneapolis, 35 South 7th Street, Minneapolis, MN 55402.

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 the minutes of the Board's meeting of April 15, 2000.
3. Approval of the minutes of the executive session of the Board's meeting of April 15, 2000.
4. Approval of minutes of the Board's telephonic meeting of May 25, 2000.
5. Approval of minutes of the Finance Committee's meeting of September 17, 2000.
6. Scheduled Public Speakers.
7. Chairman's Report.
8. Members' Report.
9. Inspector General's Report.
10. President's Report.
11. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
12. Consider and act on the report of the Board's Finance Committee.
13. Consider and act on the report of the Board's Operations and Regulations Committee.
14. Consider and act on the extension of John McKay's contract of employment as President of LSC.

CLOSED SESSION

15. Briefing [1] by the Inspector General on the activities of the Office of Inspector General.
16. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving LSC.

OPEN SESSION

17. Consider and act on other business.
18. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel and Corporate Secretary, 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: June 15, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 00–15709 Filed 6–16–00; 3:31 pm]

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 C.F.R. § 1622.2 & 1622.3

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Operations & Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on June 25, 2000. The meeting will begin at 2:30 p.m. and continue until the Committee concludes its agenda.

LOCATION: Radisson Plaza Hotel Minneapolis, 35 South 7th Street, Minneapolis, MN 55402.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Staff report on the status of revisions to 45 C.F.R. Part 1628 (Recipient Fund Balances), 45 C.F.R. Part 1635 (Timekeeping Requirement) and the proposed Property Acquisition, Management and Disposition Manual of LSC Grantees.
3. Consider and act on proposed rulemaking protocol for recommendation to the full Board.
4. Consider and act on other business.
5. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel, and Corporate Secretary, 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: June 15, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel, and Corporate Secretary.

[FR Doc. 00–15710 Filed 6–16–00; 3:35 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services

TIME AND DATE: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation Board of Directors will meet on June 25, 2000. The meeting will begin at 9:30 a.m. and continue until the Committee concludes its agenda.

LOCATION: Radisson Plaza Hotel Minneapolis, 35 South 7th Street, Minneapolis, MN 55402.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of April 14, 2000.
3. Staff report on the status of the development of new performance guidelines to measure outcomes in casework, community education, and outreach.
4. Staff report, plans, and preparations for 2001 conference on client-centered legal services.
5. Field presentation on legal services to Native Americans, farmers, and victims of domestic violence in Minnesota.
6. Consider and act on other business.
7. 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.

DATED: June 15, 2000.

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: June 15, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 00–15711 Filed 6–16–00; 3:47 pm]

BILLING CODE 7050–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

June 14, 2000

TIME AND DATE: 10 a.m., Wednesday, June 21, 2000.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commission that the Commission consider and act upon the following in closed session:

1. Disciplinary Proceeding, Docket No. D 2000–1.

TIME AND DATE: The Commission meeting will commence following upon the conclusion of the Commission meeting in Disciplinary Proceeding, Docket No. D 2000–1, which commences at 10:00 a.m. on Wednesday, June 21, 2000.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed [Pursuant to 5 U.S.C. 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commission that the Commission consider and act upon the following in closed session:

1. Disciplinary Proceeding, Docket No. D 2000–2.

TIME AND DATE: 10 a.m., Thursday, July 6, 2000.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Dykhoff v. U.S. Borax, Inc., Docket No. WEST 99–26–DM (Issues include whether the judge erred in concluding that a miner did not engage in a protected work refusal, and that, accordingly, the operator did not discriminate against the miner when issuing a corrective notice to him for his absences).

Any person attending a meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sandra G. Farrow,

Acting Chief Docket Clerk.

[FR Doc. 00–15587 Filed 6–16–00; 10:37 am]

BILLING CODE 6735–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting; Notice

TIME AND DATE: 9:30 a.m., Tuesday, June 27, 2000.

PLACE: NTSB Board Room, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

7266 Safety Report: Emergency Evacuation of Commercial Airplanes.

7256 Special Investigation Report: Actions to Reduce Fatalities, Injuries, and Crashes involving the Hard Core Drinking Driver.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314–6220 by Friday, June 23, 2000.

FOR MORE INFORMATION CONTACT: Rhonda Underwood (202) 314–6065.

Dated: June 16, 2000.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 00–15699 Filed 6–16–00; 3:01 pm]

BILLING CODE 7533–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

June 1, 2000.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of June 1, 2000, of three rescission proposals and two deferrals contained in one special message for FY 2000. The message was transmitted to Congress on February 9, 2000.

Rescissions (Attachments A and C)

As of June 1, 2000, three rescission proposals totaling $128 million have been transmitted to the Congress. Attachment C shows the status of the FY 2000 rescission proposals.

Deferrals (Attachments B and D)

As of June 1, 2000, $502 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 2000.

Information from Special Message

The special message containing information on the rescission proposals and deferrals that are covered by this cumulative report is printed in the edition of the **Federal Register** cited below:

65 FR 9017, Wednesday, February 23, 2000.

Jacob J. Lew.

Director.

ATTACHMENT A—STATUS OF FY 2000 RESCISSIONS

(In millions of dollars)

	Budgetary resources
Rescissions proposed by the President	128.0
Rejected by the Congress	.....
Pending before the Congress for more than 45 days (available for obligation).	−128.0
Currently before the Congress for less than 45 days	.....

ATTACHMENT B—STATUS OF FY 2000 DEFERRALS

(In millions of dollars)

	Budgetary resources
Deferrals proposed by the President	1,622.0
Routine Executive releases through June 1, 2000	−1,120.4
(OMB/Agency releases of $1,136.5 million, partially offset by a cumulative positive adjustment of $16.1 million)	.....
Overturned by the Congress	.....
Currently before the Congress	501.6

ATTACHMENT C
Status of FY 2000 Rescission Proposals - As of June 1, 2000
(Amounts in thousands of dollars)

Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Previously Withheld and Made Available	Date Made Available	Amount Rescinded	Congressional Action
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Defense Environmental Restoration and Waste Management..	R00-1		13,000	2-9-00	*			
Energy Programs								
SPR Petroleum Account	R00-2		12,000	2-9-00	*			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing								
Housing Certificate Fund	R00-3		103,000	2-9-00	*			
TOTAL, RESCISSIONS			**128,000**					

* No funds were withheld.

ATTACHMENT D
Status of FY 2000 Deferrals - As of June 1, 2000
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(-): Cumulative OMB/ Agency	Releases(-): Congressionally Required	Congressional Action	Cumulative Adjustments	Amount Deferred as of 6-1-00
DEPARTMENT OF STATE									
Other									
United States Emergency Refugee and Migration Assistance Fund	D00-1	172,858		2-9-00	27,548				145,310
INTERNATIONAL ASSISTANCE PROGRAMS									
International Security Assistance Economic Support Fund	D00-2	1,449,159		2-9-00	1,108,951			16,133	356,341
TOTAL, DEFERRALS		**1,622,017**			**1,136,499**			**16,133**	**501,651**

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06/02/2000

[FR Doc. 00–15528 Filed 6–19–00; 8:45 am]
BILLING CODE 3110–01–C

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

The meeting of the Railroad Retirement Board which was to be held on June 21, 2000, 9 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois 60611, has been canceled.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: June 15, 2000.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–15579 Filed 6–16–00; 10:35 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Request for Approval:

Online Investor Behavior Survey; OMB Control No. 3235–new.

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'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this collection of information to the Office of Management and Budget for approval.

Commissioner Laura S. Unger plans to conduct an online investor behavior survey. The survey would be voluntary in nature. It would be distributed to approximately 10,000 investors by brokerage firm members of the Securities Industry Association. Each respondent would spend approximately 15 minutes completing the survey for an estimated annual total burden of 2,500 hours. The survey would enable the Commission to learn more about the habits and education needs of online investors, and differences between online and paper-based investors. The survey would help the Commission determine how to improve its investor protection and education initiatives with respect to online investors.

Written 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 collection of information; (c) ways to enhance the quality, utility, and clarify of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: June 13, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15441 Filed 6–19–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24496; 812–11998]

meVC Draper Fisher Jurvetson Fund I, Inc.; Notice of Application

June 13, 2000.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(c) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act.

APPLICANTS: meVC Draper Fisher Jurvetson Fund I, Inc. (the ''Fund''), meVC Advisers, Inc. (''meVC Advisers''), and Draper Fisher Jurvetson MeVC Management Co., LLC (''Draper Advisers,'' together with meVC Advisers, the ''Advisers'').

SUMMARY OF APPLICATION: Applicants request an order to permit the Fund, a business development company (''BDC''), to co-invest with certain affiliates in portfolio companies.

FILING DATES: The application was filed on February 25, 2000 and amended on May 19, 2000 and June 8, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 10, 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 Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: meVC Draper Fisher Jurvetson Fund I, Inc. and meVC Advisers, Inc. 901 Folsom St., Suite 301, San Francisco, CA 94107; and Draper Fisher Jurvetson MeVC Management Co., LLC, 400 Seaport Court, Suite 250, Redwood City, CA 94063.

FOR FURTHER INFORMATION CONTACT: Mary T. Geffroy, Senior Counsel, at (202) 942–0553, or Nadya Roytblat, Assistant Director, at (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 Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The Fund is non-diversified, closed-end management investment company that has elected to be regulated as a BDC under the Act.[1] The Fund's investment objective is to achieve long-term capital appreciation from venture capital investments in information technology companies, primarily in the Internet, e-commerce, telecommunications, networking, software and information services industries.

2. meVC Advisers, an investment adviser registered under the Investment Advisers Act of 1940 (the ''Advisers Act''), serves as investment adviser to the Fund. meVC Advisers, subject to the oversight of the Fund's board of directors (''Board''), is responsible for implementing the Fund's investment objective and principal strategies, setting the Fund's strategic and operational direction and managing all aspects of investing the Fund's assets in

[1] Applicants also request relief for any future BDC that is advised by meVC.com, Inc., the parent company of meVC Advisers, or by a person controlling, controlled by or under common control with meVC.com, Inc. (collectively, ''meVC.com'') and that relies on the requested order (a ''Future Fund'' collectively with the Fund, the ''Funds''). Any Future Fund will comply with the terms and conditions of the application.

portfolio companies. Certain directors or officers of the Fund also are directors, officers or shareholders of meVC Advisers or meVC.com, Inc.

3. Draper Advisers, a California limited liability corporation, is an investment adviser registered under the Advisers Act. It has a managing member and 24 non-managing members. The managing member of Draper Advisers (the ''Manager'') is also Chairman, Chief Executive Officer and a director of the Fund. The non-managing members of Draper Advisers currently are (a) general partners, managing members, members, shareholders, or members of a principal partner, of the sole general partner of, or investment adviser for, a Current Affiliate (defined below); (b) managing directors or principals of the managing member of a Current Affiliate (defined below); or (c) direct or indirect principals of a Current Affiliate (defined below).

4. meVC Advisers has entered into an Investment Sub-Advisory Agreement (the ''Subadvisory Agreement'') with Draper Advisers. Under the Subadvisory Agreement, and subject to the oversight and control of the Board, Draper Advisers is responsible for: (a) Managing investment and reinvestment of the Fund's assets (except that meVC Advisers is responsible for temporary investments); (b) reviewing, supervising and administering the Fund's investment program; (c) providing or making available significant managerial assistance and guidance to the Fund's portfolio companies; (d) providing the Fund with required records concerning its efforts on behalf of the Fund; and (e) providing regular reports to the Board concerning its activities on behalf of the Fund.

5. One or more members of Draper Advisers created, advised, sponsored or otherwise organized several private venture capital funds (the ''Current Affiliates'').[2] Applicants state that the members of Draper Advisers intend to form additional private investment funds in the future that will have similar structure and investment objectives as the Current Affiliates and that will be advised by the Advisers or an entity that controls, is controlled by or is under common control with the Advisers (the ''Future Affiliates,'' together with the Current Affiliates, the ''Affiliates'').[3] Applicants request relief to permit the fund to co-invest with the Affiliates in portfolio companies (''Coinvestment Transactions''). None of the Manager, meVC Advisers, meVC.com, or the Funds' directors will participate in Coinvestment Transactions.

6. Applicants anticipate that the non-managing members of Draper Advisers will refer to the Manager investment opportunities that are presented to the Affiliates. The Manager will independently analyze and evaluate these investment opportunities and will select investments for consideration by the Fund's directors who are not ''interested persons'' as defined under section 2(a)(19) of the Act (the ''Independent Directors'') after considering the Fund's investment objective and strategies, available funds and other pertinent factors particular to the Fund, including applicable investment restrictions and regulatory requirements. The evaluation and decision making process of the Manager will be separate from that of the Affiliates. Applicants anticipate that the Fund and the Affiliates frequently may participate in Coinvestment Transactions.

Applicant's Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons from participating in a joint transaction with a BDC in contravention of rules as prescribed by the Commission. In addition, under section 57(b)(2) of the Act, (a) the investment adviser of the BDC, (b) any persons who are directly or indirectly controlling, controlled by or under common control with the BDC and (c) any person who is within the meaning of section 2(a)(3)(C) or (D) of the Act, an affiliated person of a person specified in (a) or (b) above are subject to section 57(a)(4). Under section 2(a)(3)(C), an affiliated person of another person includes any person directly or indirectly controlling, controlled by or under common control with such other person. Under section 2(a)(3)(D), an affiliated person of another person includes any, officer, director, partner, copartner or employee of such other person. Applicants state that the Affiliates may be deemed to be affiliated persons of the Fund under section 57(b) and (2) of the Act and therefore may be deemed to be subject to section 57(A)(4) with respect to any Coinvestment Transaction.

2. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Applicable to closed-end investment companies will be deemed to apply. Because the Commission has not adopted any rules under section 57(a), rule 17d-I applies.

3. Rule 17d-1, promulgated under section 17(d) of the Act, prohibits affiliated persons of an investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d-1, the Commission consider whether the company's participation in the joint transactions is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

4. Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction from any provision of the Act, if and 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.

5. Applicants state that the Funds's shareholders will derive substantial benefits from the Coinvestment Transactions and the investment expertise, contact, access to potential investment opportunities, investment oversight, and monitoring and managerial assistance capabilities of the members of Draper Advisers. Applicants contend that the Coinvestment Transactions who offer the Fund access to the substantial deal flow generated by members of Draper Advisers that should result in greater diversification of the Fund's portfolio.

6. Applicants contend that the obligations imposed on the Independent Directors under the Act and the conditions to the requested order provide significant protection against possible conflicts of interest. Applicants also state that the conditions relating to the terms on which the acquisition or disposition of investments may be made would ensure that the Coinvestment Transactions are consistent with the policies underlying the Act and that the Fund would participate in the Coinvestment Transactions on a basis no less advantageous than any other participant.

Applicant's Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. (a) When considering and investment opportunity that may constitute a Coinvestment Transaction, the Manager will review such investment opportunity and make an

[2] Current Affiliates also includes Draper Advisers and any other existing person for whom relief from section 57(a)(4) is necessary.

[3] Future Affiliates also includes any other person for whom relief from section 57(a)(4) is necessary in the future because of that person's relationship with the Fund or a Future Fund.

independent determination of the appropriateness of the Fund's participation in such transaction in light of the Fund's then-current circumstances.

(b) In the event the Manager deems the Fund's participation in such investment opportunity to be appropriate for the Fund, he will then determine an appropriate level of investment for the Fund. If the aggregate amount recommended by the Manager to be invested by the Fund in such Coinvestment Transaction, together with the amount proposed to be invested by an Affiliate in the same transaction, exceeds the amount of the investment opportunity, the amount invested by each party will be allocated among them pro rata based on the ratio of the Fund's net assets to the aggregate net assets of the Fund and the Affiliate.

(c) After making the determinations required in (a) and (b) above, the Manager will distribute written information concerning the Coinvestment Transaction, including the amount proposed to be invested by any Affiliate, to the Independent Directors for their consideration. The Fund will co-invest with an Affiliate only if a required majority of the Independent Directors (as defined in section 57(o) of the Investment Company Act) (a ''Required Majority'') concludes, prior to the Fund's participation in the Coinvestment, that:

(i) the terms of the transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching of the Fund or its shareholders on the part of any person concerned;

(ii) the transaction is consistent with the interests of the shareholders of the Fund and is consistent with the Fund's investment objective and strategies as described in the Fund's registration statement and other filings made with the Commission by the Fund under the Securities Act of 1933, any reports filed be the Fund with the Commission under the Securities Exchange Act of 1934, and the Fund's reports to shareholders;

(iii) the investment by the Affiliate(s) would not disadvantage the Fund, and participation by the Fund is not on a basis different from or less advantageous than that of such Affiliate(s). In the event that an Affiliate, but not the Fund, gains the right to nominate a director for election to a portfolio company's board of directors, such event will not be interpreted so as to prohibit the Required Majority from reaching the conclusions required by this condition 1(c)(iii); provided (A) the Required Majority will have the right to ratify the selection of such director and (B) Draper Advisers will provide periodic reports to the Board with respect to the actions of such director;

(iv) the proposed investment by the Fund will not benefit the Manager, any Affiliate, or any person or entity affiliated with either of those persons (other than the participating Affiliate), except to the extent permitted under sections 17(e) and 57(k) of the Act.

(d) The Fund has the right to decline to participate in any Coinvestment Transaction or to invest less than the amount proposed to the Fund.

2. Except for follow-on investments made pursuant to condition 5 below, the Fund will not invest in any portfolio company in which the Manager, any Affiliate, or any person controlling, controlled by, or under common control with either of those persons, is an existing investor in such company.

3. The Fund will not participate in any Coinvestment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for the Fund and the Affiliate participating in such transaction with the Fund. The grant to an Affiliate, but not the Fund, of the right or nominate a director for election to a portfolio company's board of directors will not violate this condition 3; provided the provisos of condition 1(c)(iii)(A) and (B) are complied with.

4. If an Affiliate elects to sell, exchange or otherwise dispose of an interest in a security that was acquired by the Fund and the Affiliate in a Coinvestment Transaction made pursuant to condition 1, the Manager will notify the Fund of the proposed disposition at the earliest practical time and the Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliate. The Manager will formulate a recommendation as to participation by the Fund in any such disposition, and provide a written recommendation to the Independent Directors. The Fund will participate in such disposition to the extent that a Required Majority determines that it is in the Fund's best interests to do so. The Fund and the Affiliate will each bear its own expenses in connection with any such disposition.

5. If any Affiliate desires to make a ''follow-on investment'' (i.e., an additional investment in the same entity) in a portfolio company whose securities were acquired by the Fund and the Affiliate in a Coinvestment Transaction made pursuant to condition 1 or to exercise warrants or other rights to purchase securities of the issuer, the Manager will notify the Fund of the proposed transaction at the earliest practical time. The Manager will formulate a recommendation as to the proposed participation, including the amount of the proposed follow-on investment, by the Fund and provide the recommendation to the Independent Directors. The Independent Directors will make their own determination with respect to follow-on investments. To the extent that the amount of a follow-on investment opportunity is not based on the Fund's and the Affiliate's investments, the relative amount of investment by the Affiliate and the Fund will be based on the ratio of the Fund's remaining funds available for investment to the aggregate of the Fund's and the Affiliate's remaining funds available for investment. The Fund will participate in such investment to the extent that the Required Majority determines that it is in the fund's best interest. The acquisition of follow-on investments as permitted by this condition will be subject to the other conditions set forth in the application.

6. The Independent Directors will review not less frequently than quarterly all information concerning Coinvestment Transactions made or considered to be made during the preceding quarter to determine whether the conditions set forth in the application were complied with.

7. The fund will maintain the records required by section 57(f)(3) of the Act as if each of the investments permitted under these conditions was approved by the Independent Directors under section 57(f).

8. No Independent Director will also be a director, general partner or principal, or otherwise affiliated with, any Affiliate. The Funds will not have common Independent Directors.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–15442 Filed 6–19–00; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

[Social Security Acquiescence Ruling 00–3 (10)]

Haddock v. Apfel; Use of Vocational Expert Testimony and the Dictionary of Occupational Titles Under 20 CFR 404.1566, 416.966—Titles II and XVI of the Social Security Act

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 402.35(b)(2), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 00–3 (10).

EFFECTIVE DATE: June 20, 2000.

FOR FURTHER INFORMATION CONTACT: Cassia W. Parson, Litigation Staff, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–0446.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 402.35(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act (the Act) or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals' decision as explained in this Social Security Acquiescence Ruling to claims within the Tenth Circuit. This Social Security Acquiescence Ruling will apply to all decisions made on or after June 20, 2000. If we made a decision on your application for benefits between July 13, 1999, the date of the Court of Appeals' decision,[1] and June 20, 2000, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to the prior decision. You must demonstrate, pursuant to 20 CFR 404.985(b)(2) or 416.1485(b)(2), that application of the Ruling could change our prior decision in your case.

Additionally, when we received this precedential Court of Appeals' decision and subsequently determined that a Social Security Acquiescence Ruling might be required, we began to identify those claims that were pending before us within the circuit that might be subject to readjudication if an Acquiescence Ruling was subsequently issued. Because we determined that an Acquiescence Ruling is required, we are publishing this Social Security Acquiescence Ruling. We will send a notice to those individuals whose claims we have identified which may be affected by this Social Security Acquiescence Ruling. The notice will provide information about the Acquiescence Ruling and the right to request readjudication under the Ruling. It is not necessary for an individual to receive a notice in order to request application of this Social Security Acquiescence Ruling to the prior decision on his or her claim as provided in 20 CFR 404.985(b)(2) or 416.1485(b)(2), discussed above.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided for in 20 CFR 404.985(e) or 416.1485(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c) or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001 Social Security—Disability Insurance; 96.002 Social Security—Retirement Insurance; 96.004 Social Security—Survivors Insurance; 96.005—Special Benefits for Disabled Coal Miners; 96.006—Supplemental Security Income.)

Dated: June 5, 2000.

Kenneth S. Apfel,

Commissioner of Social Security.

Acquiescence Ruling 00–3 (10)

Haddock v. *Apfel*, 196 F.3d 1084 (10th Cir. 1999)—Use of Vocational Expert Testimony and the *Dictionary of Occupational Titles* under 20 CFR 404.1566, 416.966—Titles II and XVI of the Social Security Act.

Issue: Whether an Administrative Law Judge (ALJ), when receiving evidence from a vocational expert (VE) must ask the expert how the testimony or information corresponds to information provided in the *Dictionary of Occupational Titles* (DOT).[2] If the testimony or evidence differs from the DOT, whether the ALJ must ask the expert to explain the difference.

Statute/Regulation/Ruling Citation: Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act (42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B)); 20 CFR 404.1520(f)(1), 404.1566(d) and (e), 416.920(f)(1), 416.966(d) and (e); Social Security Rulings (SSRs) 83–12, 85–15, and 96–9(p).

Circuit: Tenth (Colorado, Kansas, New Mexico, Oklahoma, Utah or Wyoming).

Haddock v. *Apfel*, 196 F.3d 1084 (10th Cir. 1999).

Applicability of Ruling: This Ruling applies to decisions at the Administrative Law Judge (ALJ) hearing and Appeals Council levels of administrative review.

Description of Case: The claimant, Robert M. Haddock, applied for disability insurance benefits claiming that he was disabled since November 1992 due to hip problems, shortness of breath related to heart and lung problems, lack of strength, and residual chest pains resulting from a heart attack in May 1992. Born on January 6, 1942, Mr. Haddock had worked as a lead carpenter, school bus driver, school janitor, and lift-dump operator. Following the denial of his application for benefits at both the initial and reconsideration steps of the administrative review process, the claimant requested and received a hearing before an ALJ.

The ALJ denied Mr. Haddock's claim at step five of the sequential evaluation process for determining disability. The ALJ found that Mr. Haddock retained the residual functional capacity (RFC) to perform sedentary work if he could alternate sitting and standing. During the hearing, a VE testified that four jobs would accommodate Mr. Haddock's restrictions. The VE did not give the source of his information, nor did anyone at the hearing ask the VE to identify or discuss his sources.

Based on the VE's testimony and Rule 201.11 of the Medical—Vocational Guidelines, 20 CFR part 404, Subpart P, Appendix 2, the ALJ found that Mr. Haddock was not disabled. The Appeals Council denied review, making the ALJ's denial of benefits the Social Security Administration's (SSA's) final decision.

Mr. Haddock brought suit and the district court adopted the magistrate judge's recommendation to uphold SSA's decision. The district court decision was appealed to the Court of Appeals for the Tenth Circuit by Mrs. Haddock due to her husband's death on December 2, 1997. On appeal, the claimant argued that, of the four jobs the

[1] The decision was issued on July 13, 1999. On November 9, 1999, the Tenth Circuit Court of Appeals amended the decision on denial of rehearing.

[2] Employment and Training Administration, U.S. Department of Labor, *Dictionary of Occupational Titles* (Fourth Edition, Revised 1991) and its companion publication, *Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles*, (1993).

VE testified Mr. Haddock could perform, only one was described in the DOT as matching the exertional restrictions that the ALJ found Mr. Haddock had. The claimant argued that the VE testimony regarding the other three jobs Mr. Haddock could perform did not constitute substantial evidence because of the contradiction between the DOT's description of the exertional requirements of the three jobs and the limitations the VE had to assume because of the hypothetical questions posed by the ALJ.

The Court of Appeals for the Tenth Circuit remanded the case to SSA to investigate whether there was a significant number of specific jobs that the claimant could have performed. The court found that the ''ALJ must investigate and elicit a reasonable explanation for any conflict between the Dictionary [DOT] and expert testimony before the ALJ may rely on the expert's testimony as substantial evidence to support a determination of nondisabilty.''

Holding: The Tenth Circuit held that before an ALJ may rely on expert vocational evidence as substantial evidence to support a determination of nondisability, the ALJ must ask the expert how his or her testimony as to the exertional requirement of identified jobs corresponds with the DOT and elicit a reasonable explanation for any discrepancies.

The court stated that the ALJ bears the burden at step five to show that there are jobs in the regional or national economies that the claimant can perform with the restrictions found by the ALJ. Because the claimant's RFC was restricted to alternate sitting and standing which would limit his ability to do a full range of sedentary work, the court noted that the ALJ ''must cite examples of occupations or jobs the individual can do and provide a statement of the incidence of such work* * * ''[3] The court summarized, that in cases such as this, ''the ALJ must find that the claimant retains a particular exertional capacity, decide whether the claimant has acquired transferable skills, identify specific jobs that the claimant can perform with the restrictions the ALJ has found the claimant to have, and verify that the jobs the claimant can do exist in significant numbers in the regional or national economies. All of these findings must be supported by substantial evidence.''

The court found that ''[w]hat the agency's regulations and rulings require an ALJ to do, or even allow an ALJ to do, to produce substantial vocational evidence at step five is not clear. 20 C.F.R. §404.1566(d)(1) states that '* * * [SSA] will take administrative notice of reliable job information available from various governmental and other publications [including the] Dictionary of Occupational Titles.' '' The court found that the regulation suggests that an ALJ at step five ''must correlate a VE's testimony in an individual case with vocational information provided in the Dictionary of Occupational Titles or other reliable publications.'' The court then narrowed its focus and found that there was a conflict between the VE's testimony and the DOT as to the exertional requirements of three of the jobs identified by the VE. The court concluded that ''the ALJ should have asked the expert how his testimony as to the exertional requirement of these three jobs corresponded with the Dictionary of Occupational Titles, and elicited a reasonable explanation for the discrepancy on this point, before he relied on the expert's opinion that claimant could perform these three jobs.''

The court stated that it was not holding that the DOT ''trumps'' a VE's testimony when there is a conflict about the nature of a job. Rather, the court explained that it was merely holding that the ALJ must investigate and obtain a reasonable explanation for any conflicts found. The court noted that a reasonable explanantion could include the fact that a job is not included in the DOT, but documented in some other acceptable source, or that a specificed number or percentage of a particular job is performed at a lower RFC level than the DOT shows the job to generally require.

Statement As To How Haddock Differs From SSA's Interpretation Of The Regulations

At step five of the sequential evaluation process (step eight in continuing disability review claims), we consider the vocational factors of age, education, and work experience in conjunction with a claimant's RFC to determine whether a claimant can do other jobs that exist in significant numbers in the national economy other than the claimant's past relevant work. We determine whether work exists in the national economy that a claimant can do when a claimant's physical or mental abilities and vocational qualifications meet the requirements of a significant number of jobs (in one or more occupations).

In determining the existence of unskilled sedentary, light, and medium jobs in the national economy, we take administrative notice of reliable job information available from various governmental and other publications. Our regulations provide examples of governmental publications, including the DOT, and other vocational resources that we will administratively notice for this purpose, 20 CFR 404.1566(d) and 20 CFR 416.966(d).

We may use the services of a VE in cases involving complex vocational issues, 20 CFR 404.1566(e) and 20 CFR 416.966(e). For example, a VE may testify as to whether a claimant's work skills can be used in (transferred to) other work and the specific occupations in which they can be used. A VE may also testify as to the effects of solely nonexertional impairments on the range of work a person can do (a person's occupational base) or the extent of erosion of a person's occupational base caused by nonexertional limitations, SSR 96–9p, SSR 85–15 and SSR 83–12.

According to our procedures, an ALJ must resolve conflicts in the evidence. This includes conflicts in opinion evidence from a VE and job information contained in the DOT. When such conflicts are evident, the expert should be asked to explain the basis for his or her opinion and the reason it differs with the DOT. The ALJ is responsible for resolving the conflict and must explain in the determination or decision how the conflict was resolved. Unlike the court's holding, our procedures do not place an affirmative responsibility on the ALJ to ask the expert about the possibility of a conflict between the evidence that he or she provides and the information in the DOT.

The Tenth Circuit held, that as a preliminary step, before an ALJ may rely on expert vocational evidence, to support a finding of nondisability, the ALJ must ask the expert whether his or her testimony is consistent with the DOT.

Explanation of How SSA Will Apply the Haddock Decision Within the Circuit

This Ruling applies only to cases in which the claimant resides in Colorado, Kansas, New Mexico, Oklahoma, Utah or Wyoming at the time of the decision (ALJ hearing or Appeals Council levels of review).

Before relying on expert vocational evidence to support a decision of nondisability at step five of the sequential evaluation process (step eight in continuing disability review claims), an ALJ will ask the expert whether the expert's evidence is consistent with information provided in the DOT. If the evidence from the vocational expert differs from the DOT, the ALJ will elicit a reasonable explanation for any conflict

[3] The court cited Social Security Ruling 96–9p.

between the DOT and the expert's evidence. The ALJ will explain in the decision how he or she resolved the conflict between the vocational expert's evidence and information in the DOT and will give the reasons for accepting or rejecting the vocational expert's evidence.

We intend to clarify the regulations at issue in this case, 20 CFR 404.1566 and 416.966, through publication of an SSR and we may rescind this Ruling when the clarification is made.

[FR Doc. 00–15426 Filed 6–19–00; 8:45 am]

BILLING CODE 4191–02–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7502]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of charter renewal.

SUMMARY: The Secretary of Transportation has renewed the charter for the Merchant Marine Personnel Advisory Committee (MERPAC) to remain in effect for a period of two years from May 20, 2000, until May 20, 2002. MERPAC is a federal advisory committee constituted under 5 U.S.C. App. 2. Its purpose is to advise the Coast Guard on matters relating to the training, qualification, licensing, certification and fitness of seamen serving in the U.S. merchant marine. The charter is available on MERPAC's Internet web page at http://www.uscg.mil/hg/g-m/advisory/merpac/merpac.htm.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Luke B. Harden, Acting Executive Director, or Mr. Mark C. Gould, Assistant to the Executive Director, Commandant (G–MSO–1), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593–0001, telephone 202–267–0229.

Dated: June 14, 2000.

Howard L. Hime,

Acting Director of Standards.

[FR Doc. 00–15513 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Special Committee 172; Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 172 meeting to be held July 26–27, 2000, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will be as follows: July 26: (1) Plenary Convenes at 9:00 a.m.; (2) Introductory Remarks; (3) Review and Approve Agenda; (4) Working Group (WG)–2, VHF Data Radio Signal-in-Space Minimum Aviation System Performance Standards, review comments on final work (written inputs only) and vote on DO–224A (distributed in advance).

Note: This is a single-purpose meeting convened solely for the purpose of completing the final draft of DO–224A. No comments will be accepted that were not submitted for review, in writing, prior to the meeting. July 27: (5) WG–2/Plenary as necessary; (6) Other Business; (7) Dates and Locations of Next Meeting; (8) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

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

Jane P. Caldwell,

Designated Official.

[FR Doc. 00–15537 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Special Committee 194; ATM Data Link Implementation

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 194 meeting to be held July 10–13, 2000, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Ave., NW, Suite 1020, Washington, DC 20036.

The agenda will include: July 10: Working Group (WG) 3, Human Factors. July 11: WG–1, Data Link Ops Concept & Implementation Plan; WG–3, Human Factors; WG–4, Service Provider Interface. July 12: WG–1, Data Link Ops Concept & Implementation Plan; WG–3, Human Factors; WG–4, Service Provider Interface. July 13: Plenary Session: (1) Welcome and Introductory Remarks; (2) Review Agenda; (3) Review/Approve of Previous Meetings; (4) Working Group Reports; (5) Other Business; (13) Date and Location of Future Meetings; (14) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC. 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

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

Jane P. Caldwell,

Designated Official.

[FR Doc. 00–15538 Filed 6–19–00; 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 a Passenger Facility Charge (PFC) at Monterey Peninsula Airport, Monterey, CA

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 a PFC at Monterey Peninsula 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 July 20, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following

address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Susan Kovalenko, Manager, Support Services, at the following address: 200 Fred Kane Drive, Suite 200, Monterey, CA 93940. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Monterey Peninsula Airport District under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. 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 Monterey Peninsula 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 April 14, 2000, the FAA determined that the application to impose and use a PCF submitted by the Monterey Pensinula Airport District was not substantially complete within the requirements of section 158.25 of Part 158. On April 26, 2000, the Monterey Peninsula Airport District submitted supplemental information to complete this application. On April 28, 2000, the Monterey Peninsula Airport District withdrew the project to construct 28L Service Road. The FAA will approve or disapprove the application, in whole or in part, no later than August 24, 2000.

The following is a brief overview of the impose and use application No. 00–05–C–00–MRY:

Level of proposed PFC: $3.00.

Proposed charge effective date: October 1, 2000.

Proposed charge expiration date: December 1, 2000.

Total estimated PFC revenue: $85,875.

Brief description of the proposed projects: Blast Pad at Holding Area, Terminal Area Security Fence, Terminal Fire Detection and Alarm System, Joint Sealant Northside Portland Cement Concrete (PCC) Apron and Southside PCC Ramp, Southeast Perimeter Fence Extension, Slurry Seal Taxiways A & E, Phases 1 and 2, Environmental Studies for Runway 10L/28R Extension, Environmental Studies for Terminal Road/Parking Improvements, Pavement Management Program, and Electrical Service to North Ramp Area.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled/intermittent Part 135 air taxi/commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Monterey Peninsula Airport District.

Issued in Hawthorne, California, on May 30, 2000.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 00–15536 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration (MARAD)

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Described below is the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection was published on April 10, 2000 [65 FR 19038]. Comments were due June 9, 2000. No comments were received.

DATES: Comments must be submitted on or before July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Raymond R. Barberesi, Director Office of Sealift Support, MAR–630, Room 7307, Maritime Administration, 400 Seventh Street, SW, Washington, D.C. 20590, telephone number 202–366–2323 or fax 202–493–2180. Copies of this collection can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Maritime Administration

Title of Collection: ''Voluntary Intermodal Sealift Agreement (VISA)''.

OMB Control Number: 2133–NEW.

Type of Request: Approval of a new information collection.

Affected Public: Operators of dry cargo vessels.

Form(s): MA–1020.

Abstract: In accordance with Section 708 of the Defense Production Act, 1950, as amended, this information collection is needed by MARAD and the Department of Defense (DOD), including representatives from the U.S. Transportation Command and its components, to evaluate and assess the applicants eligibility for participation in the VISA program. The information will be used by MARAD and the U.S. Transportation Command and its components to assure the continued availability of commercial sealift resources to meet the DOD's military requirements.

Annual Estimated Burden Hours: 200 hours.

ADDRESSES Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: June 14, 2000.

Edmund T. Sommer, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 00–15447 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration (MARAD)

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Described below is the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection was published on April 12, 2000 [65 FR 19811]. Comments were due June 12, 2000. No comments were received.

DATES: Comments must be submitted on or before July 20, 2000.

FOR FURTHER INFORMATION CONTACT: Raymond R. Barberesi, Director Office of Sealift Support, MAR–630, Room 7307, Maritime Administration, 400 Seventh Street, SW, Washington, D.C. 20590, telephone number 202–366–2323 or fax 202–493–2180. Copies of this collection can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Maritime Administration

Title of Collection: ''Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. Citizen Owned Documented Vessels''.

OMB Control Number: 2133–0006.

Type of Request: Approval of an existing information collection.

Affected Public: Respondents are vessel owners who have applied for foreign transfer of U.S.-flag vessels.

Form(s): MA–29, MA–29A, MA–29B (Note MA–29A is only used in cases of a National Emergency).

Abstract: In accordance with Section 9 of the Shipping Act, 1916, as amended, the Maritime Administration is required to approve the sale, transfer, charter, lease, or mortgage of U.S. documented vessels to non-citizens, or the transfer of such vessels to foreign registry and flag, or the transfer of foreign flag vessels by their owners as required by various contractual requirements. This information collection requires a vessel owner to submit an application for a prospective foreign transfer of a U.S.-flag vessel. This information will assist in the determination of whether the vessel proposed for transfer will initially require retention under the U.S.-flag statutory regulation. In such instances, the application is reviewed and cleared for approval by specialists within MARAD and the Department of Defense, U.S. TRANSCOM.

Annual Estimated Burden Hours: 200 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: June 14, 2000.

Edmund T. Sommer, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 00–15448 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7388]

Notice of Receipt of Petition for Decision That Nonconforming 1992 Chrysler Daytona Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 1992 Chrysler Daytona passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1992 Chrysler Daytona that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is July 20, 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 10 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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''Wallace'') (Registered Importer 90–005) has petitioned NHTSA to decide whether 1992 Chrysler Daytona passenger cars manufactured for the European and other foreign markets are eligible for importation into the United States. The vehicle which Wallace believes is substantially similar is the 1992 Dodge Daytona that was manufactured for sale in the United States and certified by its manufacturer, Chrysler Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1992 Chrysler Daytona to the U.S. certified 1992 Dodge Daytona, and found the two

vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1992 Chrysler Daytona, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the U.S. certified 1992 Dodge Daytona, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1992 Chrysler Daytona is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 101 *Controls and Displays,* 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,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 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,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1992 Chrysler Daytona complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) replacement of the headlight and taillight lenses with U.S.-model components; (b) installation of front and rear sidemarker lights; (c) replacement of the rear brake light with a functioning component.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* inscription of the required warning statement in the passenger side rearview mirror.

Standard No.114 *Theft Protection:* installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a seat belt warning buzzer wired to the driver's seat belt latch; (b) installation of a U.S.-model driver's side air bag and knee bolster on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped with Type II seat belts in both front and rear outboard designated seating positions, and with a lap belt in the rear center designated seating position.

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.

The petitioner also states that a vehicle identification number plate is affixed to the vehicle that meets the requirements of 49 CFR Part 565.

The petitioner finally states that all vehicles will be inspected prior to importation to assure compliance with the Theft Prevention Standard found in 49 CFR Part 541.

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 10 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: June 14, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–15486 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. BTS–2000–6845]

Request for OMB Clearance of an Information Collection; Customer Satisfaction Surveys

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics (BTS) has requested approval from the Office of Management and Budget for an information collection, its Customer Satisfaction Surveys. BTS published a **Federal Register** notice asking for public comment on these surveys on February 7, 2000, but did not receive any comments in response.

DATES: You must submit your written comments by July 20, 2000.

ADDRESSES: Please send comments to both (1) the Office of Information and Regulatory Affairs (OIRA), OMB, 7251 7th Street, NW., Washington, DC 20503, attention: DOT Desk Officer; and (2) the Docket Clerk, Docket No. BTS–2000–6845, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590, from 10:00 a.m. to 5:00 p.m., Monday through Friday, except federal holidays. Comments must include the OMB control number, 2139–0007.

You only need to submit one copy. If you would like the Department to acknowledge receipt of the comments, you must include a self-addressed stamped postcard with the following statement: Comments on Docket BTS–2000–6845. The Docket Clerk will date stamp the postcard and mail it back to you.

If you wish to file comments using the Internet, you may use the US DOT Dockets Management System website at http://dms.dot.gov. Please follow the instructions online for more information. This website can also be used to read comments received.

FOR FURTHER INFORMATION CONTACT: Tanya Guthrie, Office of Statistical Programs and Services, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590, telephone number 202/366–2087, email tanya.guthrie@bts.gov.

SUPPLEMENTARY INFORMATION:

Title: Customer Satisfaction Surveys.

OMB Control Number: 2139–0007.

Type of Request: Extension of a currently approved collection.

Needs and Uses: To fulfill the requirements of this Executive Order 12862, Setting Customer Service Standards, the Bureau of Transportation Statistics (BTS) implemented plans and requirements for measuring customer satisfaction with BTS and Department of Transportation programs and services. As the statistical agency of the Department of Transportation, BTS is charged with fulfilling a wide variety of user needs. The diversity of BTS activities and customers demands a more inclusive and comprehensive approach to measuring customer service and monitoring and using customer

feedback. BTS has implemented a wide range of customer satisfaction surveys. Information derived from the BTS customer satisfaction surveys will be used to (a) identify the customers who are, or should be, served by the agency; (b) survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services; (c) post service standards and measure results against them; (d) benchmark customer service performance; (e) survey employees on barriers to, and ideas for, matching the best in business; (f) provide customers with choices in both the sources of service and the means of delivery; (g) make information, services, and complaint systems easily accessible; and (h) provide means to address customer complaints.

Description of Survey Topics: Since 1998, the BTS Customer Satisfaction Survey Program included the Product Evaluation Survey (PES), the Customer Satisfaction Survey (CSS), and the Omnibus Survey. The PES provides information on levels of customer satisfaction with various products, and the objective of the survey is to give BTS a better understanding of the technical preferences and information needs of specific users. The main objective of the CSS is to provide information about the overall satisfaction of BTS customers, the frequency of use of products and services, and specific information on how BTS is meeting various customer service criteria. Although the CSS addresses some product issues, such as format compatibility and difficulty of use, it is not the main objective of the survey. The Omnibus Survey focused on frequency of use of various modes within the transportation, satisfaction with highways, and satisfaction with transportation in the local community. Over the next three years, BTS will implement the Customer Satisfaction Survey and the Omnibus Survey Program. The Customer Satisfaction Survey will assess what customers think about the quality of products and services and how we might improve them to meet customer needs. The Omnibus Survey will assess satisfaction with the transportation system, and will target the DOT strategic goals of safety, mobility, economic growth, human and natural environment and national security.

Burden Statement: The total annual respondent burden estimate is 10,000 hours. The number of respondents and average burden hour per response will vary with each survey.

Public Comments Invited: BTS requests comments regarding any aspect of this information collection, including, but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the Bureau of Transportation Statistics; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information, including the use of automated collection techniques or other forms of information technology.

Heather Contrino,

Surveys Program Manager.

[FR Doc. 00–15539 Filed 6–19–00; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0276]

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 reasonable value of used manufactured home units proposed for financing.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 21, 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. 2900–0276'' 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: Manufactured Home Appraisal Report, VA Form 26–8712.

OMB Control Number: 2900–0276.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8712 is used by VA fee and staff appraisers to establish the reasonable value of used manufactured homes. The reasonable value is then used: (1) To establish the maximum loan amount a veteran may obtain for the purchase of a used manufactured home unit; (2) to obtain information on the condition of the unit and its compliance with VA's minimum property requirements; and (3) in the event of foreclosure, to ascertain the value of the unit for resale purposes for use in computation of claims in applicable cases.

Affected Public: Business or other for-profit, Individuals or households.

Estimated Annual Burden: 1 hour. The actual burden hour per year is 186. However, the requirements for appraisal reports are a common practice in the housing industry and 1 hour is being requested for reporting purposes.

Estimated Average Burden Per Respondent: 90 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 124.

Dated: June 2, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15450 Filed 6–19–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0051]

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 on the information needed to accurately reimburse State Approving Agencies (SAA) for expenses incurred in the approval and supervision of education and training programs.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 21, 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. 2900–0051'' 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: Quarterly Report of State Approving Agency Activities, VA Form 22–7398.

OMB Control Number: 2900–0051.

Type of Review: Extension of a currently approved collection.

Abstract: VA has the authority to reimburse SAAs for necessary salary, and fringe and travel expenses incurred in the approval and supervision of education and training programs. VA makes the reimbursement retrospectively on a monthly or quarterly basis after receiving an itemized invoice from SAA supported by visit reports and program documents. VA Form 22–7398 serves as the form for SAAs to request reimbursement. The information is used to ensure that the reimbursements are proper and accurate. Without the report, VA would have no means to compare the efficiency and effectiveness of SAAs.

Affected Public: State, Local or Tribal Governments.

Estimated Annual Burden: 228 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: Quarterly.

Estimate Annual Reponses: 228.

Estimated Number of Respondents: 57.

Dated: June 2, 2000.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 00–15451 Filed 6–19–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0571]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The 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 on the burden estimates relating to customer satisfaction surveys involving the National Cemetery Administration (NCA), the Office of Financial Management (OFM), and the Office of Inspector General (IG).

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 21, 2000.

ADDRESSES: Submit written comments on the collection of information to Ron Taylor, Office of Information and Technology (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0571'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ron Taylor at (202) 273–8135.

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, VA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VA's functions, including whether the information will have practical utility; (2) the accuracy of VA'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: Generic Clearance for the National Cemetery Administration (NCA), the Office of Financial Management (OFM), and the Office of Inspector General (IG) Customer Satisfaction Surveys.

OMB Control Number: 2900–0571.

Type of Review: Extension of a currently approved collection.

Abstract: Executive Order 12862, Setting Customer Service Standards, requires Federal agencies and Departments to identify and survey its customers to determine the kind and quality of services they want and their level of satisfaction with existing service. NCA, OFM, and IG use

customer satisfaction surveys to gauge customer perceptions of VA services as well as customer expectations and desires. The results of these information collections lead to improvements in the quality of VA service delivery by helping to shape the direction and focus of specific programs and services.

Affected Public: Individuals or households, business or other for-profit and State, Local or Tribal Government.

Listing of Survey Activities: The following list of activities is a compendium of customer satisfaction survey plans by the NCA, OFM, and IG. The actual conduct of any particular activity listed could be affected by circumstances. A change in, or refinement of, our focus in a specific area, as well as resource constraints could require deletion or substitution of any listed item. If these organizations substitute or propose to add a new activity that falls under the umbrella of this generic approval, including those activities that are currently in a planning stage, OMB will be notified and will be furnished a copy of pertinent materials, a description of the activity and number of burden hours involved. NCA, OFM, and IG will conduct periodic reviews of ongoing survey activities to ensure that they comply with the PRA.

I. National Cemetery Administration

Year	Number of respondents	Estimated annual burden (in hours)	Frequency
Focus Groups With Next of Kin (10 participants per group/3 hours each session)			
2001	50	150	5 groups annually.
2002	50	150	5 groups annually.
2003	50	150	5 groups annually.
Focus Groups With Funeral Directors (10 participants per group/3 hours each session)			
2001	50	150	5 groups annually.
2002	50	150	5 groups annually.
2003	50	150	5 groups annually.
Focus Groups With Veterans Service Organizations (10 participants per group/3 hours each session)			
2001	50	150	5 groups annually.
2002	50	150	5 groups annually.
2003	50	150	5 groups annually.
Visitor Comments Cards (2,500 respondents/5 minutes per response)			
2001	2,500	208	Annually.
2002	2,500	208	Annually.
2003	2,500	208	Annually.
Next of Kin National Customer Satisfaction Survey (Mail to 10,000 respondents/3 minutes per response)			
2001	10,000	5,000	Annually.
2002	10,000	5,000	Annually.
2003	10,000	5,000	Annually.
Funeral Directors National Customer Satisfaction Survey (Mail to 1,000 respondents/30 minutes per response)			
2001	1,000	500	Annually.
2002	1,000	500	Annually.
2003	1,000	500	Annually.
Veterans-At-Large National Customer Satisfaction Survey (Mail to 5,000 respondents/30 minutes per response)			
2001	5,000	2,500	Annually.
2002	5,000	2,500	Annually.
2003	5,000	2,500	Annually.
Program/Specialized Service Survey (Mail to 1,000 respondents/30 minutes per response)			
2001	1,000	500	Annually.
2002	1,000	500	Annually.
2003	1,000	500	Annually.

II. Office of Financial Management—Accountability Report Pilot Evaluation Form

Year	Number of respondents	Estimated Annual burden (in hours)	Frequency
2001	550	138	Annually.
2002	550	138	Annually.

Year	Number of respondents	Estimated Annual burden (in hours)	Frequency
2003	550	138	Annually.

III. Office of Inspector General—Patient Questionnaire

Year	Number of respondents	Estimated annual burden (in hours)	Frequency
2001	1,200	200	Annually.
2002	1,200	200	Annually.
2003	1,200	200	Annually.

Most customer satisfaction surveys will be recurring so that NCA, OFM, and IG can create and maintain ongoing measures of performance and to determine how well VA meets customer service standards. Each collection of information will consist of the minimum amount of information necessary to determine customer needs and to evaluate each organization's performance. NCA expects to conduct 15 focus groups annually involving a total of 450 hours during the approval period. In addition, NCA expects to conduct mail surveys with a total annual burden of 8,000 hours and will distribute comment cards with a total annual burden of 208 hours. NCA also plans to conduct mail surveys with customers of specific programs (*e.g.* Headstones and Markers, Presidential Memorial Certificates, State Veterans Cemeteries) to determine levels of service satisfaction. Program specific surveys are estimated at 500 burden hours annually during the approval period. OFM and IG will distribute written surveys with a total annual burden of 338 hours.

Dated: May 24, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–15529 Filed 6–19–00; 8:45 am]

BILLING CODE 8320–01–U

Federal Register

Tuesday,
June 20, 2000

Part II

Federal Communications Commission

47 CFR Part 24, et al.

Point-to-Point and Point-to-Multipoint Common Carrier and Private Operational Fixed Microwave Rules; Final Rules and Proposed Rules

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 24, 25, 74, 78, 90, and 101

[WT Docket No. 94–148; CC Docket No 93–2; RM–7861; FCC 00–33]

Point-to-Point and Point-to-Multipoint Common Carrier and Private Operational Fixed Microwave Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document consolidates, clarifies and amends Point-to-Point and Point-to-Multipoint Common Carrier and Private Operational Fixed Microwave Rules (FCC 96–51 at 61 FR 26670, May 28, 1996). The Commission on its own motion, adopted other changes that improve the clarity and completeness of our rules. These changes will streamline regulation for the Terrestrial Microwave Radio Services.

EFFECTIVE DATE: August 21, 2000.

FOR FURTHER INFORMATION CONTACT: Michael J. Pollak, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: 1. This is a summary of the Commission's Memorandum Opinion and Order FCC 00–33 in WT Docket No. 94–148, adopted February 2, 2000, and released on February 14, 2000. The full text of this Memorandum Opinion and Order is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW Washington, DC 20037. The full text may also be downloaded at: www.fcc.gov/Bureaus/Wireless/Orders/2000/FCC0033.doc/FCC003.txt/FCC033a.txt/FCC033a.doc. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Summary of the Memorandum Opinion and Order

2. The significant decisions in this *Memorandum Opinion and Order* are as follows:

Until a more sufficient record can be developed, we decline to change the rule prohibiting POFS licensees from using the 11 GHz band as the ''final link'' for the delivery of video programming to cable television (CATV) systems, multipoint distribution systems (MDS), and master antenna television (MATV) systems.

We decline to reinstate the requirement that POFS applications be placed on public notice thirty days prior to the date the application is granted, but will continue to release an informal listing of such applications.

Until a more sufficient record can be developed, we retain the rule prohibiting POFS licensees from handling common carrier traffic.

We modify parts 24, 25, 74, and 78 and 90 to substitute references to the new part 101 and to remove references therein to former parts 21 and 94.

We clarify and incorporate necessary clerical changes to certain rules.

Final Regulatory Flexibility Analysis

3. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Part 101 Notice and the Point-to-Point Notice in WT Docket No. 94–148; 60 FR 2722 (January 11, 1995) and CC Docket No. 93–2; FCC 93–5, 58 FR 12202 (March 3, 1993) respectively. The Commission sought written public comments on the proposals in these proceedings, including on the IRFAs. The Commission's Final Regulatory Flexibility Analysis (FRFA) for the Memorandum Opinion and Order (MO&O) conforms to the RFA.

I. Need For and Purpose of This Action

4. This MO&O addresses petitions for reconsideration and clarification received in response to the part 101 order and further simplifies and corrects the rules in the Commission's newly consolidated part 101 of its rules, which governs the common carrier and private operational fixed microwave services. The changes made by the MO&O are minor in nature and are intended to forestall confusion, eliminate redundancy, remove obsolete language, and generally promote the public interest. We find that the potential benefits to fixed microwave applicants and licensees exceed any negative effects that could result from the revised rules promulgated herein. Thus, we conclude that the public interest is served by modifying these rules, thereby increasing the speed and ease of filing and processing applications for the fixed microwave services.

II. Summary of Significant Issues Raised by Public Comments in Response to the Initial Regulatory Flexibility Analysis

5. No comments were submitted in direct response to the IRFA. Several petitioners suggested modifications to the rules adopted in the part 101 order. As a result of these petitions, the Commission has made appropriate modifications to the rules. The specific suggestions and modifications are discussed in paragraph 2. We have reviewed the petitions and general comments to determine any impact they may have on small businesses.

III. Description and Estimate of the Number of Small Entities to Which the Rules Apply

6. The rules will affect all common carrier and private operational fixed microwave licensees who are authorized under part 101 of the Commission's rules. The Commission has not developed a definition of small entities applicable to these licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules for the radiotelephone industry, which provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. It is our understanding that these rule change will affect less than 1000 entities, but that the effect will be to lessen time and input and thereby any costs associated with processing the applications.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

7. There are no new reporting or recordkeeping requirements proposed or adopted in this MO&O. We have amended the fixed microwave rules to make them less burdensome, eliminated some requirements for filing applications, consolidated application forms, and clarified some of the language of the existing rules. Licensees, when making changes to their radio systems or constructing new facilities, were previously required to file an application or notify the Commission by letter of the change or the completion of construction. We have eliminated this requirement in many cases.

V. Significant Alternatives Considered

8. The petitions for reconsideration and clarification offered various alternatives for modification of the rules adopted in the part 101 Notice; an additional alternative was to maintain

the status quo. In general, the petitions for reconsideration and clarification supported the rule changes already effected, but sought changes asserted to make the adopted rules more clear and accurate. Many of the suggested modifications are incorporated in the final rules. The rules, as amended herein, impose no additional regulatory burdens. The Commission will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing economic impact on small business entities.

VI. Commission's Outreach Efforts To Learn of and Respond to the Views of Small Entities Pursuant to 5 U.S.C. 609

9. In this proceeding, the Commission has taken several steps to learn and respond to the views of small entities. Throughout the course of this proceeding, representatives of the Public Safety and Private Wireless Division (PS&PWD) of the Wireless Telecommunications Bureau have had numerous discussions with the representatives of small entities. The staff of the Licensing and Data Analysis Branch of the PS&PWD in Gettysburg, Pennsylvania routinely respond to questions posed by the representatives of small entities and, when appropriate, refer issues arising from those questions to PS&PWD staff in Washington, DC for determination of whether a rule change or clarification will benefit the small entities posing the questions. Additional outreach has been achieved by the staff of the PS&PWD meeting with the frequency coordinators for the microwave services.

Report to Congress: The Commission shall send a copy of this Final Regulatory Flexibility Analysis, along with the Memorandum Opinion and Order, in a report to Congress pursuant to Section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A). A copy of this FRFA will also be published in the **Federal Register**.

Ordering Clauses

10. Accordingly, it is ordered that, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petitions for Reconsideration, Petitions for Clarification, and other pleadings submitted in response to the part 101 order are granted in part to the extent indicated herein and are denied in part in all other respects.

11. It is further ordered that parts 24, 25, 74, 78, 90, and 101 of the Commission's rules are hereby amended as specified in herein and will become effective August 21, 2000.

12. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Memorandum Opinion and Order, including the Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

13. It is further ordered that the proceedings in WT Docket No. 94–148, CC Docket No. 93–2, and RM–7861 are hereby terminated.

List of Subjects in 47 CFR Parts 24, 25, 74, 78, 90, and 101

Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Final Rules

For reasons discussed in the preamble, the Federal Communications Commission amends Parts 24, 25, 74, 78, 90, and 101 of Title 47 of the Code of Federal Regulations as follows:

PART 24—PERSONAL COMMUNICATIONS SERVICES

1. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

2. Section 24.2 is amended by revising paragraphs (h) and (j) to read as follows:

§ 24.2 Other applicable rule parts.

* * * * *

(h) *Part 21*. This part contains rules concerning multipoint distribution service and multichannel multipoint distribution service.

* * * * *

(j) *Part 101*. This part contains rules concerning common carrier and private services relating to fixed point-to-point and point-to-multipoint microwave systems.

PART 25—SATELLITE COMMUNICATIONS

3. The authority citation for Part 25 continues to read as follows:

Authority: 47 U.S.C. 701–704. Interprets or applies sec. 303, 47 U.S.C. 303. 47 U.S.C. 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

4. Section 25.203 is amended by revising paragraph (c)(3) to read as follows:

§ 25.203 Choice of sites and frequencies.

* * * * *

(c) * * *

(3) The coordination procedure specified in § 101.103(d) of this chapter shall be applicable except that the information to be provided shall be that set forth in paragraph (c)(2) of this section, and that the 30-day period allowed for response to a request for coordination may be increased to a maximum of 45 days by mutual consent of the parties.

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

5. The authority citation for Part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

6. Section 74.502 is amended by revising paragraph (a), the introductory text of paragraph (c), and the last sentence of paragraph (c)(1) to read as follows:

§ 74.502 Frequency assignment.

(a) Except as provided in US 302, broadcast auxiliary stations licensed as of November 21, 1984, to operate in the band 942–944 MHz[1] may continue to operate on a co-equal primary basis to other stations and services operating in the band in accordance with the Table of Frequency Allocations. These stations will be protected from possible interference caused by new users of the band by the technical standards specified in § 101.105(c)(2).

* * * * *

(c) The frequency bands 18,760–18,820 MHz and 19,100–19,160 MHz are available for assignment to aural broadcast STL and intercity relay stations and are shared on a co-primary basis with other fixed services under Parts 78 and 101 of the Commission's rules.

(1) * * * Applicants may use either a two-way link or one frequency of a frequency pair for a one-way link and shall coordinate proposed operations pursuant to the procedures required in § 101.103(d).

* * * * *

7. Section 74.602 is amended by revising paragraphs (e) and (g) introductory text to read as follows:

§ 74.602 Frequency assignment.

* * * * *

(e) Communication common carriers in the Local Television Transmission

Service (Part 101) may be assigned frequencies available to television broadcast station licensees and broadcast network entities for the purpose of providing service to television broadcast stations and broadcast network entities, respectively.

* * * * *

(g) The following frequencies are available for assignment to television STL, television relay stations and television translator relay stations. The provisions of § 74.604 do not apply to the use of these frequencies. These frequencies are shared on a co-primary basis with other stations in the fixed service (see Parts 78 and 101). Applicants may use either a two-way link or one or both frequencies of a frequency pair for a one-way link and shall coordinate proposed operations pursuant to procedures required in § 101.103(d).

* * * * *

8. Section 74.638 is amended by revising the first sentence of paragraph (a) introductory text, and paragraph (b) to read as follows:

§ 74.638 Frequency coordination.

(a) Channels in Band D are shared with certain Private Operational Fixed Stations authorized under part 101, § 101.147(p), after September 9, 1983. * * *

* * * * *

(b) Coordination of assignments in the 6425–6525 MHz and 17.7–19.7 GHz bands will be in accordance with the procedure established in § 101.103(d), *except* that the prior coordination process for mobile (temporary fixed) assignments may be completed orally and the period allowed for response to a coordination notification may be less than 30 days if the parties agree.

PART 78—CABLE TELEVISION RELAY SERVICE

9. The authority citation for Part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

§ 78.3 [Amended]

10. Section 78.3 is amended by adding ''Part 101—Fixed Microwave Services'' to the chapter list.

11. Section 78.11 is amended by revising paragraph (g) to read as follows:

§ 78.11 Permissible service.

* * * * *

(g) The provisions of paragraph (d) of this section and § 78.13 shall not apply to a licensee who has been licensed in the CARS service pursuant to § 101.705 of this chapter, except that paragraph (d) of this section shall apply with respect to facilities added or cable television and other eligible systems first served after February 1, 1966.

* * * * *

12. Section 78.18 is amended by revising the first sentence in each of the introductory texts of paragraphs (a)(4), (a)(5), (a)(6) and (a)(7) to read as follows:

§ 78.18 Frequency assignments.

(a) * * *

* * * * *

(4) The Cable Television Relay Service is also assigned the following frequencies in the 17,700 to 19,700 MHz band. These frequencies are co-equally shared with stations in the fixed service under Parts 74 and 101 of the Commission's Rules. Applicants may use either two-way link or one or both frequencies of a frequency pair for a one-way link and shall coordinate proposed operations pursuant to procedures required in § 101.103(d). These bands may be used for analog or digital modulation. * *

(5) *6425 to 6525 MHz—Mobile only.* Paired and unpaired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with mobile stations licensed pursuant to Parts 74 and 101 of the Commission's Rules. The following channel plans apply. * * *

(6) *1990–2110 MHz—Mobile only.* Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to parts 74 and 101 of the Commission's Rules. (Common carriers may use this band pursuant to provisions of § 101.803(b)). The following channeling plan applies subject to the provisions of § 74.604. * * *

(7) *6875–7125 MHz—Mobile only.* Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to parts 74 and 101 of the Commission's Rules. (Common carriers may use this band pursuant to provisions of § 101.803(b)). The following channeling plan applies subject to the provisions of § 74.604. * * *

* * * * *

13. Section 78.36 is amended by revising paragraph (b) to read as follows:

§ 78.36 Frequency coordination.

* * * * *

(b) *6425–6525 MHz and 17.7–19.7 GHz.* Coordination of fixed and mobile assignments will be in accordance with the procedure established in § 101.103(d), *except* that the prior coordination process for mobile (temporary fixed) assignments may be completed orally and the period allowed for response to a coordination notification may be less than 30 days if the parties agree.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

14. The authority citation for Part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309, and 332, as amended; 47 U.S.C. 154, 251–2, 303, 309 and 332, unless otherwise noted.

15. Section 90.20 is amended by revising paragraph (d)(70) to read as follows:

§ 90.20 Public Safety Pool.

* * * * *

(d) * * *

(70) Assignment of frequencies above 928 MHz for operational-fixed stations is governed by Part 101 of this chapter.

* * * * *

PART 101—FIXED MICROWAVE SERVICES

16. The authority citation for Part 101 continues to read as follows:

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

17. Section 101.3 is amended by revising the definition of ''Private operational fixed point-to-point service'' to read as follows:

§ 101.3 Definitions.

* * * * *

Private operational fixed point-to-point microwave service. A private radio service rendered by fixed and temporary fixed stations on microwave frequencies for the exclusive use or availability for use of the licensee or other eligible entities for communication between two or more designated points. Service may be provided between points within the United States, points within United States possessions, or between the United States and points in Canada or Mexico.

* * * * *

18. Section 101.4 is amended by revising paragraph (a) to read as follows:

§ 101.4 Transition plan.

(a) All systems subject to Parts 21 and 94 of this chapter in effect as of July 31, 1996, which are licensed or which are proposed in an application on file, as of

July 31, 1996, are subject to the requirements under Part 21 or Part 94 of this chapter as contained in the CFR edition revised as of October 1, 1995 and amended in the **Federal Register** through July 31, 1996, as applicable, indefinitely.

* * * * *

19. Section 101.17 is revised to read as follows:

§ 101.17 Performance requirements for the 38.6–40.0 GHz frequency band.

(a) All 38.6–40.0 GHz band licensees must demonstrate substantial service at the time of license renewal. A licensee's substantial service showing should include, but not be limited to, the following information for each channel for which they hold a license, in each EA or portion of an EA covered by their license, in order to qualify for renewal of that license. The information provided will be judged by the Commission to determine whether the licensee is providing service which rises to the level of ''substantial.''

(1) A description of the 38.6–40.0 GHz band licensee's current service in terms of geographic coverage;

(2) A description of the 38.6–40.0 GHz band licensee's current service in terms of population served, as well as any additional service provided during the license term;

(3) A description of the 38.6–40.0 GHz band licensee's investments in its system(s) (type of facilities constructed and their operational status is required);

(b) Any 38.6–40.0 GHz band licensees adjudged not to be providing substantial service will not have their licenses renewed.

20. Section 101.21 is amended by revising paragraph (f) to read as follows:

§ 101.21 Technical content of applications.

* * * * *

(f) All applicants for regular authorization must, before filing an application, major amendments to a pending application, or modifications to a license, prior coordinate the proposed frequency usage with existing users in the area and other applicants with previously filed applications in accordance with the procedures in § 101.103. In those frequency bands shared with the communication-satellite service, an applicant for a new station, for new points of communication, for the initial frequency assignment in a shared band for which coordination has not been previously effected, or for authority to modify the emission or radiation characteristics of an existing station in a manner that may increase the likelihood of harmful interference, must ascertain in advance whether the station(s) involved lie within the great circle coordination distance contours of an existing Earth station or one for which an application has been accepted for filing, and must coordinate his proposal with each such Earth station operator or applicant. For each potential interference path, the applicant must perform the computations required to determine that the expected level of interference to or from the terrestrial station does not exceed the maximum permissible interference power level in accordance with the technical standards and requirements of § 25.251 of this chapter. The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with part 25 of this chapter, showing that harmful interference will not likely result from the proposed operation. (Technical characteristics of the Earth stations on file and coordination contour maps for those Earth stations will be kept on file for public inspection in the offices of the Commission's International Bureau in Washington, DC.)

* * * * *

21. Section 101.31 is amended by revising the paragraph heading for paragraph (a) to read as follows:

§ 101.31 Temporary and conditional authorizations.

(a) *Operation at temporary locations.*

* * * * *

22. Section 101.55 is amended by revising paragraph (a) introductory text, paragraph (d) introductory text, and the first sentence of paragraph (e)(3) to read as follows:

§ 101.55 Considerations involving transfer or assignment applications.

(a) Except as provided for in paragraph (d) of this section, licenses may not be assigned or transferred prior to the completion of construction of the facility. However, consent to the assignment or transfer of control of such a license may be given prior to the completion of construction where:

* * * * *

(d) If a proposed transfer of radio facilities is incidental to a sale or other facilities or merger of interests, the showing specified under paragraph (c) of this section shall be submitted and include an additional exhibit that:

* * * * *

(e) * * *

(3) The median date of the applicable commencement dates (determined pursuant to paragraphs (e)(1) and (2) of this section) if the transaction involves a system (such as a Private Operational Fixed Point-to-Point Microwave system) of two or more stations. * * *

23. Section 101.63 is amended by revising paragraph (a) to read as follows:

§ 101.63 Period of construction; certification of completion of construction.

(a) Except for stations licensed in the Local Multipoint Distribution Service (LMDS) and 38.6–40.0 GHz band, each station licensed under this part must be in operation within 18 months from the initial date of grant. Modification of an operational station other than one licensed in LMDS and the 38.6–40.0 GHz band must be completed within 18 months of the date of grant of the applicable modification request.

* * * * *

24. Section 101.81 is amended by revising the introductory paragraph to read as follows:

§ 101.81 Future licensing in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands.

After April 25, 1996, all major modifications and extensions to existing FMS systems in the 1850–1990 MHz, 2110–2150 MHz, and 2160–2200 MHz bands will be authorized on a secondary basis to ET systems. All other modifications will render the modified FMS license secondary to ET operations, unless the incumbent affirmatively justifies primary status and the incumbent FMS licensee establishes that the modification would not add to the relocation costs of ET licensees. Incumbent FMS licensees will maintain primary status for the following technical changes:

* * * * *

25. Section 101.101 is amended by revising the table and the list of acronyms to read as follows:

§ 101.101 Frequency availability.

Frequency band (MHz)	Radio service				
	Common carrier (Part 101)	Private radio (Part 101)	Broadcast auxiliary (Part 74)	Other (Parts 15, 21, 22, 24, 25, 74, 78 & 100)	Notes
928–929	MAS	MAS		PRS.	
932.0–932.5	MAS	MAS		PRS.	
932.5–935.0	CC	OFS			(1).
941.0–941.5	MAS	MAS		PRS.	
941.5–944.0	CC	OFS	Aural BAS		(1).
952–958		OFS/MAS		PRS.	
958–960	MAS	OFS.			
1850–1990		OFS		PCS.	
2110–2130	CC			PET.	
2130–2150		OFS		PET.	
2150–2160		OFS		MDS.	
2160–2180	CC			ET.	
2180–2200		OFS		PET.	
2450–2500	LTTS	OFS	TV BAS	ISM	F/M/TF.
2650–2690		OFS		MDS/ITFS.	
3700–4200	CC LTTS	OFS		SAT.	
5925–6425	CC LTTS	OFS		SAT.	
6425–6525	LTTS	OFS	TV BAS	CARS	M.
6525–6875	CC	OFS.			
10,550–10,680	CC	OFS DEMS.			
10,700–11,700	CC	OFS		SAT.	
11,700–12,200	LTTS			SAT.	
12,200–12,700		OFS		DBS.	
12,700–13,250	CC LTTS	OFS	TV BAS	CARS	F/M/TF.
14,200–14,400	LTTS			SAT.	
17,700–18,580	CC	OFS	TV BAS	SAT CARS.	
18,580–18,820	CC	OFS	Aural BAS	SAT.	
18,820–18,920	DEMS	OFS DEMS		SAT.	
18,920–19,160	CC	OFS	Aural BAS	SAT.	
19,160–19,260	DEMS	OFS DEMS		SAT.	
19,260–19,700	CC	OFS	TV BAS	CARS SAT.	
21,200–23,600	CC LTTS	OFS			TF.
24,250–25,250	DEMS	DEMS.			
27,500–28,350	LMDS	LMDS.			
29,100–29,250	LMDS	LMDS		SAT.	
31,000–31,300	CC LMDS LTTS	OFS LMDS			F/M/TF.
38,600–40,000	CC	OFS	TV BAS		F/M/TF.

BAS: Broadcast Auxiliary Service—(Part 74)
CARS: Cable Television Relay Service —(Part 78)
CC: Common Carrier Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & I)
DBS: Direct Broadcast Satellite—(Part 100)
DEMS: Digital Electronic Message Service—(Part 101, Subpart G)
ISM: Industrial, Scientific & Medical—(Part 18)
ITFS: Instructional Television Fixed Service—(Part 74)
LTTS: Local Television Transmission Service—(Part 101, Subpart J)
MAS: Multiple Address System—(Part 101)
MDS: Multipoint Distribution Service—(Part 21)
OFS: Private Operational Fixed Point-to-Point Microwave Service—(Part 101, Subparts C & H)
PCS: Personal Communications Service—(Part 24)
PET: Emerging Technologies (per ET Dkt. No. 92–9, not yet assigned)
PRS: Paging and Radiotelephone Service—(Part 22, Subpart E)
SAT: Fixed Satellite Service—(Part 25)
Notes:
F—Fixed
M—Mobile
TF—Temporary Fixed

(1)—Applications for frequencies in the 932.5–935/941.5–944 MHz bands may be filed initially during a one-week period to be announced by public notice. After these applications have been processed, the Commission will announce by public notice a filing date for remaining frequencies. From this filing date forward, applications will be processed on a daily first-come, first-served basis.

26. Section 101.103 is amended by revising paragraphs (d)(2)(i) and (ii) to read as follows:

§ 101.103 Frequency coordination procedures.

* * * * *

(d) * * *

(2) * * *

(i) Coordination involves two separate elements: notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The names of the licensees, permittees and applicants with which coordination was accomplished must be specified. If such notice and/or response is oral, the party providing such notice or response must

supply written documentation of the communication upon request;

(ii) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

Applicant's name and address.
Transmitting station name.
Transmitting station coordinates.
Frequencies and polarizations to be added, changed or deleted.
Transmitting equipment type, its stability, actual output power, emission designator, and type of modulation (loading).
Transmitting antenna type(s), model, gain and, if required, a radiation pattern provided or certified by the manufacturer.
Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level.
Receiving station name.
Receiving station coordinates.
Receiving antenna type(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.
Receiving antenna center line height(s) above ground level and ground elevation above mean sea level.
Path azimuth and distance.
Estimated transmitter transmission line loss expressed in dB.
Estimated receiver transmission line loss expressed in dB.
For a system utilizing ATPC, maximum transmit power, coordinated transmit power, and nominal transmit power.

Note: The position location of antenna sites shall be determined to an accuracy of no less than ±1 second in the horizontal dimensions (latitude and longitude) and ±1 meter in the vertical dimension (ground elevation) with respect to the National Spacial Reference System.

* * * * *

27. Section 101.105 is amended by revising paragraph (c)(2) introductory text and the first sentence in each of paragraphs (c)(3) and (c)(7) to read as follows:

§ 101.105 Interference protection criteria.

(c) * * *

(2) If TSB 10 guidelines cannot be used, the following interference protection criteria may be used by calculating the ratio in dB between the desired (carrier signal) and the undesired (interfering) signal (C/I ratio) appearing at the input to the receiver under investigation (victim receiver). Except as provided in § 101.147 where the applicant's proposed facilities are of a type not included in paragraphs (a) and (b) of this section or where the development of the carrier-to-interference (C/I) ratio is not covered by generally acceptable procedures, or where the applicant does not wish to develop the carrier-to-interference ratio, the applicant must, in the absence of criteria or a developed C/I ratio, employ the following C/I protection ratios:

* * * * *

(3) Applicants for frequencies listed in § 101.147(b)(1) through (4) must make the following showings that protection criteria have been met over the entire service area of existing systems. * * *

* * * * *

(7) Each application for new or modified nodal station on channels numbered 21, 22, 23, and 24 in the 10.6 GHz band must include an analysis of the potential for harmful interference to all other licensed and previously applied for co-channel and adjacent channel stations located within 80 kilometers of the location of the proposed station. * * *

* * * * *

28. Section 101.109 is amended by revising the first four entries and notes 4, 5, and 6 in the table in paragraph (c) to read as follows:

§ 101.109 Bandwidth.

* * * * *

(c) * * *

Frequency band (MHz)	Maximum authorized bandwidth
928 to 929	25kHz [1 5 6]
932 to 932.5, 941 to 941.5.	12.5 kHz [1 5 6]
932.5 to 935, 941.5 to 944.	200 kHz [1]
952 to 960	200 kHz [1 5 6]

* * * * *

[1] The maximum bandwidth that will be authorized for each particular frequency in this band is detailed in the appropriate frequency table in § 101.147.

* * * * *

[4] For exceptions, see § 101.147(s).

[5] A 12.5 kHz bandwidth applies only to frequencies listed in § 101.147(b)(1 through 4).

[6] For frequencies listed in § 101.147(b)(1 through 4), consideration will be given on a case-by-case basis to authorizing bandwidths up to 50 kHz.

* * * * *

29. Section 101.113 is amended by revising the table in paragraph (a) to read as follows:

§ 101.113 Transmitter power limitations.

(a) * * *

Frequency band (MHz)	Maximum allowable EIRP [1 2]	
	Fixed (DbW)	Mobile (dBW)
928.0–929.0	+17	
932.0–932.5	+17	
932.5–935.0	+40	
941.0–941.5	+30	
941.5–944.0	+40	
952.0–960.0 [2]	+40	
1,850–1,990	+45	
2,110–2,150	+45	
2,150–2,180 [3]	+45	
2,180–2,200	+45	
2,450–2,500	+45	
2,500–2,686		
2,686–2,690	+45	
3,700–4,200	+55	
5,925–6,425	+55	
6,425–6,525		+35
6,525–6,875	+55	
10,550–10,680 [5]	+55	
10,700–11,700	+55	
12,200–12,700	+50	
12,700–13,250 [4]	+50	
14,200 to 14,400	+45	
17,700–18,600	+55	
18,600–18,800 [6]	+35	
18,800 to 19,700	[5] +55	
21,200 to 23,600 [10]	+55	
24,250–25,250	[5] +55	
27,500 to 28,350 [9]	+55	
29,100–29,250	([7])	
31,000 to 31,075 [8, 9].	30 dBW/MHz	30 dBW/MHz
31,075 to 31,225 [8, 9].	30 dBW/MHz	30 dBW/MHz
31,225 to 31,300 [8, 9].	30 dBW/MHz	30 dBW/MHz
38,600–40,000	+55	

[1] Per polarization.

[2] For multiple address operations, see § 101.147. Remote alarm units that are part of a multiple address central station projection system are authorized a maximum of 2 watts.

[3] When an omnidirectional antenna is authorized in the 2150–2160 MHz band, the maximum power shall be 60 dBm.

[4] Also see § 101.145.

[5] The output power of a DEMS System nodal transmitter shall not exceed 0.5 watts per 250 kHz. The output power of a DEMS System user transmitter shall not exceed 0.04 watts per 250 kHz. The transmitter power in terms of the watts specified is the peak envelope power of the emission measured at the associated antenna input port. The operating power shall not exceed the authorized power by more than 10 percent of the authorized power in watts at any time. Frequencies from 10,600–10,680 MHz are subject to footnote US265 in the Table of Frequency Allocations in Section 2.106 of the Commission's Rules.

[6] Maximum power delivered to the antenna shall not exceed -3 dBw.

[7] See § 101.113(c).

[8] For stations authorized prior to March 11, 1997, and for non-Local Multipoint Distribution Service stations authorized pursuant to applications refiled no later than June 26, 1998, the transmitter output power shall not exceed 0.050 watt.

[9] For subscriber transceivers authorized in these bands, the EIRP shall not exceed 55 dBw or 42 dBw/MHz.

[10] See § 101.147(s).

* * * * *

30. In § 101.115 (c), the table is amended by removing the ''Note to footnote 11'' and revising footnote 11 to the table and, revising the first entry for ''38,600–40,000'' to read as follows:

§ 101.115 Directional antennas.

* * * * *

(c) * * *

Frequency (MHz)	Category	Maximum beamwidth to 3 dB points [1] (included angle in degrees)	Minimum Antenna Gain (dbi)	Minimum radiation suppression to angle in degrees from center line of main beam in decibels						
				5° to 10	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
38,600–40,000 [14]	A	n/a	38	25	29	33	36	42	55	55

* * * * * * *

[1] If a licensee chooses to show compliance using maximum beamwidth to 3 dB points, the beamwidth limit shall apply in both the azimuth and the elevation planes.

* * * * * * *

[11] Except as provided in § 101.147(s).

* * * * * * *

[14] Stations authorized to operate in the 38,600–40,000 MHz band may use antennas other than those meeting the Category A standard. However, the Commission may require the use of higher performance antennas where interference problems can be resolved by the use of such antennas.

31. Section 101.135 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 101.135 Shared use of radio stations and the offering of private carrier service.

* * * * *

(a) Persons or governmental entities licensed to operate radio systems on any of the private radio frequencies set out in § 101.101 may share such systems with, or provide private carrier service to, any eligible entity for licensing under this part, regardless of individual eligibility restrictions, provided that the communications being carried are permissible under § 101.603. * * *

* * * * *

32. Section 101.143 is amended by revising paragraph (b) to read as follows:

§ 101.143 Minimum path length requirements.

* * * * *

(b) For paths shorter than those specified in the Table in paragraph (a) of this section, the EIRP shall not exceed the value derived from the following equation:

EIRP = MAXEIRP–40*log(A/B) dBW

Where: EIRP = The new maximum EIRP (equivalent isotropically radiated power) in dBW. MAXEIRP = Maximum EIRP as set forth in the Table in Section 101.113(a).

A = Minimum path length from the Table above for the frequency band in kilometers.

B = The actual path length in kilometers.

Note to paragraph (b): For transmitters using Automatic Transmitter Power Control, EIRP corresponds to the maximum transmitter power available, not the coordinated transmit power or the nominal transmit power.

* * * * *

33. Section 101.145 is amended by revising paragraph (a) to read as follows:

§ 101.145 Interference to geostationary-satellites.

* * * * *

(a) Stations authorized prior to July 1, 1976 in the band 2655–2690 MHz, which exceed the power levels in paragraphs (b) and (c) of this section are permitted to operate indefinitely, provided that the operation of such stations does not result in harmful interference to reception in these bands on board geostationary space stations.

* * * * *

34. Section 101.147 (a) is amended by revising the entries for the frequency assignments listed below, revising notes 20 and 22 and adding a note 29, revising paragraph (b)(6) Table 11, revising the introductory text in paragraph (j), and revising paragraphs (r)(3), (r)(4), and (r)(5), (v)(1) and (v)(2) to read as follows:

§ 101.147 Frequency assignments.

(a) Frequencies in the following bands are available for assignment for fixed microwave services.

* * * * *

2,110–2130 MHz (1) (3) (7) (20) (23)

* * * * *

2,150–2160 MHz (22) (29)
2,160–2180 MHz (1) (2) (20) (23)

* * * * *

2450–2500 MHz (4)

* * * * *

11,700–12,200 MHz (24)
12,200–12,700 MHz (22)
12,700–13,200 MHz (22)

* * * * *

(1) Frequencies in this band are shared with control and repeater stations in the Domestic Public Land Mobile Radio Service and with stations in the International Fixed Public Radiocommunication Services located south of 25° 31′ north latitude in the State of Florida and U.S. possessions in the Caribbean area. Additionally, the band 2160–2162 MHz is shared with stations in the Multipoint Distribution Service.

(2) Except upon showing that no alternative frequencies are available, no new assignments will be made in the band 2160–2162 MHz for stations located within 80.5 kilometers (50 Miles) of the coordinates of the cities listed in § 21.901(c) of this chapter.

(3) Television transmission in this band is not authorized and radio frequency channel widths may not exceed 3.5 MHz.

(4) Frequencies in this band are shared with fixed and mobile stations licensed in other services.

* * * * *

(7) Frequencies in the band 2110–2120 MHz may be authorized on a case-by-case basis to Government or non-Government space research earth stations for telecommand purposes in connection with deep space research.

* * * * *

(20) New facilities in these bands will be licensed only on a secondary basis. Facilities licensed or applied for before January 16, 1992, are permitted to make minor modifications in accordance with § 101.81 and retain their primary status.

* * * * *

(22) Frequencies in these bands are for the exclusive use of Private Operational Fixed Point-to-Point Microwave Service (part 101). Frequencies in the 12,700–13,200 MHz band, which were available only to stations authorized in the 12,200–12,700 MHz band as of September 9, 1983, are not available for new facilities.

(23) Frequencies in these bands are for the exclusive use of Common Carrier Fixed Point-to-Point Microwave Service (part 101).

(24) Frequencies in these bands are available for assignment to television

pickup and television non-broadcast pickup stations. The maximum power for the local television transmission service in the 14.2–14.4 GHz bands is +45 dBW except that operations are not permitted within 1.5 degrees of the geostationary orbit.

* * * * *

(29) Frequencies in this band are shared with stations in the Multipoint Distribution Service (Part 21). These frequencies may be used for the transmission of the licensee's products and information services, excluding video entertainment material to the licensee's customers.

(b) * * *

(6) * * *

TABLE 11.—PAIRED FREQUENCIES

[Frequencies may be used only by Private Operational Fixed Point-to-Point Microwave licensees, unless otherwise noted; (200 kHz bandwidth)]

Transmit (receive) (MHz)	Receive (transmit) (MHz)
933.1750 [1]	[1] 942.1750
933.3750 [1]	[1] 942.3750
933.5750 [1]	[1] 942.5750
933.7750 [1]	[1] 942.7750
933.9750 [1]	[1] 942.9750
934.1750 [1]	[1] 943.1750
934.3750 [1]	[1] 943.3750
957.15	953.55
957.55	953.95
957.95	954.35
958.35	954.75
958.75	955.15
959.15	955.55

[1] These frequencies also may be used by Common Carrier Fixed Point-to-Point Microwave licensees.

* * * * *

(j) *6,425 to 6,525 MHz:* Mobile. Paired and un-paired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with mobile stations licensed pursuant to Parts 74 and 78 of the Commission's Rules. Stations not intended to be operated while in motion will be licensed under the provision of § 101.31. The following channel plans apply.

* * * * *

(r) * * *

(3) 6 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
216 MHz Separation	
18145.0	n/a
18151.0	18367.0
18157.0	18373.0
18163.0	18379.0
18169.0	18385.0
18175.0	18391.0
18181.0	18397.0
18187.0	18403.0
18193.0	18409.0
18199.0	18415.0
18205.0	18421.0
18211.0	18427.0
18217.0	18433.0
18223.0	18439.0
18229.0	18445.0
18235.0	18451.0
18241.0	18457.0
18247.0	18463.0
18253.0	18469.0
18259.0	18475.0
18265.0	18481.0
18271.0	18487.0
18277.0	18493.0
18283.0	18499.0
18289.0	18505.0
18295.0	18511.0
18301.0	18517.0
18307.0	18523.0
18313.0	18529.0
18319.0	18535.0
18325.0	18541.0
18331.0	18547.0
18337.0	18553.0
18343.0	18559.0
18349.0	18565.0
18355.0	18571.0
18361.0	18577.0

(4) 10 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17705.0	19265.0
17715.0	19275.0
17725.0	19285.0
17735.0	19295.0
17745.0	19305.0
17755.0	19315.0
17765.0	19325.0
17775.0	19335.0
17785.0	19345.0
17795.0	19355.0
17805.0	19365.0
17815.0	19375.0
17825.0	19385.0
17835.0	19395.0
17845.0	19405.0
17855.0	19415.0
17865.0	19425.0
17875.0	19435.0
17885.0	19445.0
17895.0	19455.0
17905.0	19465.0
17915.0	19475.0
17925.0	19485.0
17935.0	19495.0
17945.0	19505.0
17955.0	19515.0
17965.0	19525.0
17975.0	19535.0
17985.0	19545.0
17995.0	19555.0
18005.0	19565.0
18015.0	19575.0
18025.0	19585.0
18035.0	19595.0
18045.0	19605.0
18055.0	19615.0
18065.0	19625.0
18075.0	19635.0
18085.0	19645.0
18095.0	19655.0
18105.0	19665.0
18115.0	19675.0
18125.0	19685.0
18135.0	19695.0
340 MHz Separation	
18585.0	18925.0
18595.0	18935.0
18605.0	18945.0
18615.0	18955.0
18625.0	18965.0
18635.0	18975.0
18645.0	18985.0
18655.0	18995.0
18665.0	19005.0
18675.0	19015.0
18685.0	19025.0
18695.0	19035.0
18705.0	19045.0
18715.0	19055.0
18725.0	19065.0
18735.0	19075.0
18745.0	19085.0
18755.0	19095.0
18765.0	19105.0
18775.0	19115.0
18785.0	19125.0
18795.0	19135.0
18805.0	19145.0
18815.0	19155.0

(5) 20 MHz maximum authorized bandwidth channels:

Transmit (receive) (MHz)	Receive (transmit) (MHz)
1560 MHz Separation	
17710.0	19270.0
17730.0	19290.0
17750.0	19310.0
17770.0	19330.0
17790.0	19350.0
17810.0	19370.0
17830.0	19390.0
17850.0	19410.0
17870.0	19430.0
17890.0	19450.0
17910.0	19470.0
17930.0	19490.0
17950.0	19510.0
17970.0	19530.0
17990.0	19550.0
18010.0	19570.0
18030.0	19590.0
18050.0	19610.0

Transmit (receive) (MHz)	Receive (transmit) (MHz)
18070.0	19630.0
18090.0	19650.0
18110.0	19670.0
18130.0	19690.0
340 MHz Separation	
18590.0	18930.0
18610.0	18950.0
18630.0	18970.0
18650.0	18990.0
18670.0	19010.0
18690.0	19030.0
18710.0	19050.0
18730.0	19070.0
18750.0	19090.0
18770.0	19110.0
18790.0	19130.0
18810.0	19150.0

* * * * *

(v)(1) Assignments in the band 38,600–40,000 MHz must be according to the following frequency plan:

Channel Group A		Channel Group B	
Channel No.	Frequence band limits (MHz)	Channel No.	Frequency band limits (MHz)
1–A	38,600–38,650	1–B	39,300–39,350
2–A	38,650–38,700	2–B	39,350–39,400
3–A	38,700–38,750	3–B	39,400–39,450
4–A	38,750–38,800	4–B	39,450–39,500
5–A	38,800–38,850	5–B	39,500–39,550
6–A	38,850–38,900	6–B	39,550–39,600
7–A	38,900–38,950	7–B	39,600–39,650
8–A	38,950–39,000	8–B	39,650–39,700
9–A	39,000–39,050	9–B	39,700–39,750
10–A	39,050–39,100	10–B	39,750–39,800
11–A	39,100–39,150	11–B	39,800–39,850
12–A	39,150–39,200	12–B	39,850–39,900
13–A	39,200–39,250	13–B	39,900–39,950
14–A	39,250–39,300	14–B	39,950–40,000

(v)(2) Channels Blocks 1 through 14 are assigned for use within Economic Areas (EAs). Applicants are to apprise themselves of any licensed rectangular service areas within the EA for which they seek a license and comply with the requirements set forth in § 101.103. All of the channel blocks may be subdivided as desired by the licensee and used within its service area as desired without further authorization subject to the terms and conditions set forth in § 101.149.

* * * * *

35. Section 101.803 is amended in paragraph (a) by adding note (8) to the entry ''14,200 to 14,400 MHz'' in the frequency listing and revising note 5, and in paragraph (d) by adding an entry for ''11,700 to 12,200 MHz'' to read as follows:

§ 101.803 Frequencies.

(a) * * *

* * * * *

14,200 to 14,400 MHz (8)

* * * * *

Notes

* * * * *

(5) Assignments to common carriers in this band are normally made in the segments 21,200–21,800 MHz and 22,400–23,800 MHz and to operational fixed users in the segments 21,800–22,400 MHz and 23,000–23,600 MHz. Assignments may be made otherwise only upon a showing that interference free frequencies are not available in the normally assigned band segments.

* * * * *

(8) The maximum power for the local television transmission service in the 14.2–14.4 GHz band is +45 dBW except that operations are not permitted within 1.5 degrees of the geostationary orbit.

* * * * *

(d) * * *

* * * * *

11,700 to 12,200 MHz (3)

* * * * *

Notes

* * * * *

(3) This frequency band is shared, on a secondary basis, with stations in the broadcasting-satellite and fixed-satellite services.

* * * * *

36. Section 101.815 is amended by revising paragraph (a)(5) to read as follows:

§ 101.815 Stations at temporary fixed locations.

(a) * * *

(5) Applications for such stations must comply with the provisions of § 101.21(f).

* * * * *

[FR Doc. 00–14901 Filed 6–19–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 24, 25, 74, 78, 90 and 101

[WT Docket No. 00–19; RM–9418; FCC 00–33]

Point-to-Point and Point-to-Multipoint Common Carrier and Private Operational Fixed Microwave Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to eliminate regulations that are duplicative, outmoded, or otherwise unnecessary. Similarly, the Commission proposes to consolidate and/or streamline rules concerning wireless radio services to remove duplication. We seek to further the work begun by the consolidation of parts 21 and 94 into a single part 101 Order in our implementation of a Universal Licensing System (ULS) for wireless application. The new consolidated part 101 reduces or eliminates the differences in processing applications from common carriers and private operational fixed microwave service licensees, and furthers regulatory parity between these microwave services.

Once fully deployed, the ULS will eliminate the need for wireless carriers to file duplicative applications, and will increase the accuracy and reliability of licensing information.

DATES: Comments are due July 20, 2000. Reply Comment August 4, 2000. Comments to be filed in WT Docket No. 00–19 and RM–9418 only.

ADDRESSES: Send comments to the Office of the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to *jboley@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Michael J. Pollak, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Commission's *Notice of Proposed Rule Making,* FCC 00–33 in WT Docket No. 00–19, adopted February 2, 2000, and released on February 14, 2000. The full text of this *Notice of Proposed Rule Making*is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20037. The full text may also be downloaded at: *www.fcc.gov.* /Bureaus/Wireless/Orders/2000/FCC0033.doc/FCC0033.txt/FCC0033a.doc/FCC0033a.txt. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Summary of the Notice of Proposed Rule Making

2. Specifically, we seek comment on the following issues:

- Grandfathering certain POFS licensees who formerly carried private traffic now classified as common carrier traffic, or eliminating the prohibition on POFS licensees offering common carrier services;
- Revising parts 74, 78, 90, and 101 for shared use of certain frequency bands;
- Removing several unnecessary or redundant sections of the rules concerning forms, notifications, and technical standards;
- Clarifying conditional operations in the four low power frequency pairs in the 23 GHz band in § 101.31(b)(vii);
- Updating the transmitter frequency tolerance table in§ 101.107, and correcting and clarifying other minor technical rules;
- Allowing conditional operation in the 952.95–956.15 and 956.55–959.75 MHz bands.

3. We note that some of the proposed rule changes are procedural in nature, and thus are exempt from notice and comment requirements pursuant to section 553(b)(3)(A) of the Administrative Procedure Act. However, as a result of the consolidation of parts 21 and 94, we realize that the combination of common carrier and private microwave rules and procedures requires a period of adjustment. We believe that this approach will afford the public an opportunity to provide feedback on how these adjustments are succeeding or failing.

4. We also address a Petition for Rulemaking filed by the Telecommunications Industry Association (TIA). The TIA Petition focuses on permitting conditional authorization in the 23 GHz band, making the 23 GHz band more accessible to fixed service users, and modifying antenna standards for the 10 GHz and 23 GHz bands to allow for more hops and longer paths. TIA also proposes rule changes to part 74, Television Broadcast Auxiliary Service, to permit transport of digital transmissions over point-to-point microwave frequencies in that service. We seek comment on the following proposals regarding the 23 GHz band:

- Permitting conditional licensing;
- Rechannelizing the band into 50, 40, 30, 20, 10, 5, and 2.5 MHz channels;
- Permitting common carrier and POFS users to share the entire band;
- Changing the frequency tolerance to 0.001%;
- Requiring spectrum efficiency of one bit-per-second per Hertz (1 bps/Hz);
- Designating 200 MHz for low power, limited coverage systems;
- Modifying the antenna standards.

We also seek comment regarding modifying the antenna standards in the 10 GHz band.

5. In addition, we seek comment regarding whether, and how, our licensing approach in part 101 should be modified to implement the Balanced Budget Act of 1997 (Balanced Budget Act). We seek input on the best licensing structure to ensure that spectrum above the 2 GHz band is licensed efficiently and used in the public interest, including the following issues regarding whether we should substantially alter microwave licensing above 2 GHz in light of the Balanced Budget Act:

We present several options for reinventing the licensing process for part 101 spectrum consistent with our auction procedures.

- We request comment on how to segregate exempted spectrum from the auctions process.
- We request comment on whether to require the licensees where we use geographic licensing to develop agreements between each other on how to utilize their spectrum, especially along the boundaries between areas and/or where there is line-of-sight into another area, to achieve the most efficient and effective use in each geographic area.
- We request comment about the possible technologies for terrestrial microwave users concerning a new proposal for frequency reuse in the 12.2.–12.7 GHz band.
- We request comment on whether it is appropriate to forbear from enforcing any provision of the Communications Act of 1934, as amended, or the Commission's rules with respect to part 101 services.

In addition, we issued a Notice of Proposed Rule Making seeking comment on how to implement the Balanced Budget Act generally, but we did not

specifically address fixed microwave services in that proceeding. We will consider the record in both proceedings in deciding whether or how part 101 should be modified to conform to the Balanced Budget Act.

Initial Regulatory Flexibility Analysis

6. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the policies and rules proposed in this Notice of Proposed Rule Making (Notice). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice.

I. Need for and Objectives of the Proposed Rules

This rulemaking is being initiated to apply certain licensing and service rules to new and existing fixed microwave licensees under part 101 of the Commission's rules for the purpose of streamlining application preparation and processing time for the Commission and the industry. Our objectives are (1) to clarify the existing rules so they are easier to understand; (2) to facilitate the awarding of licenses to entities in a quicker manner; and (3) to eliminate unnecessary regulation.

II. Legal Basis

The proposed action is authorized under the Administrative Procedure Act, 5 U.S.C. 553; and sections 1, 4(i), 7, 301, 303, 308, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 301, 303, 308, and 309(j).

III. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The proposed rules would affect all common carrier and private operational fixed microwave licensees who are authorized under part 101 of the Commission's rules. The Commission has not developed a definition of small entities applicable to these licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules for the radiotelephone industry, which provides that a small entity is a radiotelephone company employing fewer than 1,500 persons. The 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available, shows that only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. It is our understanding that these rule change will affect less than 1000 entities, but that the effect will be to lessen time and input and thereby any costs associated with processing the applications. We seek comment on this analysis. In providing such comment, commenters are requested to provide information regarding how many total and small business entities would be affected.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

Under the proposals contained in the *Notice*, we are not changing or are reducing the amount of reporting, recordkeeping, and other compliance requirements. Applicants for licenses will be required to submit applications on FCC Form 601 to the Wireless Telecommunications Bureau as they do now. We request comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

V. Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

We have reduced burdens wherever possible. The regulatory burdens we have retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of new and existing services in a prompt and efficient manner. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing and significant economic impact on small entities. We seek comment on significant alternatives commenters believe we should adopt.

Federal rules that overlap, duplicate, or conflict with these proposed rules. None.

VI. Paperwork Reduction Analysis

This Notice of Proposed Rule Making contains either a proposed information collection. As part of our continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Notice, as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Public and agency comments are due at the same time as other comments on this Notice of Proposed Rule Making; OMB comments are due 60 days from the date of publication of this Notice of Proposed Rule Making in the **Federal Register**. Comments should address:

- 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.
- The accuracy of the Commission's burden estimates.
- Ways to enhance the quality, utility, and clarity of the information collected.
- 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.

Ordering Clauses

7. The authority contained in sections 1, 4(i), 7, 301, 303, 308, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 157, 161, 301, 303, 308, 332(a), and 332(c), this *Notice of Proposed Rule Making* in WT Docket No. 00–19 is adopted.

8. The Commission's Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Parts 24, 25, 74, 78, 90 and 101

Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–14902 Filed 6–19–00; 8:45 am]

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Federal Register

Tuesday,
June 20, 2000

Part III

Department of Health and Human Services

Administration for Children and Families

Request for Applications for the Office of Community Services' Fiscal Years 2000 (Supplementary) and 2001 Discretionary Grants Programs; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS–2001–01]

Request for Applications for the Office of Community Services' Fiscal Years 2000 (Supplementary) and 2001 Discretionary Grants Programs

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications for the Office of Community Services' Discretionary Awards.

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under sections 680(a) of the Community Services Block Grant Act of 1981, as amended. Included in the Program Announcement are programs to be funded with FY 2001 discretionary funds (Urban and Rural Community Economic Development and Rural Community Facilities Development). Also included are programs to be funded with unobligated FY 2000 discretionary funds.

Since FY 2000 funds must be obligated by September 30, 2000 and FY 2001 funds (if appropriated) by September 30, 2001, this Program Announcement includes separate closing dates for applications for each fiscal year's funds.

Closing Date: The closing date for submission of applications for Fiscal Year 2000 funds (Sub-Priority Area 1.1A, 1.1B, and 1.3A, and 2.1A) is August 4, 2000. The closing date for submission of applications for Fiscal Year 2001 funds (Sub-Priority Areas 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, and 2.1) is October 20, 2000. Mailed applications postmarked after the appropriate closing date will be classified as late.

Application Submission:

Mailing Address: Discretionary applications must be mailed to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor West, Aerospace Center, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447; Attention: Discretionary Grants Program.

Submission Instructions: Mailed applications shall be considered as meeting an announced deadline if they are either received on or before the closing date or postmarked on or before the closing date and received by ACF in time for the independent review.

Applications mailed must bear a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service affixed to the envelope/package containing the application(s). To be deemed acceptable as proof of timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company and must reflect the date the package was received by the commercial mail service company from the applicant. Private metered postmarks shall not be acceptable as proof of timely mailing. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

Applications handcarried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the closing date, between the hours of 8 a.m. and 4:30 p.m., EST, at the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, SW., Washington, DC 20024, between Monday and Friday (excluding Federal holidays). The address must appear on the envelope/package containing the application with the note Attention: Discretionary Grants Program. (Applicants are again cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications that do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend application deadlines when circumstances such as acts of God (floods, hurricanes, etc.) occur, or when there are widespread disruptions of the mail service. Determinations to extend or waive deadline requirements rest with ACF's Chief Grants Management Officer.

Number of Copies Required: One signed original application and four copies must be submitted at the time of the initial submission. (OMB–0970–0062, which expires 10/31/2001).

The first page of the SF–424 must contain in the lower right-hand corner, a designation indicating under which sub-priority area funds are being requested (for example UR for 1.1, URA for 1.1A, URNA for 1.1B, HB for 1.2, PD for 1.3, HPD for 1.3A, DD for 1.4, AM for 1.5, UT for 1.6, RF for 2.1, or RFA for 2.1A. See Part G, section 1, item 11 for details. (See Part C for a description of each of the sub-priority areas.)

For general questions on the announcement, Contact:

Kaaren Turner—(202) 260–5683
David Matthews—(202) 401–5271
Walter Thaxton—(202) 401–5269
Bobby Malone—(202) 401–5270
Calvin Brockington—(202) 401–5273
Debra Brown—(202) 401–3446
Thelma Woodland—(202) 401–5294
Ruth Walston—(202) 401–9340

For a copy of the announcement, Contact: Administration for Children and Families, Office of Community Services, 370 L'Enfant Promenade, SW., 5TH Floor West, Washington, DC 20447, (202) 401–9345, (202) 401–9354, (202) 401–4687 (fax).

In addition, the announcement is accessible on the OCS web site for reading or downloading at: *http://www.acf.dhhs.gov/programs/ocs/kits1.htm*

The Catalog of Federal Domestic Assistance number for this program is 93.570. The title is Community Services Block Grant—Discretionary Awards.

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Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act of 1981, as amended, (Section 680 of the Community Opportunities, Accountability, and Training and Educational Services (COATS) Act of 1998, authorizes the Secretary to make grants to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families, conduct rural community development activities and conduct neighborhood innovation projects.

2. Departmental Goals

This announcement is particularly relevant to the Departmental goal of strengthening the American family and promoting self-sufficiency. These programs have objectives of increasing the access of low-income people to employment and business development opportunities, and improving the integration, coordination, and continuity of the various HHS (and other Federal Departments') funded services potentially available to families living in poverty.

3. Definitions of Terms

For purposes of this Program Announcement, the following definitions apply:

—*Budget period:* The interval of time into which a grant period of assistance is divided for budgetary and funding purposes.

—*Building deconstruction:* The systematic disassembly of residential and commercial buildings.

—*Cash contributions:* The cash outlay that includes the money contributed to the project or program by the recipient and third parties.

—*Community development corporation (CDC):* A private, non-profit corporation, governed by a board of directors consisting of residents of the community and business and civic leaders, that has as a principal purpose planning, developing, or managing low-income housing or community development projects.

—*Community economic development (CED):* A process by which a community uses resources to attract capital and increase physical, commercial, and business development and job opportunities for its residents.

—*Construction projects:* For the purpose of this announcement, construction projects involve land improvements and development or major renovation of (new or existing) facilities and buildings, including their improvements, fixtures and permanent attachments.

—*Displaced worker:* An individual who is in the labor market but has been unemployed for six months or longer.

—*Distressed community:* A geographic urban neighborhood or rural community of high unemployment and pervasive poverty.

—*Eligible applicant:* (See appropriate Program Priority Area under Part C.)

—*Employment education and training program:* A program that provides education and/or training to welfare recipients, at-risk youth, public housing tenants, displaced workers, homeless and low-income individuals and that has demonstrated organizational experience in education and training for these populations.

—*Empowerment Zones and Enterprise Communities (EZ/EC):* Those communities designated as such by the Secretary of Agriculture or Housing and Urban Development.

—*Equity investment:* The provision of capital to a business entity for some specified purpose in return for a portion of ownership using a third party agreement as the contractual instrument.

—*Indian tribe:* A tribe, band, or other organized group of Indians recognized in the State in which it resides or which is considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose. For the purpose of Priority Area 1.0 (Urban and Rural Community Economic Development), an Indian tribe or Indian organization is ineligible unless the applicant organization is a private non-profit community economic development corporation.

—*Job creation:* New jobs, *i.e.* jobs not in existence prior to the start of the project, that result from new business startups, business expansion, development of new services industries, and/or other newly-undertaken physical or commercial activities.

—*Job placement:* Placing a person in an existing vacant job of a business, service, or commercial activity not related to new development or expansion activity.

—*Letter of commitment:* A signed letter or agreement from a third party to the applicant that pledges financial or other support for the grant activities only subject to receiving an award of OCS grant funds.

—*Loan:* Money lent to a borrower under a binding pledge for a given purpose to be repaid, usually at a stated rate of interest and within a specified period of time.

—*Poverty Income Guidelines:* Guidelines published annually by the U.S. Department of Health and Human Services that establish the level of poverty defined as low-income for individuals and their families.

—*Program income:* Gross income earned by the grant recipient that is directly generated by an activity supported with grant funds.
—*Project period:* The total time for which a project is approved for OCS support, including any approved extensions.
—*Revolving loan fund:* A capital fund established to make loans whereby repayments are re-lent to other borrowers.
—*Self-employment:* The state of an individual or individuals who engage in self-directed economic activities.
—*Self-sufficiency:* The economic state not requiring public assistance for an individual and his (her) immediate family.
—*Subaward:* An award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible sub-recipient or by a sub-recipient to a lower tier sub-recipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of ''award'' in 45 CFR 74.2.

Note: Subawards do not include equity investments or loan transactions since they are promulgated under third party agreements.

—*Technical assistance:* A problem-solving event generally utilizing the services of an expert. Such services may be provided on-site, by telephone, or by other communications. These services address specific problems and are intended to assist with the immediate resolution of a given problem or set of problems.
—*Temporary Assistance to Needy Families (TANF):* Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193) creates the TANF program that transforms welfare into a system that requires work in exchange for time-limited assistance. The law specifically eliminates any individual entitlement to or guarantee of assistance, repeals the Aid to Families with Dependent Children (AFDC) program, Emergency Assistance (EA) and Job Opportunities and Basic Skills Training (JOBS) programs, and replaces them with a block grant entitlement to States under Title IV–A of the Social Security Act.
—*Third party:* Any individual, organization, or business entity that is not the direct recipient of grant funds.
—*Third party agreement:* A written agreement entered into by the grantee and an organization, individual or business entity (including a wholly-owned subsidiary), by which the grantee makes an equity investment or a loan in support of grant purposes.
—*Third party in-kind contributions:* The value of non-cash contributions provided by non-federal third parties which may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

Part B—Application Prerequistes

1. Eligible Applicants

Priority areas included in this Program Announcement have differing eligibility requirements. Therefore, eligible applicants are identified in the narrative descriptions of each sub-priority area found in Part C. *Applicant must submit proof of non-profit status in its application at the time of submission.* The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS tax code. Applications that do not include proof of this status will be disqualified.

2. Availability of Funds

Appropriation Amounts

Approximately $3,900,000 in funds appropriated for FY 2000 is available.

Approximately $26,560,000 is expected to be available for FY 2001. However, all grant awards for FY 2001 are subject to the availability of appropriated funds.

The grant funding levels or ranges and the approximate number of grants to be made under each sub-priority area are indicated in the narrative description of each area in Part C.

3. Project and Budget Periods

For Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4, applicants with projects involving construction only may request a project period of up to 60 months and a budget period of up to 36 months. Applicants for non-construction projects under these priority areas may request project periods of up to 36 months and budget periods of up to 17 months. Applicants for Sub-Priority Areas 1.5 and 1.6 may request project and budget periods of up to 17 months. For Sub-Priority Areas 1.3 and 1.3A, applicants may request project and budget periods of up to 12 months.

For Sub-Priority Areas 2.1 and 2.1A, grantees will be funded for 24 month project periods and 12 month budget periods.

4. Mobilization of Resources

OCS encourages and strongly supports leveraging of resources through public/private partnerships that can mobilize cash and/or third-party in-kind contributions.

5. Program Beneficiaries

Projects proposed for funding under this announcement must result in direct benefits to low-income people as defined in the most recent annual revision of the Poverty Income Guidelines published by DHHS.

Attachment A to this announcement is an excerpt from the Poverty Income Guidelines currently in effect. Annual revisions of these guidelines are normally published in the **Federal Register** in February or early March of each year. Grantees will be required to apply the most recent guidelines throughout the project period. These revised guidelines may be obtained at public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20402. Also, see staff members listed under ''For General Questions On the Announcement, Contact'' at the beginning of this announcement.

No other government agency or privately-defined poverty guidelines are applicable for the determination of low-income eligibility for these OCS programs.

Note, however, that low-income individuals granted lawful temporary resident status under Sections 245A or 210A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986 (Public law 99–603), may not be eligible for direct or indirect assistance based on financial need under this program for a period of five years from the date such status was granted.

6. Number of Projects in Application

All Priority Area 1.0 applications may contain only one project except for Sub-Priority Areas 1.3, 1.3A, 1.5, and 1.6. Applications that are not in compliance with this requirement may be disqualified.

7. Multiple Submittals

There is no limit to the number of applications that can be submitted under a specific program priority area as long as each application contains a proposal for a different project. However, an applicant can receive only

one grant in each priority area. Also, applicants who receive more than one grant for a common budget/project period must be mindful that salaries and wages claimed for the same persons cannot collectively exceed 100% of total annual salary.

8. Subawarding Projects

OCS does not fund projects where the role of the applicant is *primarily* to serve as a conduit for funds through the use of subawards to other organizations. In cases where the applicant proposes to make one or more subawards, it must retain a substantive role in the implementation and operation of the project for which funding is requested.

9. Third Party Agreements

Any applicant submitting a proposal for funding under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, or 1.4 who proposes to use some or all of the requested OCS funds to enter into a third party agreement in order to make an equity investment (such as the purchase of stock) or a loan to an organization or business entity (including a wholly-owned subsidiary), must include in the application, along with the business plan, a copy of the signed third party agreement for approval by OCS. (See last paragraph of this section in those instances where a signed third party agreement is not available when the application is submitted.)

• A third party agreement coverinig an equity investment must contain, at a minimum, the following:

1. The type of equity transaction (*e.g.* stock purchase).
2. Purpose(s) for which the equity investment is being made.
3. Cost per share.
4. Number of shares being purchased.
5. Percentage of ownership of the business.
6. Number of sets on the board, if applicable.

• A third party agreement covering a loan transaction must contain, at a minimum, the following information:

1. Purpose(s) for which the loan is being made.
2. Rates of interest and other fees.
3. Terms of loan.
4. Repayment schedules.
5. Collateral security.
6. Default and collection procedures.

• All third party agreements must include written commitments as follows:

From the third party (as appropriate):

1. A minimum of 75% of the jobs to be created as a result of the injection of grant funds will be filled by low-income individuals.
2. The grantee will have the right to screen applicants for jobs to be filled by low-income individuals and to verify their eligibility.
3. If the grantee's equity investment equals 25% or more of the business's assets, the grantee will have representation on the board of directors.
4. Reports will be made to the grantee regarding the use of grant funds on a quarterly basis or more frequently, if necessary.
5. A procedure will be developed to assure that there are no duplicate counts of jobs created.
6. Detailed information will be provided on how the grant funds will be used by the third party by submitting a Source and Use of Funds Statement. In addition, the agreement must provide details on how the grantee will provide support and technical assistance to the third party in areas of recruitment and retention of low-income individuals.

From the grantee:

Detailed information on how the grantee will provide support and technical assistance to the third party in areas of recruitment and retention of low-income individuals.

• All third party agreements should be accompanied by:

(1) A signed statement from a Certified or Licensed Public Accountant as to the sufficiency of the third party's financial management system in accordance with 45 CFR 74, to protect adequately any federal funds awarded under the application.

(2) Financial statements for the third party organization for the prior three years. (If not available because the organization is a newly-formed entity, include a statement to this effect.)

(3) The third party agreement will specify how the grantee will provide oversight of the third party for the life of the agreement. Also, the agreement will specify that the third party will maintain documentation related to the grant objectives as specified in the agreement and will provide the grantee and HHS access to that documentation.

If a signed third party agreement is not available when the application is submitted, the applicant must submit as part of the narrative as much of the above-mentioned information as possible in order to enable reviewers to evaluate the proposal. It should be noted that that portion of a grant, which will be used to fund a third party agreement, will not be released until the agreement has been approved by OCS.

10. Funding Considerations

In cases where an application ranks highly and is competitive, the following may apply:

(1) When the applicant is proposing to enter into a third party agreement for all of the grant's operational funds, OCS will send a time-limited letter of intent to fund pending receipt of a signed third party agreement. Once OCS has determined that the agreement is acceptable, an award will be forwarded to the applicant.

(2) Previous performance of applicants will be considered an important determining factor in the grant award decisions.

(3) Any applicant that has three or more active OCS grants may only be funded under exceptional circumstances.

(4) Pre-award site visits may be performed for the purpose of undertaking assessments of many of these applications prior to OCS making final determinations on grant awards.

(5) OCS will consider applications that include revolving loan funds as a grant activity.

11. Prohibited Activities

OCS will not consider applications that propose the establishment of Small Business Investment Corporations or Minority Enterprise Small Business Investment Corporations.

Part C—Program Priority Areas

The program priority areas of the Office of Community Services' Discretionary Grants Program, and funds available for each sub-priority area, are as follows:

Sub-priority areas	FY 2000 funds	FY 2001 funds
Priority Area 1.0: Urban and Rural Community Economic Development		
1.1 Urban and Rural Community Economic Development (Operational) (FY 2001)	.....	$17,000,000
1.1A Urban and Rural Community Economic Development (Operational) (FY 2000)	3,000,000	.....
1.1B Urban and Rural Community Economic Development (Native Americans) (FY 2000)	300,000	.....
1.2 Urban and Rural Community Economic Development (HBCU Set-Aside) (FY 2001)	.....	2,100,000
1.3 Urban and Rural Community Economic Development (Pre-Developmental Set-Aside) (FY 2001)	.....	750,000

Sub-priority areas	FY 2000 funds	FY 2001 funds
1.3A Urban and Rural Community Economic Development (Pre-Developmental Set-Aside) (FY 2000)	300,000	
1.4 Urban and Rural Community Economic Development (Developmental Set-Aside) (FY 2001)		2,500,000
1.5 Administrative and Management Expertise (Set-Aside) (FY 2001)		500,000
1.6 Training and Technical Assistance (Set-Aside) (FY 2001)		210,000
Priority Area 2.0: Rural Community Development Activities		
2.1 Rural Community Facilities (Water and Waste Water Treatment Systems Development) (FY 2001)		3,500,000
2.1A Rural Community Facilities (Water and Waste Water Treatment Systems Development) (FY 2000)	300,000	

Priority Area 1.0 Urban and Rural Community Economic Development

Eligible applicants are private, non-profit 501(c)(3) community development corporations (CDCs) governed by a board consisting of residents of the community and business and civic leaders that has as a principal purpose planning, developing, or managing low-income housing or community development projects.

The purpose of this priority area is to encourage the creation of projects intended to provide employment and business development opportunities for low-income people through business, physical or commercial development. Generally the opportunities must aim to improve the quality of the economic and social environment of TANF recipients; low-income residents including displaced workers; at-risk teenagers; non-custodial parents, particularly those of children receiving TANF assistance; individuals residing in public housing; individuals who are homeless; and individuals with developmental disabilities. Grant funds under this priority area are intended to provide resources to eligible applicants (CDCs) but also have the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in urban and rural areas.

Sub-Priority Area 1.5 is intended to provide administrative and management expertise to current Office of Community Services' grantees who are experiencing problems in the implementation of urban and rural community economic development projects.

Sub-Priority Area 1.6 makes funds available to provide training and technical assistance to groups of community development corporations in developing or implementing projects funded under this section; its aim is to generally enhance the viability and competence of community development corporations.

This priority area also seeks to attract additional private capital into distressed communities, including empowerment zones and enterprise communities, and to build and/or expand the ability of local institutions to better serve the economic needs of local residents.

1. Urban and Rural Community Economic Development (Operational)

a. Urban and Rural Community Economic Development (Operational—FY 2001) (Sub-Priority Area 1.1)

Funds will be provided to a limited number of private, non-profit, 501(c)(3) community development corporations for business development activities at the local level. Funding will be provided for specific projects and will require the submission of business plans or work plans, where applicable, that meet the test of economic feasibility. Attachment K should be used as a guideline for the business plan.

The applicant should select a project in an industry in its region that promotes economic sustainability and self-sufficiency for families in the low-income community.

Projects must further the Departmental goals of strengthening American families and promoting their self-sufficiency. OCS is particularly interested in receiving applications that involve public-private partnerships that are directed toward the development of economic self-sufficiency in distressed communities through projects that focus on providing employment and business development opportunities for low-income people through business startups, business expansions, development of new services industries, and/or other newly-undertaken physical and commercial activities.

Applicants are encouraged to foster partnerships with child support enforcement agencies to increase the capability of low-income non-custodial parents, particularly those of children receiving TANF assistance, to fulfill their parental responsibilities. Such applicants may request funds for a business development project or a project that demonstrates innovative ways to create jobs for low-income persons in the targeted group or community.

See other applicable requirements under 1.d., below.

Eligible organizations located in Empowerment Zones and Enterprise Communities are urged to submit applications.

For Fiscal Year 2001, it is anticipated that approximately 30 grants up to a maximum of $349,999 will be awarded and approximately 13 grants of $350,000 but not more than $500,000 will be made. Competition for these funds will be restricted to either the $349,999 and under category or the $350,000 up to $500,000 category. Applicants will compete within the category in which they fall.

b. Urban and Rural Community Economic Development (Operational—FY 2000) (Sub-Priority Area 1.1A)

Funds will be provided to a limited number of private, non-profit, 501(c)(3), community development corporations under this sub-priority area for purposes described under section 1.a (Sub-Priority Area 1.1) above.

In addition, OCS is particularly interested in receiving applications that propose a realistic plan for development of new and innovative businesses that offer genuine career and entrepreneurship opportunities to low-income non-custodial parents as well as for improving the economic infrastructure and facilities of the community. For example:

- One business sector that an applicant could consider addressing is that of the construction trades and, within it, the new and growing sub-sector of building deconstruction and materials re-use. Building deconstruction offers new opportunities for career and new enterprises and provides an excellent training ground for employment in the wider construction field where there are serious and growing shortages of trained workers throughout the United States. It also offers opportunities for significant, vertically integrated enterprise development through materials salvage, recycling, re-use and re-manufacturing.
- Another new business sector that might be considered is that of environmental justice/sustainable community development which

includes businesses developed to address lead abatement in low-income dwellings; cleanup of toxic wastes or leaking underground storage tanks; treatment of low-income dwellings that combine lead abatement with weatherization and mitigation of other hazards such as asbestos or radon; installation and maintenance of alternative and renewable energy technologies in the homes of the poor; recycling; forest or watershed restoration; and urban pesticide programs designed to reduce the use of toxic pesticides in low-income communities through integrated pest management and similar techniques.

• Home health care and housekeeping care for the elderly and infirm are businesses for which there is a serious need and which can create higher than minimum wage jobs for low-income workers.

See other applicable requirements under 1.d., below.

Eligible organizations located in Empowerment Zones and Enterprise Communities are urged to submit applications.

Approximately 7 grants are anticipated to be made up to $500,000 each under this sub-priority area.

c. Urban and Rural Community Economic Development (Operational-Native Americans) (Sub-Priority Area 1.1B)

Funds will be provided to three private, non-profit, 501(c)(3), community development corporations that enter into agreements with Native American tribes to carry out business development activities, i.e. business startups, business expansions, development of new services industries, and/or other newly-undertaken physical and commercial activities, on reservations.

The Native American Tribes with which the CDCs are partnering will also be considered for FY 2000 funds from the Department of Health and Human Services' Administration for Native Americans (ANA).

The applicant should select a project that promotes economic sustainability and self-sufficiency for families on the Reservation where the project will be implemented.

An application under this sub-priority area must reflect a significant partnership role for the tribe. The application also must contain a written, signed agreement from an authorized tribal official confirming the tribe's significant involvement in the grant activities and receipt of FY 2000 funds from ANA. By entering into a partnership agreement with a tribe, the applicant will be considered to have fulfilled the goal of mobilizing non-discretionary program dollars under Criterion V, Public-Private Partnerships, item (1), and will be granted the maximum number of points (15) in that category.

See other applicable requirements under 1.d., below.

Approximately three (3) grants for $100,000 each are anticipated to be made under this sub-priority area.

d. Additional Requirements Applicable to Sub-Priority Areas 1.1,1.1A,1.1B,1.2, and 1.4

Applicants must show that the proposed project:

(1) Creates full-time permanent jobs except where an applicant demonstrates that a permanent part-time job produces actual wages that exceed the HHS poverty guidelines. Seventy-five percent (75%) of the jobs created must be filled by low-income residents of the community and also must provide for career development opportunities. Project emphasis should be on employment of individuals who are unemployed or on public assistance, with particular emphasis on those that are at-risk teenagers, TANF recipients, low-income non-custodial parents (particularly those of children receiving TANF assistance), individuals residing in public housing, and individuals who are homeless. While projected employment in future years may be included in the application, it is essential that the focus of employment projects concentrates on those permanent jobs created during the duration of the OCS project period; and/or

(2) Creates a significant number of business development opportunities for low-income residents of the community or significantly aids such residents in maintaining economically viable businesses; and

(3) Assists low-income participants to become self-sufficient.

In the evaluation process, favorable consideration will be given to applicants under this priority area that show the lowest cost-per-job created. Unless there are extenuating circumstances, OCS will not fund projects where the cost-per-job in OCS funds exceeds $15,000.

In addition, favorable consideration in the evaluation process will be given to applicants who demonstrate their intention to coordinate services with the local TANF offices and/or other employment education and training offices and child support enforcement agencies that serve the proposed area. The offices and agencies should serve welfare recipients, at-risk youth, public housing tenants, displaced workers, homeless and low-income individuals (as defined by the annual revision to the Poverty Income Guidelines published by DHHS) including non-custodial parents. Applicants should submit a written agreement from the applicable office or agency that indicates what actions will be taken to integrate/coordinate services that relate directly to the project for which funds are being requested. The agreement should include the goals and objectives (including target groups) that the applicant and the employment education and training offices and child support enforcement agencies expect to reach through their collaboration. It should describe the cooperative relationship, including specific activities and/or actions each of these entities proposes to carry out in support of the project, and the mechanism(s) to be used in coordinating those activities if the project is funded by OCS. Documentation that illustrates the organizational experience of the employment education and training offices should also be included.

OCS encourages applications that will develop linkages or agreements with local agencies responsible for administering TANF programs and child support enforcement agreements. OCS would expect these programs to create new jobs for TANF recipients and low-income non-custodial parents, particularly those of children receiving TANF assistance. These initiatives can be accomplished through a variety of business development projects funded under this priority area, *i.e.*, business expansions, new business development and self-employment activities, etc.

OCS encourages each applicant to describe the project scope that includes the low-income community served, the business activities undertaken, and types of jobs to be created. The business activities should be described by Standard Industrial Codes (SIC) and jobs by occupational classifications. This information is published by the U.S. Department of Commerce in the Statistical Abstract of the United States, 1998, Tables No. 679 and 680. Also, applicant may use the material included in Attachment L to identify industrial areas and occupational classifications.

OCS does not fund education and training programs. In projects where participants must be trained, any funds that are proposed to be used for training purposes must be limited to providing specific job-related training to those individuals who have been selected for employment in the grant supported project which includes new business

startups, business expansions, development of new service industries, and/or other newly-undertaken physical and commercial activities.

Projects involving training and placement for existing vacant positions will be disqualified.

Projects that would result in the relocation of a business from one geographic area to another with the possible displacement of employees are discouraged.

Applicants must be aware that projects funded under these sub-priority areas must be operational by the end of the project period, *i.e.*, businesses must be in place, and low-income individuals actually employed in those businesses.

2. Urban and Rural Community Economic Development (HBCU Set-Aside)

a. Urban and Rural Community Economic Development (HBCU Set-Aside —FY 2001) (Sub-Priority Area 1.2)

Funds will be provided to a limited number of private, non-profit, 501 (c)(3) community development corporations for projects that will be carried out in conjunction with Historically Black Colleges and Universities (HBCUs), as defined in Executive Order Number 12876, dated Nov. 1, 1993, through contract or sub-grant. Such projects must conform to the purposes, requirements, and prohibitions applicable to those submitted under Sub-Priority Area 1.1.

These projects should reflect a significant partnership role for the college or university, and the applicant in doing so will be considered to have fulfilled the goals of the evaluation criterion for Public-Private Partnerships and will be granted the maximum number of points in that category. Applications for these set-aside funds that are not funded due to the limited amount of funds available may also be considered competitively within the larger pool of eligible applicants under Sub-Priority Area 1.1. Any funds that are not used under this sub-priority area due to the limited number of highly scored applications will be rolled over into Sub-Priority Area 1.1.

Any funds that are proposed to be used for training purposes must be limited to providing specific job-related training to those individuals who have been selected for employment in the grant supported project which includes new business startups, business expansions, development of new service industries, and/or other newly-undertaken physical or commercial activities.

Approximately 6 grants are anticipated to be made at $350,000 each under this sub-priority area.

3. Urban and Rural Community Economic Development (Pre-Developmental Set-Aside)

a. Urban and Rural Community Economic Development (Pre-Developmental Set-Aside—FY 2001) (Sub-Priority Area 1.3)

OCS intends in this sub-priority area to provide funds to recently-established private, non-profit, 501(c)(3), community development corporations that propose to undertake economic development activities in distressed communities.

OCS recognizes that there are a number of newly-organized non-profit community development corporations that have identified needs in their communities but have not had the staff or other resources to develop projects to address those needs. This lack of resources also might be affecting their ability to compete for funds, such as those provided under Sub-Priority Area 1.1 since their limited resources would preclude them from developing a comprehensive business plan and/or mobilizing resources.

OCS has an interest in providing support to these new entities in order to enable them to become more firmly established in their communities, thereby bringing technical expertise and new resources to previously unserved or underserved communities. Therefore, OCS is setting aside funds for grants to private, non-profit, 501(c)(3), community development corporations that have never received OCS funding and have been in existence for no more than three years, or have been in existence longer than three years but have no record of participation in economic development type projects. For the latter, a CDC must state that it has not been active. (The phrase ''no participation in economic development-type projects'' means an eligible applicant has not sponsored nor had any significant participation in projects that have provided employment or business development opportunities through business startups, business expansions, development of new service industries, and/or newly-undertaken physical or commercial activities.)

In addition, applicants with housing experience must not have had primary responsibility in planning, developing, and managing housing.

With funding received under this sub-priority area, CDCs may incur costs to: (1) Evaluate the feasibility of potential projects that address identified needs in the low-income community and that conform to those projects and activities allowable under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4; (2) develop a business plan related to one of those projects; and (3) mobilize resources to be contributed to one of those projects, including the utilization of HBCUs.

Based on the availability of funds in Fiscal Year 2002, OCS will consider establishing a set-aside in Sub-Priority Area 1.4 to provide operational funds to those organizations that received pre-developmental grants. Grants might be for a maximum of $250,000 and competition for those funds would be restricted to those organizations that received pre-developmental grants in Fiscal Years 2000 and 2001. The business plan developed as a result of the pre-developmental grant would be submitted as part of the competitive application.

Specifically, each application for funds under this sub-priority area must include the following as part of the project narrative:

1. Description of the impact area, *i.e.*, a description of the low-income area it proposes to address;

2. Analysis of need in the distressed community;

3. How the potential projects relate to applicant's organizational goals and previous experience (if any);

4. Project design and implementation factors including a discussion of potential projects that might be implemented to address identified needs, a strategy for conduct of feasibility studies on potential projects and quarterly work plans with specific task timelines and a self-evaluation component; and

5. Project objectives and measurable impact, *i.e.*, a discussion of preparing a business plan on only one selected project based on results of the feasibility studies and plan for mobilization of non-discretionary dollars to implement it.

Applications that are not funded within this set-aside due to the limited amount of funds available may also be considered competitively within the larger pool of eligible applicants. Any funds that are not used under this sub-priority area due to the limited number of highly scored applications will be rolled over into another priority area.

Approximately 10 grants are anticipated to be made at $75,000 each under this sub-priority area.

b. Urban and Rural Community Economic Development (Pre-Developmental Set-Aside—FY 2000) (Sub-Priority Area 1.3A)

Projects under this sub-priority area must conform to the purposes and requirements of Sub-Priority Area 1.3. (See 3.a., above.)

OCS is interested particularly in applications from recently-established private, non-profit, 501 (c) (3), community development corporations that propose to undertake economic development activities in distressed communities in partnership with Historically Black Colleges and Universities. Such applications must reflect a significant partnership role for the college or university. Each application also must contain a written, signed agreement from an authorized HBCU official confirming the school's significant involvement in the grant activities. By entering into a partnership agreement, the applicant will be considered to have fulfilled the goal of mobilizing non-discretionary program dollars under Criterion IV, Significant and Beneficial Impact, and will be granted the maximum number of points (5) in that category.

Approximately 4 projects are anticipated to be funded at $75,000 each.

4. Urban and Rural Community Economic Development (Developmental Set-Aside) (Sub-Priority Area 1.4)

OCS intends in this sub-priority area to provide funds to organizations that received grants from OCS in Fiscal Years 1998 and 1999 under Sub-Priority Area 1.3, the pre-developmental grant program. These organizations will compete only among themselves. Such projects must conform to the purposes, requirements and prohibitions applicable to those submitted under Sub-Priority Area 1.1 including the additional requirements delineated in section 1.d., above. Applications that are not funded within this set-aside due to the limited amount of funds available may also be considered competitively within the larger pool of eligible applicants under Sub-Priority Area 1.1. Any funds that are not used under this sub-priority area due to the limited number of highly scored applications will be rolled over into Sub-Priority Area 1.1.

Approximately 10 grants are anticipated to be made at $250,000 each under this sub-priority area.

5. Administrative and Management Expertise (Set-Aside) (Sub-Priority Area 1.5)

OCS believes that one of the most effective means of assuring the successful operation of a project under the Discretionary Grants Program area is through the sharing amongst CDCs of their experiences in dealing with the day-to-day issues and challenges presented in promoting community economic development. Accordingly, OCS strongly encourages more experienced private, non-profit CDCs to share their administrative and management expertise with less experienced CDCs or with those who have encountered difficulties in operationalizing their work programs. In order to facilitate this, OCS will provide funds to one or more private, non-profit, 501(c)(3), community development corporations to assist with their efforts to enhance the management and operational capacities of the less experienced CDCs or those having difficulties.

An applicant in this sub-priority area must document its experience and capability in several of the following areas:

- Business/development;
- Micro-entrepreneurship development;
- Commercial development;
- Organizational and staff development;
- Board training;
- Business management, including strategic planning and fiscal management;
- Finance, including business packaging and financial/accounting services;
- Regulatory compliance including zoning and permit compliance;
- Incubator development;
- Tax credits and bond financing;
- Marketing.

The applicant must document staff competence or the accessibility of third party resources with proven competence. If the work program requires the significant use of third party (consultant/contractor) resources, those resources should be identified and resumes of the individuals or key organizational staff provided.

Resumes of the applicant's staff, who are to be directly involved in programmatic and administrative expertise sharing, should also be included. The applicant must document successful experience in the mobilization of resources (both cash and in-kind) from private and public sources. The applicant also must clearly state how the information learned from this project may be disseminated to other interested grantees.

OCS will share with the grantee information on other grantees seeking to benefit from such assistance. Such formal requests could also be initiated by a grantee with the concurrence of OCS. These contacts may occur on-site, by telephone, or by other methods of communication. Costs incurred in connection with participation in such activities will be borne by the recipient(s) of the OCS grant under this sub-priority area.

A grantee under this sub-priority area will be expected to disseminate results of the project via a handbook, a progress paper, evaluation reports, general manual, or seminars/workshops.

Approximately one grant is anticipated to be made at $500,000 under this sub-priority area.

6. Training and Technical Assistance (Set-Aside) (Sub-Priority Area 1.6)

Funds will be awarded for the purpose of providing training and technical assistance to strengthen the network of CDCs.

An applicant in this sub-priority area must document its experience and capability in implementing projects national in scope and have significant and relevant experiences in working with community development corporations.

OCS anticipates that the grant will be for $210,000 with a grant period not to exceed 17 months. Applicant must have the ability to collect and analyze data nationally that may benefit CDCs and be able to disseminate information to all OCS-funded grantees; publish a national directory of funding sources for CDCs (public, corporate, foundation, religious); publish research papers on specific aspects of job creation by CDCs; and design and provide information on successful projects and economic niches that CDCs can target. The applicant also will be responsible for the development of instructional programs, national conferences, seminars, and other activities to assist community development corporations.

Eligible applicants are private, non-profit, 501(c)(3), organizations. Applicants must be able to operate on a national basis and have significant and relevant experience in working with community development corporations.

Approximately one grant is anticipated to be made at $210,000 under this sub-priority area.

Priority Area 2.0 Rural Community Facilities Development

1. Rural Community Facilities (Water and Waste Water Treatment Systems Development—FY 2001) (Sub-Priority Area 2.1)

FY 2001 funds will be provided under this sub-priority area to help low-income rural communities develop the capability and expertise to establish and/or maintain affordable, adequate, and safe water and waste water treatment facilities.

Funds provided under this priority area may not be used for construction of water and waste water treatment systems or for operating subsidies for such systems, but other mobilized funds may be used for these activities. Therefore, it is suggested that applicants coordinate projects with the Farmers Home Administration (FmHA) and other Federal and state agencies to ensure that funds for hardware for local community projects are available.

Each applicant must include a full discussion of how the proposed use of funds will enable low-income rural communities to develop the capability and experience to establish and maintain affordable, adequate and safe water and waste water systems. Applicants also must discuss how they will disseminate information about water and waste water programs serving rural communities, and how they will better coordinate Federal, State, and local water and waste water program financing and development to assure improved service to rural communities.

Among the benefits that merit discussion under this sub-priority area are the number of rural communities to be provided with technical and advisory services; the number of rural poor individuals who are expected to be directly served by applicant-supported improved water and waste water systems; the decrease in the number of inadequate water systems related to applicant activity; the number of newly-established and applicant-supported treatment systems (all of the above may be expressed in terms of equivalent connection units); the increase in local capacity in engineering and other areas of expertise; and the amount of non-discretionary program dollars expected to be mobilized.

Eligible applicants are multi-state, regional private, non-profit, 501(c)(3), organizations that can provide training and technical assistance to small, rural communities in meeting their community facility needs.

Approximately eight (8) grants are anticipated to be made ranging from $300,000 to $533,000 each under this sub-priority area.

2. Rural Community Facilities (Water and Waste Water Treatment Systems Development—FY 2000) (Sub-Priority Area 2.1A)

Projects proposed for funding under this sub-priority area must conform to the requirements, purposes, and prohibitions cited under Sub-Priority Area 2.1. (*See* 1., above.)

One grant of approximately $300,000 is anticipated to be made under this sub-priority area.

Part D—Criteria for Review and Evaluation of all Applications

1. Criteria for Review and Evaluation of All Applications Submitted Under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4

a. Criterion I: Analysis of Need (Maximum: 5 Points)

The application documents that the project addresses a vital need in a distressed community. (0–3 points)

Most recent available statistics and other information are provided in support of its contention. (0–2 points)

b. Criterion II: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 25 Points)

(1) *Organizational experience in program area (sub-rating: 0–15 points).* Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. (0–5 points)

The applicant has demonstrated the ability to implement major activities in such areas as business development, commercial development, physical development, or financial services; the ability to mobilize dollars from sources such as the private sector (corporations, banks, etc.), foundations, the public sector (including state and local governments) or individuals; that it has a sound organizational structure and proven organizational capability; and that it has an ability to develop and maintain a stable program in terms of business, physical, or community development activities that will provide needed permanent jobs, services, business development opportunities, and other benefits to community residents. (0–10 points)

(2) *Staff skills, resources and responsibilities (sub-rating 0–10 points).* The application describes in brief resume form the experience and skills of the project director who is not only well qualified, but whose professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description that indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. (0–5 points)

The applicant has adequate facilities and resources (*i.e.* space and equipment) to successfully carry out the work plan. (0–2 points)

The assigned responsibilities of the staff are appropriate to the tasks identified for the project and sufficient time of senior staff will be budgeted to assure timely implementation and cost effective management of the project. (0–3 points)

c. Criterion III: Project Implementation (Maximum: 25 Points)

The business plan or work plan, where applicable, is both sound and feasible. The plan describes the key work tasks and shows how the project objectives will be accomplished including the development of businesses and creation of jobs for low-income persons during the allowable OCS project period. The project is responsive to the needs identified in the Analysis of Need. (0–5 points)

It sets forth realistic quarterly time targets by which the various work tasks would be completed. (0–5 points)

Critical issues or potential problems that might impact negatively on the project are defined and the project objectives can be reasonably attained despite such potential problems. (0–5 points)

The application contains a full and accurate description of the proposed use of the requested financial assistance.

If the applicant is applying for funding under Sub-Priority Area 1.1A, the work plan describes a new and innovative business project.

If the applicant proposes to make an equity investment or a loan to an individual, organization, or business entity (including a wholly-owned subsidiary), the application includes a signed third party agreement; a signed statement by a Certified or Licensed Public Accountant, as to the sufficiency of the third party's financial management system; and financial statements for the third party's prior three years of operation. (If newly formed and unable to provide the information regarding the prior three years of operation, a statement to that effect is included.) If the applicant states that an agreement is not currently in place, the application contains in the narrative as much information required

for third party agreements as is available. (See Part B, item 9.)

Also, if the project proposes the development of a new or expanded business, service, physical or commercial activity, the application addresses applicable elements of a business plan. Guidelines for a Business Plan are included in Attachment K.

The financial plan element, which indicates the project's potential and timetable for financial self-sufficiency, is included. It includes for the applicant and the third party, if appropriate, the following exhibits for the first three years (on a quarterly basis) of the business' operations: Profit and Loss Forecasts, Cash Flow Projections, and Proforma Balance Sheets. Based on these documents, the application also contains an analysis of the financial feasibility of the project. Also, a Source and Use of Funds statement for all project funding is included. (0–10 points)

d. Criterion IV: Significant and Beneficial Impact (Maximum: 20 Points)

(1) *Significant and beneficial impact (sub-rating: 0–5 points).* The proposed project will produce permanent and measurable results that will reduce the incidence of poverty and TANF assistance in the community. (0–3 points)

The OCS grant funds, in combination with private and/or other public resources, are targeted into low-income communities, distressed communities, and/or designated Empowerment Zones and Enterprise Communities. (0–2 points)

(2) *Community empowerment consideration and partnership with child support enforcement agency (sub-rating: 0–5 points).* The applicant is located in an area that is characterized by poverty and other indicators of socio-economic distress such as a poverty or TANF assistance rate of at least 20%, designation as an Empowerment Zone or Enterprise Community (EZ/EC), high levels of unemployment, high levels of incidences of violence, gang activity, crime, drug use, and low-income non-custodial parents of children receiving TANF. (0–3 points)

Applicant has documented that it was involved in the preparation and implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner; and how the proposed project will support the goals of that plan. Also applicant documents that it has entered into partnership agreements with the local TANF and/or other employment education and training office and/or child support enforcement agency to increase capability of low-income parents and families to fulfill their parental responsibilities. (0–2 points)

Note: Applicants who have projects located in EZ/EC target areas or those who have included signed current agreements with child support enforcement agencies will automatically receive the maximum 2 points.

(3) *Cost-per-job (sub-rating: 0–5 points).* During the project period, the proposed project will create new, permanent jobs or maintain permanent jobs for low-income residents at a cost-per-job below $15,000 in OCS funds *unless* there are extenuating circumstances, *e.g.,* Alaska where the cost of living is much higher.

Note: The maximum number of points will be given to those applicants proposing estimated cost-per-job for low-income residents of $10,000 or less of OCS requested funds. Higher cost-per-job estimates will receive correspondingly fewer points unless adequately justified by extenuating circumstances.

(4) Career development opportunities (sub-rating: 0–5 points). The applicant documents that the jobs to be created for low-income people have career development opportunities that will promote self-sufficiency.

e. Criterion V: Public-Private Partnerships (Maximum: 20 Points)

(1) Mobilization of resources: (sub-rating: 15 points). The application documents that the applicant will mobilize from public and/or private sources cash and/or in-kind contributions valued at an amount equal to the OCS funds requested.

Cash resources such as cash or loans contributed from all project sources (except for those contributed directly by the applicant) are documented by letters of commitment from third parties making the contribution. Third party in-kind contributions such as equipment or real property contributed by the applicant or third parties are documented by an inventory for equipment and a copy of deed or other legal document for real property.

Note 1: Applicants documenting that the value of such contributions will be at least equal to the OCS funds requested will receive the maximum number of points for this sub-criterion. Lesser contributions will be given consideration based upon the value documented.

Note 2: Future or projected program income such as gross or net profits from the project or business operations will not be recognized as mobilized or contributed resources.

Note 3: Applicants under Sub-Priority Area 1.1B who have a signed, written agreement for a significant partnership role with a Native American tribe or under Sub-Priority Area 1.2 who have a signed, written agreement for a significant partnership role with Historically Black Colleges and Universities, are deemed to have fully met this criterion and will receive the maximum number of points if they submit the agreement along with the application.

(2) *Integration/coordination of services: (sub-rating: 5 points).* The applicant demonstrates a commitment to or agreements with local agencies responsible for administering child support enforcement, employment education, and training programs to ensure that welfare recipients, at-risk youth, displaced workers, public housing tenants, homeless and low-income individuals, and low-income non-custodial parents will be trained and placed in the newly created jobs. The applicant provides written agreements from the local TANF or other employment education and training offices and child support enforcement agency indicating what actions will be taken to integrate/coordinate services that relate directly to the project for which funds are being requested. (0–2 points)

The agreements include: (1) The goals and objectives that the applicant and the TANF or other employment education and training offices and/or child support enforcement agency expect to achieve through their collaboration; (2) the specific activities/actions that will be taken to integrate/coordinate services on an on-going basis; (3) the target population that this collaboration will serve; (4) the mechanism(s) to be used in integrating/coordinating activities; (5) how those activities will be significant in relation to the goals and objectives to be achieved through the collaboration; and (6) how those activities will be significant in relation to their impact on the success of the OCS-funded project. (0–2 points)

The applicant also provides documentation that illustrates the organizational experience related to the employment education and training program. (Refer to Criterion II for guidelines.) (0–1 point)

f. Criterion VI: Budget Appropriateness and Reasonableness (Maximum: 5 Points)

Funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the project. (0–2 points)

The application includes a detailed budget breakdown for each of the budget categories in the SF–424A. The applicant presents a reasonable administrative cost. (0–2 points)

The estimated cost to the government of the project also is reasonable in

relation to the anticipated results. (0–1 point)

2. Criteria for Review and Evaluation of Applications Submitted Under Sub-Priority Area 1.3 and 1.3A

a. Criterion I: Analysis of Need (Maximum: 15 Points)

The application documents that there are clearly identified needs in a low-income community not being effectively addressed. (0–10 points)

Most recent available statistics and other information are provided in support of its contention. (0–5 points)

b. Criterion II: Organizational Capability and Capacity (Maximum: 20 Points)

(1) *Organizational experience in program area (sub-rating: 5 points).* The applicant show why its organization can successfully implement the project for which it is requesting funds. (0–5 points)

(2) *Management capacity (sub-rating: 5 points).* Applicant fully details its ability to implement sound and effective management practices and if it has been a recipient of other Federal or other governmental grants, it also details that it has consistently complied with financial and program progress reporting and audit requirements. (0–3 points)

Applicant has submitted available documentation on its management practices and progress reporting procedures along with a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted. (0–2 points)

Note: The documentation of the applicant's management practices, *etc.,* and statement from the accountant on the financial management system must address the applicant organization's own internal system rather than an external system of an affiliate, partner, management support organization, *etc.*

(3) *Staffing (sub-rating: 5 points).* The application fully describes (*e.g.,* resumes) the experience and skills of key staff showing that they are not only well qualified but that their professional capabilities are relevant to the successful implementation of the project.

(4) *Staffing responsibilities (sub-rating: 5 points).* The application describes how the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

c. Criterion III: Project Design, Implementation and Evaluation (Maximum: 30 Points)

(1) Project implementation component (sub-rating: 25 points). The work plan addresses a clearly identified need in the low-income community as described in Criterion I. The plan must include a methodology to evaluate the feasibility of potential projects that conform to the type of projects and activities allowable under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4. (0–8 points)

The work plan discusses the preparation of a business plan on one selected project based on the results of the feasibility studies and a plan for mobilization of non-discretionary funds to implement the business plan. (0–4 points)

It sets forth realistic quarterly time schedules of work tasks by which the objectives (including the development of a business plan and mobilization of resources) will be accomplished.

Note: Because quarterly time schedules are used by OCS as a key instrument to monitor progress, failure to include these time targets will seriously reduce an applicant's point score in this criterion.

(0–8 points)

It defines critical issues or potential problems that might impact negatively on the project and it indicates how the project objectives will be attained notwithstanding any such potential problems. (0–5 points)

(2) *Evaluation component (sub-rating: 5 points).* The proposal includes a self-evaluation component. The evaluation data collection and analysis procedures are specifically oriented to assess the degree to which the stated goals and objectives are achieved. (0–3 points)

Qualitative and quantitative measures reflective of the scheduling and task delineation in (1) above are used to the maximum extent possible. This component indicates the ways in which the potential grantee would integrate qualitative and quantitative measures of accomplishment and specific data into its program progress reports that are required by OCS from all organizations receiving pre-developmental grants. (0–2 points)

d. Criterion IV: Significant and Beneficial Impact (Maximum: 25 Points)

The proposed project around which the business plan is to be developed with the use of OCS grant funds is targeted into low-income communities, and/or designated Empowerment Zones or Enterprise Communities with the goals of increasing the economic conditions and social self-sufficiency of residents. Also, the project proposes to produce permanent and measurable results that will reduce the incidence of poverty and number of TANF recipients in the low-income area targeted. (0–20 points)

Note: This sub-priority area permits applicants to conduct several feasibility studies related to various potential projects. However, on completion of the studies, one proposed project must be selected and a business plan prepared for the selected project.

The activity targets mobilization of non-discretionary program dollars from private sector individuals, public resources, corporations, and foundations including the utilization of Historically Black Colleges and Universities, if the proposed project is implemented. (0–5 points)

Note: An applicant under Sub-Priority Area 1.3A who has submitted a signed, written agreement for a significant partnership role with an HBCU is deemed to have fully met this sub-criterion and should receive the maximum five points.

e. Criterion V: Budget Appropriateness and Reasonableness (Maximum: 10 points)

Funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the project. The estimated cost to the government of the project also is reasonable in relation to the anticipated results. (0–5 points)

The application includes a narrative detailed budget breakdown for each of the budget categories in the SF 424–A. The applicant presents a reasonable administrative cost. (0–5 points)

3. Criteria for Review and Evaluation of Applications Submitted Under Sub-Priority Area 1.5

a. Criterion I: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 20 Points)

(1) *Organizational experience in program area (sub-rating: 0–10 points).* Applicant has documented the capability to provide leadership in solving long-term and immediate problems locally and/or nationally in such areas as business development, commercial development, organizational and staff development, board training, and micro-entrepreneurship development. (0–2 points)

Applicant documents a capability (including access to a network of skilled individuals and/or organizations) in two or more of the following areas: Business management, including strategic planning and fiscal management; finance, including development of

financial packages and provision of financial/accounting services; and regulatory compliance, including assistance with zoning and permit compliance. (0–2 points)

The applicant has the demonstrated ability to mobilize dollars from sources such as the private sector (corporations, banks, foundations, etc.) and the public sector, including state and local governments. (0–2 points)

Applicant also demonstrates that it has a sound organizational structure and proven organizational capability as well as an ability to develop and maintain a stable program in terms of business, physical or community development activities that have provided permanent jobs, services, business development opportunities, and other benefits to poverty community residents. (0–2 points)

Applicant indicates why it feels that its successful experiences would be of assistance to existing grantees that are experiencing difficulties in implementing their projects. (0–2 points)

(2) *Staff skills, resources and responsibilities (sub-rating 0–10 points).* The application describes in brief resume form the experience and skills of the project director who is not only well qualified, but who has professional capabilities relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description that indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. (0–5 points)

The applicant has adequate facilities and resources (*i.e.* space and equipment) to successfully carry out the work plan. (0–3 points)

The assigned responsibilities of the staff are appropriate to the tasks identified for the project and sufficient time of senior staff will be budgeted to assure timely implementation and cost effective management of the project. (0–2 points)

b. Criterion II: Work Program (Maximum: 30 Points)

The applicant demonstrates in some specificity a thorough understanding of the problems a grantee may encounter in implementing a successful project. (0–15 points)

The application includes a strategy for assessing the specific nature of the problems, outlining a course of action and identifying the resources required to resolve the problems. (0–15 points)

c. Criterion III: Significant and Beneficial Impact (Maximum: 30 Points)

Project funds under this sub-priority area are to be used for the purposes of transferring expertise directly, or by a contract with a third party, to other OCS funded grantees. Applicant describes how the success or failure of collaboration with these grantees will be documented. (0–15 points)

Applicant demonstrates an ability to disseminate results on the kinds of programmatic and administrative expertise transfer efforts in which it participated and successful strategies that it may have developed to share expertise with grantees during the grant period. (0–10 points)

Applicant states whether the results of the project will be included in a handbook, a progress paper, an evaluation report, a general manual, or seminars/workshops, and why the particular methodology chosen would be most effective. (0–5 points)

d. Criterion IV: Public-Private Partnerships (Maximum: 15 Points)

Applicant demonstrates how it will design a comprehensive strategy that makes use of other available resources to resolve typical and recurrent grantee problems.

e. Criterion V: Budget Appropriateness and Reasonableness (Maximum: 5 Points)

Applicant documents that the funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the project. The application includes a detailed budget breakdown for each of the appropriate budget categories in the SF–424A. (0–3 points)

The estimated cost to the government of the project also is reasonable in relation to the anticipated results. (0–2 points)

4. Criteria for Review and Evaluation of Applications Submitted Under Sub-Priority Area 1.6

a. Criterion I: Need for Assistance (Maximum: 10 Points)

The application documents that the project addresses a vital, nationwide need related to the purposes of Priority Area 1.0 and provides data and information in support of its contention.

b. Criterion II: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 20 Points)

(1) Organizational experience. Applicant has documented the capability to provide leadership in solving long-term and immediate problems locally and/or nationally in such areas as business development, commercial development, organizational and staff development, board training, and micro-entrepreneurship development. Applicant documents a capability (including access to a network of skilled individuals and/or organizations) in two or more of the following areas: Business management, including strategic planning and fiscal management; finance, including development of financial packages and provision of financial/accounting services; and regulatory compliance, including assistance with zoning and permit compliance. (0–10 points)

(2) *Staff skills.* The applicant's proposed project director and primary staff are well qualified and their professional experiences are relevant to the successful implementation of the proposed project. (0–10 points)

c. *Criterion III: Work Plan (Maximum: 35 Points)*

The applicant has submitted a detailed and specific work plan that is both sound and feasible. Specifically, the work plan:

(1) Demonstrates that all activities are comprehensive and nationwide in scope, adequately described, and appropriately related to the goals of the program. (0–10 points)

(2) Demonstrates in some specificity a thorough understanding of the kinds of training and technical assistance that can be provided to the network of community development corporations. (0–10 points)

(3) Delineates the tasks and sub-tasks involved in the areas necessary to carry out the responsibilities, *i.e.* training, technical assistance, research, outreach, seminars, etc. (0–5 points)

(4) States the intermediate and end products to be developed by task and sub-task. (0–5 points)

(5) Provides realistic time frames and a chronology of key activities for the goals and objectives. (0–5 points)

d. Criterion IV: Significant and Beneficial Impact (Maximum: 25 Points)

Project funds will be used for the purpose of providing training and technical assistance on a national basis to the network of community development corporations.

The applicant describes how:

(1) The project will assure long-term program and management improvements for community development corporations. (0–10 points)

(2) The project will impact on a significant number of community development corporations. (0–10 points)

(3) The project will leverage or mobilize significant other non-federal resources for the direct benefit of the project. (0–5 points)

e. Criterion V: Budget Reasonableness (Maximum: 10 Points)

(1) The resources requested are reasonable and adequate to accomplish the project. (0–5 points)

(2) Total costs are reasonable and consistent with anticipated results. (0–5 points)

5. Criteria for Review and Evaluation of All Applications Under Sub-Priority Areas 2.1 and 2.1A

a. Criterion I: Analysis of Need (Maximum: 5 Points)

The application documents that the project addresses a vital need in a distressed community and provides statistics and other data and information in support of its contention.

b. Criterion II: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 15 Points)

(1) *Organizational Experience in Program Area (sub-rating: 0–5 points)*

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population.

Organizations that propose providing training and technical assistance have detailed competence in the specific program priority area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(2) *Staff Skills, Resources and Responsibilities (sub-rating 0–10 points).* The application describes in brief resume form the experience and skills of the project director who is not only well qualified, but whose professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description that indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. The applicant has adequate facilities and resources (*i.e.* space and equipment) to successfully carry out the work plan. The assigned responsibilities of the staff are appropriate to the tasks identified for the project and sufficient time of senior staff will be budgeted to assure timely implementation and cost effective management of the project.

c. Criterion III: Project Implementation (Maximum: 25 Points)

The work plan is both sound and feasible. The project is responsive to the needs identified in the Analysis of Need. It sets forth realistic quarterly time targets by which the various tasks will be completed. Critical issues or potential problems that might impact negatively on the project are defined and the project objectives can be reasonably attained despite such potential problems.

d. Criterion IV: Significant and Beneficial Impact (Maximum: 30 Points)

The application contains a full and accurate description of the proposed use of the requested financial assistance. The proposed project will produce permanent and measurable results that will reduce the incidence of poverty in the areas targeted and significantly enhance the self-sufficiency of program participants. Results are quantifiable in terms of program area expectations, *e.g.,* number of units of housing rehabilitated, agricultural and non-agricultural job placements, etc. The OCS grant funds, in combination with private and/or other public resources, are targeted into low-income and/or distressed communities and/or designated Empowerment Zones and Enterprise Communities.

e. Criterion V: Public-Private Partnerships (Maximum: 20 Points)

The application documents that the applicant will mobilize from public and/or private sources cash and/or in-kind contributions valued at an amount equal to the OCS funds requested.

Note: Applicants documenting that the value of such contributions will be at least equal to the OCS funds requested will receive the maximum number of points for this Criterion. Lesser contributions will be given consideration based upon the value documented.

f. Criterion VI: Budget Appropriateness and Reasonableness (Maximum: 5 Points)

Funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the project. The application includes a narrative detailed budget break-down for each of the budget categories in the SF–424A. The applicant presents a reasonable administrative cost. The estimated cost to the government of the project also is reasonable in relation to the anticipated results.

Part E—Application Procedures

1. Availability of Forms

For purposes of this announcement, all applicants will use the following forms:

SF 424
SF 424A
SF 424B

Applications proposing construction projects will present all required financial data using SF–424A. Instructions for completing the SF–424, SF–424A, and SF–424B are found in Attachments B, C, and D. These forms may be photocopied for this application.

Part F contains instructions for the project abstract and project narrative. They should be submitted on plain bond paper along with the SF–424 and related forms.

Attachment M, Applicant's Checklist, provides a checklist to aid applicants in preparing a complete application package for OCS.

The applicant must be aware that in signing and submitting the application for this award, it is certifying that it will comply with the Federal requirements concerning the following regulations: Drug-free workplace, Attachment E; Debarment, Attachment F; and Environmental Tobacco Smoke, Attachment J.

2. Intergovernmental Review

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR Part 100, Intergovernmental Review of Department of Health and Human Services Programs and Activities. Under the Order, states may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of October 5, 1999 the following jurisdictions have elected NOT to participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by Federally-recognized Indian tribes need take no action in regard to E. O. 12372:

Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau.

Applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required

material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a, and submit a copy of the letter along with its application to OCS.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official state process recommendations which they intend to trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Office of Grants Management/OCSE, 4th Floor West, Aerospace Center, 370 L'Enfant Promenade, SW., Washington, DC 20447.

A list of the Single Points of Contact for each state and territory is included as Attachment G of this announcement.

3. Application Consideration

Applications that meet the screening requirements in sections 4.a and 4.b below may be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program priority area guidelines and evaluation criteria published in this announcement.

Applications submitted under all priority areas (with the exception of Sub-Priority Area 1.6) will be reviewed by persons outside of the Office of Community Services. The results of these reviews will assist the Director and OCS program staff in considering competing applications.

Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications generally will be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on previous OCS or other Federal agency grants.

Applicants with three or more active OCS grants at the time of review may be denied funding. In addition, for applications received under 1.0, OCS will consider the geographic distribution of funds among states and the relative proportion of funding among rural and urban areas in accordance with Section 680(a)(2)(D) of the CSBG Act.

OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

4. Criteria for Screening Applications

a. *Initial screening.* All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain an Application for Federal Assistance (SF–424), a budget (SF–424A), and signed Assurances (SF–424B) completed according to instructions published in Parts F and G and Attachments B, C, and D of this Program Announcement.

(2) A project abstract must also accompany the standard forms.

(3) The SF–424 and the SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

(4) While there is no limit to the number of applications that can be submitted under a specific program priority area, each application must be submitted for consideration under one priority area only.

b. *Pre-review.* Applications that pass the initial screening will be forwarded to reviewers and/or OCS staff prior to the programmatic review to verify that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility:* Applicant meets the eligibility requirements for the sub-priority area under which funds are being requested. Proof of non-profit status, *i.e.* the IRS determination letter of tax exemption, must be included in the appendices of the project narrative where applicable. Applicants that do not submit proof of non-profit status will be disqualified. Applicants must also be aware that the applicant's legal name as required in SF–424 (Item 5) *must match* that listed as corresponding to the Employer Identification Number (Item 6).

(2) *Number of Projects:* An application may contain only one project under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4. However, an application may contain more than one project under Sub-Priority Areas 1.3, 1.3A, 1.5, and 1.6 where applicants are researching various opportunities, sharing administrative and management expertise with current OCS grantees, and providing training and/or technical assistance to current OCS grantees, including the organization of seminars and other activities to assist community development corporations.

(3) *Grant amount:* The amount of funds requested does not exceed the limits indicated in the appropriate sub-priority area.

(4) *Written Agreement When Applicant Proposes to Make Equity Investment or Loan:* (Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and 1.4): The application contains a written third party agreement, or a discussion of a proposed agreement, signed by the applicant and the third party that includes all of the elements required in Part B, item 9.

An application will be disqualified if it does not conform to one or more of the above requirements.

c. *Panel reviews.* Applications that pass the pre-rating review will be assessed and scored by panels of reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the announcement.

The panelists will use the criteria found in Part D along with the specific requirements contained under each program sub-priority area as described in Part C.

Part F—Contents of Application and Receipt Process

1. Contents of Application

Each submission should include one signed original and four additional copies of the application. The application package including the narrative should not exceed 65 pages for the applications submitted under Sub-Priority Areas 1.1, 1.1A, 1.1B, 1.2, and

1.4 and 30 pages under the other sub-priority areas. This does not include appendices listed below. Application pages should be numbered sequentially throughout the application package, beginning with an abstract of the proposed project as page number one. Each application must include all of the following, in the order listed below:

a. Table of Contents.

b. A Project Abstract—A paragraph that succinctly describes the project in *500* characters or less.

c. Completed Standard Form 424—(Attachment B)—that has been signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

d. A Standard Form 424A—Budget Information—Non-Construction Programs (Attachment C).

e. A narrative budget justification for each object class category required under Section B, SF–424A (Attachment C).

f. A Project Narrative. The project narrative must address the specific concerns mentioned under the relevant priority area description in Part C. The narrative should also provide information on how the application meets the evaluation criteria in Part D and Guidelines for a Business Plan (Attachment K) of the Program Announcement.

g. A Standard Form 424B Assurances—Non-Construction (Attachment D)—All applicants, whether or not their project involves construction, must sign and submit the Standard Form 424B with their applications.

h. Certification Regarding Lobbying—(Attachment H)—Applicant must sign and return an executed copy of the lobbying certification.

i. Disclosure of Lobbying Activities, SF–LLL (Attachment H)—Fill out, sign and date the form.

j. DHHS Regulations Applying to All Applicants/Grantees Under the Fiscal Year 2000 (Supplementary) and 2001 Discretionary Grants Program (Attachment I)—By signing and submitting the application, applicant is certifying that it will comply with these regulations.

k. Certification Regarding Environmental Tobacco Smoke (Attachment J)—Applicant must make the appropriate certification of their compliance with the Pro-Children Act of 1994. By signing and submitting the application, applicant is providing the certification regarding environmental tobacco smoke and need not mail back the certification with their applications.

l. Certification Regarding Drug-Free Workplace Requirement (Attachment E): By signing and submitting the application, applicant is certifying that it will comply with this regulation.

m. Certification Regarding Debarment, Suspension, and Other Responsibility Matters: By signing and submitting the application, applicant is certifying that it will comply with this regulation.

n. Appendices should include: Proof of non-profit status [a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS Code *or* a copy of the currently valid IRS tax exemption certificate]; a copy of the Articles of Incorporation bearing the seal of the State in which the corporation or association is domiciled; a listing of the current Board of Directors' names, titles and addresses (Note: If the applicant is proposing an equity transaction, this is also needed for the third party organization.); resumes of the project director and other key management team members; written agreements, i.e., third party agreements, coordination with TANF, *etc.;* a copy of the submission to the State Single Point of Contact, if applicable; Single Point of Contact comments, where applicable; certification regarding anti-lobbying activities; and a disclosure of lobbying activities.

2. Acknowledgment of Receipt

All applicants will receive an acknowledgment notice with an assigned identification number. Applicants are requested to supply a self-addressed mailing label with their application that can be attached to this acknowledgment notice. The identification number and the program priority area letter code must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–5103.

Note: To facilitate receipt of this acknowledgment from ACF, applicant should include a cover letter with the application containing an E-mail address and facsimile (FAX) number if these items are available to applicant.

Part G—Instructions for Completing Application Package

It is suggested that the applicant reproduce the SF–424 and SF–424A, and type its organization's legal name on the copies. If an item on the SF–424 cannot be answered or does not appear to be related or relevant to the assistance requested, write NA for Not Applicable.

Prepare your application in accordance with the standard instructions given in Attachments B and C corresponding to the forms, as well as the OCS specific instructions set forth below:

1. SF–424 Application for Federal Assistance

Item 1. For the purposes of this announcement, all proposals are considered Applications; there are no Pre-Applications. For the purpose of this announcement, construction projects involve land improvements and development or major renovation of (new or existing) facilities and buildings, including their improvements, fixtures and permanent attachments. All others are considered non-construction. Check the appropriate box under Application. Whether applications involve construction or non-construction projects, all applicants are required to complete the *Budget Information—Non-construction Programs* sections of SF–424A.

Items 5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (EIN) and the Payment Identifying Number (PIN), if one has been assigned, in the block entitled Federal Identifier located at the top right hand corner of the form.

Item 7. If the applicant is a non-profit corporation, enter N in the box and specify non-profit corporation in the space marked Other. Any non-profit organization submitting an application must submit proof of its non-profit status in its applications at time of submission.

Item 9. Enter DHHS–ACF/OCS.

Item 10. The Catalog of Federal Domestic Assistance number for OCS programs covered under this announcement is 93.570. The title is CSBG Discretionary Awards.

Item 11. In addition to a brief descriptive title of the project, indicate one of the following program priority areas for which funds are being requested.

UR—Sub-Priority Area 1.1. Urban and Rural Community Economic Development (Operational—FY 2001)

URA—Sub-Priority Area 1.1A. Urban and Rural Community Economic Development (Operational—FY 2000)

URNA—Sub-Priority Area 1.1B. Urban and Rural Community Economic Development (Native Americans) (FY 2000)

HB—Sub-Priority Area 1.2. Urban and Rural Community Economic

Development (HBCU Set-Aside—FY 2001)
PD—Sub-Priority Area 1.3. Urban and Rural Community Economic Development (Pre-Developmental Set-Aside) (FY 2001)
HPD—Sub-Priority Area 1.3A. Urban and Rural Community Economic Development (Pre-Developmental Set-Aside) (FY 2000)
DD—Sub-Priority Area 1.4. Urban and Rural Community Economic Development (Developmental Set-Aside) (FY 2001)
AM—Sub-Priority Area 1.5. Administrative and Management (Set-Aside) (FY 2001)
UT—Sub-Priority Area 1.6. Training and Technical Assistance (Set-Aside) (FY 2001)
RF—Sub-Priority Area 2.1. Rural Community Facilities (Water and Waste Water Treatment Systems Development) (FY 2001)
RFA—Sub-Priority Area 2.1A. Rural Community Facilities (Water and Waste Water Treatment Systems Development) (FY 2000)

2. SF–424A—Budget Information—Non-Construction Programs

See instructions accompanying this form as well as the instructions set forth below:

In completing these sections, the Federal funds budget entries will relate to the requested OCS discretionary funds only, and Non-Federal will include mobilized funds from all other sources—applicant, state, local, and other. Federal funds other than requested OCS Discretionary funding should be included in Non-Federal entries.

The budget forms in SF–424A are only to be used to present grant administrative costs and major budget categories. Financial data that is generated as part of a project Business Plan or other internal project cost data must be separate and should appear as part of the project Business Plan or other project implementation data.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized) funds. Section B contains entries for Federal (OCS) funds only. Clearly identified continuation sheets in SF–424A format should be used as necessary.

Section A—Budget Summary

Lines 1–4

— Column (a): Line 1—Enter CSBG Discretionary
— Column (b): Line 1—Enter 93.570
— Columns (c) and (d): Leave Blank
— Columns (e) through (g): Line 1, enter the appropriate amounts needed to support the project for the budget period.

Line 5: Enter the figures from Line 1 for all columns completed as required, (c), (d), (3), (f), and (g).

Section B—Budget Categories

Allowability of costs is governed by applicable cost principles set forth in 45 CFR Parts 74 and 92. A budget narrative must be submitted that includes the appropriate justifications as stated.

This section should contain entries for OCS funds only. For all projects, this first budget period will be entered in Column (1).

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other*, identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; and major equipment purchases.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a

Personnel—Enter the total costs of salaries and wages.

Justification—Identify the project director and staff. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b

Fringe Benefits—Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on Line 6j.

Justification—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate. Provide a breakdown of amounts and percentages that comprise fringe benefit costs.

Line 6c

Travel—Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances. Traveler must be a person listed under the personnel line or employee being paid under non-federal share. (Note: Local transportation and consultant travel costs are entered on Line 6h.)

Line 6d

Equipment—Enter the total estimated costs for all non-expendable personal property to be acquired by the project. Equipment means tangible nonexpendable personal property, including exempt property, charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, consistent with recipient policy, lower limits may be established.

Justification—Provide breakdown of cost per item. Items that cost less than $5,000 should be included under Supplies.

Line 6e

Supplies—Enter the total estimated costs of all tangible personal property (supplies) other than that included on line 6d.

Justification—Provide a general description as to what is being purchased such as type of supplies, office, classroom, medical, etc. Also property that is not equipment and costs less than $5,000 per item.

Line 6f

Contractual—Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, *etc.*) and (2) contracts with secondary recipient organizations including delegate agencies and specific projects(s) or businesses to be financed by the applicant.

Justification—Contractual cannot be a person—it must be the name of an organization, firm, *etc.* Consultant cost goes in line 6h—Other.

Line 6g

Construction—Enter the estimated costs of renovation, repair, or new construction. Identify the type of construction activity and costs associated, *i.e.*, concrete, HVAC, electrical, etc. Provide narrative justification and breakdown of costs.

Line 6h

Other—Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to insurance, fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Justification—Provide as much detail as you can. Some items may have to be defined more than others.

Line 6j

Indirect Charges—Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by DHHS or other Federal agencies.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should, immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates* and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable.

Section C—Non-Federal Resources

This section is to record the amounts of non-Federal resources that will be used to support the project. Non-Federal resources mean other than OCS funds for which the applicant is applying. Therefore, mobilized funds from other Federal programs, such as the Job Training Partnership Act program, should be entered on these lines. Provide a brief listing of the non-Federal resources on a separate sheet and describe whether it is a grantee-incurred cost or a third-party in-kind contribution. The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the Public-Private Partnerships Criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment from the organization(s)/individuals from which funds will be received.

Note: Even though there are no matching requirements for the Discretionary Grants Program, grantees will be held accountable for any match, cash or in-kind contribution proposed or pledged as part of an approved application.

Part H—Post Award Information and Reporting Requirements

1. Notification of Grant Award

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award that provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, the terms and conditions of the award, the total project period for which support is contemplated, and the total financial participation from the award recipient.

General Conditions and Special Conditions (where the latter are warranted) that will be applicable to grants, are subject to the provisions of 45 CFR Parts 74 and 92.

2. Attendance at OCS Training Conference

The Executive Director and/or Project Director will be required to attend a two-day national workshop in Washington, D.C. The project budget must include funds for travel to and attendance at this conference.

3. Reporting Requirements

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report.

Under the Paperwork Reduction Act of 1995, Public Law 104–13, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0970–0062, which expires 10/31/2001.

4. Audit Requirements

Grantees are subject to the audit requirements in 45 CFR Parts 74 and 92 and OMB Circular A–133. If an applicant will not be requesting indirect costs, it should anticipate in its budget request the cost of having an audit performed at the end of the grant period.

5. Lobbying

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees: (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists; (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of nonappropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the *nonappropriated* funds; and (3) to file quarterly up-dates about the use of lobbyists if an event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment H for certification and disclosure forms to be submitted with the applications for this program.

6. Applicable Federal Regulations

Attachment I provides a list of the regulations that apply to all applicants/grantees under the FY 2000 (Supplementary) and FY 2001 Discretionary Grants Programs.

Dated: June 9, 2000.

Donald Sykes,

Director, Office of Community Services.

Attachments

A—2000 Poverty Income Guidelines
B—Standard Form 424, Application for Federal Assistance
C—Standard Form 424A, Budget Information—Non-Construction Programs
D—Standard Form 424B, Assurances—Non-Construction Programs
E—Certification Regarding Drug-Free Workplace Requirements
F—Certification of Debarment, Suspension and Other Responsibility Matters
G—State Single Points of Contact Listing
H—Certification Regarding Lobbying and Disclosure of Lobbying Activities, SF LLL
I—DHHS Regulations Applying to all Applicants/Grantees Under the Fiscal Year

2000 (Supplementary) and Fiscal Year 2001 Discretionary Grants Programs
J—Certification Regarding Environmental Tobacco Smoke
K—Guidelines for a Business Plan
L—Table of Standard Industrial Codes and Occupational Classifications
M—Applicant's Checklist

Attachment A

2000 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guidelines
1	$8,350
2	11,250
3	14,150
4	17,050
5	19,950
6	22,850
7	25,750
8	28,650

For family units with more than 8 members, add $2,900 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above).

2000 POVERTY GUIDELINES FOR ALASKA

Size of family unit	Poverty guidelines
1	$10,430
2	14,060
3	17,690
4	21,320
5	24,950
6	28,580
7	32,210
8	35,840

For family units with more than 8 members, add $3,630 for each additional member. (The same increment applies to smaller family sizes also as can be seen in the figures above).

2000 POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guidelines
1	$9,500
2	12,930
3	16,270
4	19,610
5	22,950
6	26,290
7	29,630
8	32,970

For family units with more than 8 members, add $3,340 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above).

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Attachment B

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier	
3. DATE RECEIVED BY STATE	State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	

1. TYPE OF SUBMISSION:

Application
- ☐ **Construction**
- ☐ **Non-Construction**

Preapplication
- ☐ **Construction**
- ☐ **Non-Construction**

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code)*:

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*:

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant

b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

BILLING CODE 4184–01–C

Instructions for the SF–424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information. including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employee Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   —''New'' means a new assistance award.
   —''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.
   —''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the problem under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (*e.g.,* construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (*e.g.,* State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as Item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loan and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184–01–P

Attachment C

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges *(sum of 6a-6h)*					
j. Indirect Charges					
k. TOTALS *(sum of 6i and 6j)*	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

Attachment C, Page 2

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL *(sum of lines 8-11)*	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL *(sum of lines 13 and 14)*	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 7-97) Page

Instructions for the SF–424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348/004), Washington, DC 50503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in Column (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g)

For *new applications* leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in column (e) should be equal to the amount on Line 5, column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Lines 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Attachment D.—Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing

data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0040), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd–3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C.§§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S. C. §§ 327–333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93–523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S. C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.''

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Signature of authorized certifying official

Title

Applicant organization

Date submitted

Attachment E.—Certification Regarding Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for State-wide and State Agency-wide certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central pint is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace indetifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be impose upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice undr paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, with 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to an including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a conditions of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, with 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification numbers(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

Attachment F.—Certification Regarding Debarment, Suspension and Other Responsibility Matters

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to brain, or preforming a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participation is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at one time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntary excluded, as used in this clause, have the meaning set our in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' without modification, in lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment G.—State Single Points of Contact (SPOCs)

It is estimated that in 2001, the Federal Government will outlay $305.6 billion in grants to State and local governments. Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided below. States that are not listed on this page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within one of these States, you may still send application materials directly to a Federal awarding agency.

Arizona: Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315, Fax: (602) 280–8144, jonis@ep.state.az.us.

Arkansas: Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, Fax: (501) 682–5206, tlcopeland@dfa.state.ar.us.

California: Grants Coordination, State Clearinghouse, Office of Planning and Research, P.O. Box 3044, Room 222, Sacramento, California 95812–3044, Telephone: (916) 445–0613, Fax: (916) 323–3018, state.clearinghouse@opr.ca.gov.

Delaware: Charles H. Hopkins, Executive Department, Office of the Budget, 540 S. Dupont Highway, 3rd Floor, Dover, Delaware 19901, Telephone: (302) 739–3323, Fax: (302) 739–5661, chopkins@state.de.us.

District of Columbia: Ron Seldon, Office of Grants Management and Development, 717 14th Street, NW., Suite 1200, Washington, DC 20005, Telephone: (202) 727–1705, Fax; (202) 727–1617, ogmd-ogmd@dcgov.org.

Florida: Cherie L. Trainor, Florida State Clearinghouse, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399–2100, Telephone: (850) 922–5438, (850) 414–5495 (direct), Fax: (850) 414–0479, cherie.trainor@dca.state.fl.us.

Georgia: Georgia State Clearinghouse, 270 Washington Street SW, Atlanta, Georgia 30334, Telephone: (404) 656–3855, Fax: (404) 656–7901, gach@mail.opb.state.ga.us.

Illinois: Virginia Bova, Department of Commerce and Community Affairs, James R. Thompson Center, 100 West Randolph, Suite 3–400, Chicago, Illinois 60601, Telephone: (312) 814–6028, Fax (312) 814–8485, vbova@commerce.state.il.us.

Indiana: Frances Williams, State Budget Agency, 212 State House, Indianapolis, Indiana 46204–2796, Telephone: (317) 232–2972, Fax: (317) 233–3323, fwilliams@sba.stat.in.us.

Iowa: Steven R. McCann, Division of Community and Rural Development, Iowa Department of Economic Development, 200 East Grant Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, Fax: (515) 242–4809, steve.mccann@ided.state.ia.us.

Kentucky: Ron Cook, Department for Local Government, Kentucky State Clearinghouse, 1024 Capital Center Drive, Suite 340, Frankfort, Kentucky 40601, Telephone: (502) 573–2382, Fax: (502) 573–0175, ron.cook@mail.state.ky.us.

Maine: Joyce Benson, State Planning Office, 184 State Street, 38 State House Station, Augusta, Maine 04333, Telephone: (207) 287–3261, (207) 287–1461 (direct), Fax: (207) 287–6489, joyce.benson@state.me.us.

Maryland: Linda Janey, Manager, Clearinghouse and Plan Review Unit, Maryland Office of Planning, 301 West Preston Street—Room 1104, Baltimore, Maryland 21201–2305, Telephone: (410) 767–4490, Fax: (410) 767–4480, linda@mail.op.state.md.us.

Michigan: Richard Pfaff, Southeast Michigan Council of Governments, 660 Plaza Drive—Suite 1900, Detroit, Michigan 48226, Telephone: (313) 961–4266, Fax: (313) 961–4869, pfaff@semcog.org.

Mississippi: Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 550 High Street, 303 Walters Sillers Building, Jackson, Mississippi 39201–3087, Telephone: (601) 359–6762, Fax: (601) 359–6758.

Missouri: Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Jefferson Building, Room 915, Jefferson City, Missouri 65102, Telephone: (573) 751–4834, Fax: (573) 522–4393, pohll__@mail.oa.state.mo.us.

Nevada: Heather Elliott, Department of Administration, State Clearinghouse, 209 E. Musser Street, Room 200, Carson City, Nevada 89701, Telephone: (775) 684–0209, Fax: (775) 684–0260, helliott@govmail.state.nv.us.

New Hampshire: Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process, Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, Fax: (603) 271–1728, jtaylor@osp.state.nh.us.

New Mexico: Ken Hughes, Local Government Division, Room 201 Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–4370, Fax: (505) 827–4948, khughes@dfa.state.nm.us.

North Carolina: Jeanette Furney, Department of Administration, 1302 Mail Service Center, Raleigh, North Carolina 27699–1302, Telephone: (919) 807–2323, Fax: (919) 733–9571, jeanette.furney@ncmail.net.

North Dakota: Jim Boyd, Division of Community Services, 600 East Boulevard Ave, Dept 105, Bismarck, North Dakota 58505–0170, Telephone: (701) 328–2094, Fax: (701) 328–2308, jboyd@state.nd.us.

Rhode Island: Kevin Nelson, Department of Administration, Statewide Planning Program, One Capitol Hill, Providence, Rhode Island 02908–5870, Telephone: (401) 222–2093, Fax: (401) 222–2083, knelson@doa.state.ri.us.

South Carolina: Omeagia Burgess, Budget and Control Board, Office of State Budget, 1122 Ladies Street—12th Floor, Columbia, South Carolina 29201, Telephone: (803) 734–0494, Fax: (803) 734–0645, aburgess@budget.state.sc.us.

Texas: Tom Adams, Governors Office, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, Fax: (512) 936–2681, tadams@governor.state.tx.us.

Utah: Carolyn Wright, Utah State Clearinghouse, Governor's Office of Planning and Budget, State Capitol—Room 114, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, Fax: (801) 538–1547, cwright@gov.state.ut.us.

West Virginia: Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, Fax: (304) 558–3248, fcutlip@wvdo.org.

Wisconsin: Jeff Smith, Section Chief, Federal/State Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–0267, Fax: (608) 267–6931, jeffrey.smith@doa.state.wi.us.

Wyoming: Sandy Ross, Department of Administration and Information, 2001 Capitol Avenue, Room 214, Cheyenne, WY 82002, Telephone: (307) 777–5492, Fax: (307) 777–3696, sross1@missc.state.wy.us.

Guam: Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, Fax: 011–472–2825, jer@ns.gov.gu.

Puerto Rico: Norma Burgos/Jose E. Caro, Puerto Rico Planning Board, Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, Fax: (809) 724–3270.

North Mariana Islands: Ms. Jacoba T. Seman, Federal Programs Coordinator, Office of Management and Budget, Office of the Governor, Saipan, MP 96950, Telephone: (670) 664–2289, Fax: (670) 664–2272, omb.jseman@saipan. com.

Virgin Islands: Ira Mills, Director, Office of Management and Budget, #41 Norre Gade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802, Telephone: (340) 774–0750, Fax: (340) 776–0069, lrmills@usvi.org.

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to *grants@omb.eop.gov.* If you prefer, you may send correspondence to the following postal address: Attn: Grants Management, Office of Management and Budget, New Executive Office Building, Suite 6025, 725 17th Street, NW, Washington, DC 20503.

Attachment H.—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of

the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, an officer or emplyee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Attachment H, Page 2

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Instructions for Completion of SF–ILL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, as the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks ''Subawardee,'' then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United Staates Coast Guard.

7. Enter the Federal program name or description for the covered Federal action

(item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., ''RFP–DE–90–001.''

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348–0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, DC 20503.

Attachment I.—Department of Health and Human Services (DHHS) Regulations Applying to All Applicants/Grantees Under the Fiscal Year 2000/2001 Discretionary Grants Program

Title 45 of the Code of Federal Regulations

Part

16—DHHS Grant Appeals Process
74—Administration of Grants (non-governmental)
74—Administration of Grants (state and local governments and Indian Tribal affiliates):

Section

74.26—Non-Federal Audits
74.27—Allowable cost for hospitals and non-profit organizations among other things
74.32—Real Property
74.34—Equipment
74.35—Supplies
74.24—Program Income
75—Informal Grant Appeal Procedures
76—Debarment and Suspension from Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part

80—Non-discrimination Under Programs Receiving Federal Assistance through DHHS Effectuation of Title VI of the Civil Rights Act of 1964
81—Practice and Procedures for Hearings Under Part 80 of this Title
83—Regulation for the Administration and Enforcement of Sections 799A and 845 of the Public Health Service Act
84—Non-discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
85—Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by DHHS
86—Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefitting from Federal Financial Assistance
91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (**Federal Register**, March 11, 1988)
93—New Restrictions on Lobbying
100—Intergovernmental Review of DHHS Programs and Activities

Attachment J.—Certification Regarding Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regulatory for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

Attachment K.—Guidelines for a Business Plan

The application must contain a detailed and specific workplan or business plan that is both sound and feasible. Generally, a business plan is required for applications submitted under sub-priority areas 1.1, 1.2 and 1.4. For all business ventures (except for business development opportunities for self-employed program participants) a complete business plan will be required using guidelines discussed in the next several paragraphs. For the remaining sub-priority areas, a workplan is acceptable in lieu of a business plan.

Please note that OCS does not require the application to contain business plans for each self-employed program participant. However, a project that proposes to provide self-employed and other business opportunities for program participants must include a development plan that shows how participants will become self-sufficient and how their technical assistance needs will be met.

Guidelines of a Business Plan

The business plan is one of the major components that will be evaluated by the OCS to determine the feasibility of a business venture or an economic development project. It must be well prepared and address all the relevant elements as follows:

(a) Executive Summary (limit summary to 3 pages)

(b) *The business and its industry.* This section should describe the nature and history of the business and provide some background on its industry.

(i) *The Business:* as a legal entity the general business category;

(ii) *Description and Discussion of Industry:* current status and prospects for the industry;

(c) *Products and Services:* This section deals with the following:

(i) *Description:* Describe in detail the products or services to be sold;

(ii) *Proprietary Position:* Describe proprietary features if any of the product, e.g., patients, trade secrets;

(iii) *Potential:* Features of the product or service that may give it an advantage over the competition;

(d) *Market Research and Evaluation:* The applicant should consider businesses in growth industries and occupations with skill levels accessible to low income persons. Businesses should be identified by Standard Industrial Codes (SIC) and jobs by occupational classifications. This information is published by the U.S. Department of Commerce in the ''Statistical Abstract of the United States, 1996'', Table No. 646 and 647. Also, you may use the table included as ''Attachment L'' to identify industrial areas and occupational classifications. This section should present sufficient information to show that the product or service has a substantial market and can achieve sales in the face of competition;

(i) *Customers:* Describe the actual and potential purchasers for the product or service by market segment.

(ii) *Market Size and Trends:* State the site of the current total market for the product or service offered;

(iii) *Competition:* An assessment of the strengths and weaknesses of competitive in the current market;

(iv) *Estimated Market Share and Sales:* Describe the characteristics of the product or service that will make it competitive in the current market;

(e) *Marketing Plan:* The marketing plan should detail the product, pricing, distribution, and promotion strategies that will be used to achieve the estimated market share and sales projections. The marketing plan must describe what is to be done, how it will be done and who will do it. The plan should address the following topics-Overall Marketing Strategy, Packaging, Service and Warranty, Pricing, Distribution and Promotion.

(f) *Design and Development Plans:* If the product, process or service of the proposed venture requires any design and development before it is ready to be placed on the market, the nature and extent and cost of this work should be fully discussed. The section should cover items such as Development Status and Tasks, Difficulties and Risks, Product Improvement and New Products, and Costs.

(g) *Manufacturing and Operations Plan:* A manufacturing and operations plan should describe the kind of facilities, plant location, space, capital equipment and labor force (part and/or full time and wage structure) that are required to provide the company's product or service.

(h) *Management Team:* The management team is the key in starting and operating a successful business. The management team should be committed with a proper balance of technical, managerial and business skills, and experience in doing what is proposed. This section must include a description of: the key management personnel and their primary duties; compensation and/or ownership; the organizational structure; Board of Directors; management assistance and training needs; and supporting professional services.

(i) *Overall Schedule:* A schedule that shows the timing and interrelationships of the major events necessary to launch the venture and realize its objectives. Prepare, as part of this section, a month-by-month schedule that shows the timing of such activities as product development, market planning, sales programs, and production and operations. Sufficient detail should be included to show the timing of the primary tasks required to accomplish each activity.

(j) *Critical Risks and Assumptions:* The development of a business has risks and problems and the Business Plan should contain some explicit assumptions about them. Accordingly, identify and discuss the critical assumptions in the Business Plan and the major problems that will have to be solved to develop the venture. This should include a description of the risks and critical assumptions relating to the industry, the venture, its personnel, the products market appeal, and the timing and financing of the venture.

Also, if a ''construction project'' is involved, the Business Plan should identify and address briefly the project's timeframes and critical assumptions for conduct of predevelopment, architectural/engineering and environmental studies, etc., and acquisition of permits for building, use and occupancy that are required for the project.

(k) *Community Benefits:* The proposed project must contribute to economic, human and community development within the projects targets area. A section that describes and discusses the potential economic and non-economic benefits to low income members of the community must be included as well as a description of the strategy that will be used to identify and hire individuals being served by public assistance programs and how linkages with community agencies/organizations administering the AFDC/TANF program will be developed. The following project benefits must be described:

Economic Development and Job Creation

—Number of jobs that will have career development opportunities and a description of those jobs;
—Number of jobs that will be filled by individuals lifted form AFDC/TANF assistance;
—Number of Self-employed and other ownership opportunities created for low-income residents;
—Annual salary expected for each person employed (net profit after deductions of business expenses for self-employed persons);
—Specific steps to be taken including on-going management support and technical assistance provided by the grantee or a third party of develop and sustain self-employed program participants after their businesses are in place.

Note: OCS will not recognize job equivalents nor job counts based on economic multiplier functions; jobs must be specifically identified.

Other benefits, which might be discussed, are:

Human Development

—New technical skills development and associated career opportunities for community residents;
—Management development and training;
—Benefits of self-sufficient for persons lifted from AFDC/TANF assistance.

Community Development

—Development of community's physical assets;
—Provision of needed, but currently unsupplied, services or products to community;
—Improvement in the living environment.

(l) *The Financial Plan:* The Financial Plan is basic to the development of a Business Plan. Its purpose is to indicate the project's potential and the timetable for financial self-sufficiency. In developing the Financial Plan, the following exhibits must be prepared for the first three years of the business' operation:

(i) Profit and Loss Forecasts—quarterly for each year;

(ii) Cash Flow Projections—quarterly for each year.

(iii) Pro forma balance sheets—quarterly for each year;

Also, additional financial information for the business operations that must be included are an initial Source and Use of Funds Statement for project funds and a brief summary paragraph discussing any further capital requirements and their sources.

If an applicant is proposing a project which will affect a property listed in, or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed or eligible for inclusion in the National Register of Historic Places, the applicant should consult with the State Historic Preservation Officer. (See Attachment D′: SF–424B, Item 13 for additional guidance.) The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to the Department of Health and Human Services. Failure to comply with the cited Act may result in the application being ineligible for funding consideration.

Applicable to Sub-Priority Area 1.1, 1.2, and 1.4

Applications submitted under Sub-Priority Areas 1.1, 1.2 and 1.4 which propose to use the requested OCS funds to make an equity investment or a loan to a business concern, including a wholly-owned subsidiary, or to make a sub-grant with a portion of OCS funds, must include a written agreement between the community development corporation and the recipient of the grant funds which contains all of the elements listed in Part C under the appropriate Priority Area.

Applicable to Sub-Priority Area 1.5 Only

An applicant in this priority area must document its experience and capability in several of the following areas:

—Business/Development;
—Micro-Entrepreneurship Development;
—Commercial Development;
—Organizaitonal and Staff Development;
—Board Training;
—Business Management, including Strategic Planning and Fiscal Management;
—Finance, including Business Packaging and Financial/Accounting Service, and/or
—Regulatory compliance including Zoning and permit Compliance
—Incubator Development
—Tax Credits and Bond Financing
—Marketing

The applicant must document staff competence or the accessibility of third party resources with proven competence. If the work program requires the significant use of third party (consultant/contractor) resources, those resources should be identified and resumes of the individuals or key organizational staff provided.

Resumes of the applicant's staff, who are to be directly involved in programmatic and administrative expertise sharing, should also be included. The applicant must document successful experience in the mobilization of resources (both cash and in-kind) from private and public sources. The applicant must also clearly state how the information learned from this project may be disseminated to other interested grantees.

Applicable to Sub-Priority Area 1.6 Only

An applicant in this priority area must document its experience and capability in

implementing projects national in scope and have significant and relative experiences in working with community development corporations.

The applicant must have the ability to collect and analyze data nationally that may benefit CDCs and be able to disseminate information to all of OCS funding grantees; publish a national directory of funding sources for CDCs (public, corporate, foundation, religious); publish research papers on specific aspects of job creation by CDCs; design and provide information on successful projects and economic niches that CDCs can target. The applicant will also be responsible for the development of instructional programs, national conferences, seminars, and other activities to assist community development corporations; and provide peer-to-peer technical assistance to OCS funded CDCs.

Applicable to Sub-Priority Area 2.1

Each applicant must include a full discussion of how the proposed use of funds will enable low-income rural communities to develop the capability and expertise to establish and maintain affordable, adequate and safe water and waste water systems. Applicants must also discuss how they will disseminate information about water and waste water programs serving rural communities, and how they will better coordinate Federal, State and local water and waste water program financing and development to assure improved service to rural communities.

Among the benefits that merit discussion under this sub-priority area are: The number of rural communities to be provided with technical and advisory services; the number of rural poor individuals who are expected to be directly served by applicant-supported improved water and waste water systems; the decrease in the number of inadequate water systems related to applicant activity; the number of newly-established and applicant-supported treatment systems (all of the above may be expressed in terms of equivalent connection units); the increase in local capacity in engineering and other areas of expertise; and the amount of non-discretionary program dollars expected to be mobilized.

e. *Significant and Beneficial Impact and Other Criteria.* The project narrative must address the remaining aspects of the project noted in the outline of Part F, ''Contents of Application and Receipt Process'', Items V and VI. These include private partnerships and Budget Appropriateness and Reasonableness'' areas as well as information to be included in the appendices.

Attachment L.—Table of Standard Industrial Codes and Occupational Classifications

Standard Industrial (SIC) Codes

Agriculture
Mining
Construction
Manufacturing
Transportation, and Public Utilities
Wholesale and Retail Trade
Finance, Insurance and Real Estate Services
Government

Occupational Classifications

Managerial and Professional Specialty
Technical sales, and Administrative support (includes technicians and related support, technicians, sales occupations, including clerical)
Precision Production, Craft, and Repair (includes mechanics, repairers, construction trades, crafters)
Operators, fabricators, and Laborers (includes machine operators, assemblers, inspectors, transportation and material moving occupations, handlers, equip cleaners, Helpers, laborers including construction laborers)
Farming, Forestry and Fishing

Source: U.S. Department of Commerce, ''Statistical Abstract of the United States, 1996'', Table Nos. 646 and 647. Updated 1998. Table Nos. 679 and 680.

BILLING CODE 4184–01–M

Attachment M, Page 1

APPLICANT'S CHECKLIST

This checklist will assist you with preparing and assembling your application. Completing the checklist can help ensure that you do not omit key information. Because this checklist is used by many ACF programs, some of the information might not apply to your application. This checklist DOES NOT have to be completed and returned with your application.

	Yes	Included	N/A
Authorizing official read and understood Certification Regarding Debarment, Suspension, and Other Responsibility Matters?			
Authorizing official read and understood Certification Regarding Drug-Free Workplace Requirements--Grantees Other Than Individuals?			
Authorizing official read and understood Certification Regarding Environmental Tobacco Smoke?			
Application for Federal Assistance (SF 424) was completed? Proper Signature and Date for Line 18?			
Budget Information--Non-Construction Programs (SF 424A) or Budget Information--Construction Programs (SF 424C) was completed?			
Assurances-- Non-Construction Programs (SF 424B) or Assurances--Construction Programs (SF 424D) was completed? (Proper Signature and Date?)			
Certification Regarding Lobbying was completed? (Proper Signature and Date?)			
Disclosure of Lobbying Activities was completed? (Proper Signature and Date?)			
Other special certifications, assurances, and/or disclosures required under the program were completed (e.g., maintenance of effort certification)?			
Proof of nonprofit status was provided?			
Has additional information such as biographical sketch(es) with job description(s) and other additional information been attached, when required?			
For a Supplemental application, does the detailed budget only address the additional funds requested?			
Checked all budget computations for accuracy?			

FOLLOW-UP QUESTIONS

	YES	N/A
On the Application for Federal Assistance (SF 424),		
⇒ did you enter the application number issued by the sponsoring ACF office in the "Federal Identifier" block?		
⇒ did you type the 12 digit Payee EIN or PIN previously assigned to your organization by DHHS in the "Federal Identifier" block?		
⇒ is the EIN in Item #6 assigned to the organization and organizational unit named in Item #5?		
⇒ did you include city, county, state and zip code of the applicant did organization in Item #5?		
⇒ has the appropriate box been checked in Item #16?		
⇒ has the entire proposed project period been identified in Item #13?		
On the Budget Information form (SF 424A or SF 424C),		
⇒ do the totals in Section B match the totals provided in the budget and budget narrative?		

SUGGESTED ORDERING OF APPLICATION MATERIALS

FRONT MATTER			STANDARD APPLICATION FORMS			PROJECT DESCRIPTION	DISCLOSURES CERTIFICATIONS			END MATTER
COVER LETTER	Table of Contents	Project Abstract (executive summary)	SF 424	SF 424A or SF 424C	SF 424B or SF 424D	Project Descrip-tion	Certification regarding lobbying	Disclosure of lobbying activities	other Assurances and Certs	appendix resumes, letters of support, maps, etc.

[FR Doc. 00–15061 Filed 6–19–00; 8:45 am]
BILLING CODE 4184–01–P

Federal Register

Tuesday,
June 20, 2000

Part IV

Department of Commerce

Bureau of the Census

15 CFR Part 101

Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information; Proposed Rule

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 101

[Docket No.: 000609172–0172–01]

RIN 0607–AA33

Report of Tabulations of Population to States and Localities Pursuant to 13 U.S.C. 141(c) and Availability of Other Population Information

AGENCY: Department of Commerce.

ACTION: Proposed rule.

SUMMARY: The Department of Commerce is issuing a proposed rule setting forth how the Bureau of the Census will carry out its responsibilities to report tabulations of population to States and localities pursuant to 13 U.S.C. 141(c) and in making available certain other population information.

DATES: Comments must be submitted no later than August 4, 2000.

ADDRESSES: Comments should be sent to: John H. Thompson, Associate Director for Decennial Census, Bureau of the Census, Suitland Federal Center, Suitland and Silver Hill Roads, Building 2, Room 3586, Suitland, Maryland 20233.

FOR FURTHER INFORMATION CONTACT: John H. Thompson, (301) 457–3946.

SUPPLEMENTARY INFORMATION: Through the Census Act, which is codified in title 13 of the United States Code, Congress has delegated to the Secretary of Commerce its broad constitutional authority over the decennial census (see U.S. Constitution Art. I, Sec. 2, Cl.3). The Constitution requires that decennial census data be used by the U.S. Congress for apportioning seats in the House of Representatives among the States. These data also are used for a number of other important purposes, such as establishing the boundaries for congressional and state and local legislative districts, and for the allocation of funds by federal and state agencies.

The Census Act specifies (in 13 U.S.C. 141(c)) the procedure to be followed in providing to States the reports of tabulations of population used in drawing legislative districts. (These reports of tabulations often are referred to as Public Law 94–171 data.) As detailed in Accuracy and Coverage Evaluation; Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000 published today, the Director of the Census has informed the Secretary that the decision whether to release statistically corrected data for States to use in the redistricting process will be made prior to the statutory deadline for transmitting the tabulations. The Secretary has accepted and fully endorsed that process in a memorandum to the Director, also published today. This proposed rule establishes the framework for making that decision.

First, because this decision turns entirely on operational and methodological implementation within the expertise of the Bureau of the Census—whether the use of sampling is possible, *i.e.*, compatible with statutory and resource constraints and with other aspects of the decennial census operational plan and is expected to improve the overall accuracy of the census as discussed in Accuracy and Coverage Evaluation, the decision must be made by the experts at the Census Bureau. The proposed rule therefore endows the Director of the Census with final authority to make this determination. Review of the Director's decision by the Secretary of Commerce would at a minimum create the appearance that considerations other than those relating to statistical science were being taken into account, and could well allow the decision to be based on such irrelevant considerations. There is absolutely no role for non-scientific considerations in this process. In order to safeguard both the substance and the public credibility of this decisionmaking process, we must leave the decision to the expert judgment of the Bureau of the Census.

Second, because the public credibility of this process is critical, the proposed rule reflects a transparent process the Bureau of the Census has established. A committee composed of the distinguished senior career professionals at the Bureau of the Census will make a recommendation to the Director of the Census. That recommendation will be made public; this step is essential to ensure an open, transparent process. After considering the recommendation, the Director will make the final decision.

These procedures have their roots in approaches taken in prior decennial censuses. In 1980, the Secretary of Commerce delegated this decision to the Director of the Census (see Departmental Organizational Order 32–21 (Aug. 4, 1975) and memorandum of Secretary Klutznick dated May 12, 1980) and the Director publicly disclosed the approach he would take in deciding whether to use the statistical method known as sampling (45 FR 69366) as well as his decision not to use that method (45 FR 8287). In 1990, procedures established as the result of the settlement in *City of New York* v. *United States Dep't of Commerce* provided for interim decisions by the statistical experts at the Bureau of the Census and by an advisory panel appointed by the plaintiffs and defendant in the litigation, with the final decision made by the Secretary of Commerce. For the reasons stated above, it is most appropriate to delegate this decision to the statistical experts at the Census Bureau.

Third, the proposed rule addresses the release of other population data by the Bureau of the Census. In Public Law 105–119, Section 209(j), Congress established certain standards for the release of other population data in the event the Director determines that the statistical method known as sampling is used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c). The proposed rule provides that, in the event that the Director determines not to use the statistical method known as sampling in calculating the tabulations of population, despite a recommendation in favor of the use of that method by the committee of census professionals, the same standards shall apply to the release of that data to States and localities pursuant to 13 U.S.C. 141(c).

Administrative Law Requirements

Executive Order 12866

This final rule has been determined to be not significant under section 3(f) of Executive Order 12866.

Paperwork Reduction Act

This proposed rule contains no new information collection requests subject to the Paperwork Reduction Act.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This proposed rule establishes a process for making a determination whether to release statistically corrected data for States to use in the redistricting. No small entity is impacted as a result of this procedural rule. As such, an initial regulatory flexibility analysis is not required and none has been prepared.

Unfunded Mandate Reform Act of 1995

This rule contains no Federal mandates, as that term is defined in the Unfunded Mandates Reform Act, on State, local and tribal governments or the private sector.

Executive Order 12630

This rule does not contain policies that have takings implications.

List of Subjects in 15 CFR Part 101

Census data.

Dated: June 13, 2000.

William M. Daley,

Secretary of Commerce.

For the reasons set out in the preamble, 15 CFR part 101 is proposed to be added to read as follows:

PART 101—RELEASE OF DECENNIAL CENSUS POPULATION INFORMATION

Sec.

101.1 Report of tabulations of population to States and localities pursuant to 13 U.S.C. 141(c).
101.2 Availability of other population information.

Authority: 5 U.S.C. 301, 13 U.S.C. 4, 13 U.S.C. 141, 13 U.S.C. 195, 15 U.S.C. 1512.

§ 101.1 Report of tabulations of population to States and localities pursuant to 13 U.S.C. 141(c).

(a)(1) The Director of the Census shall make the final determination regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c). The determination of the Director will be published in the **Federal Register**.

(2) All relevant authority of the Secretary of Commerce under 13 U.S.C. 141(c) and other applicable provisions of title 13 of the U.S. Code with respect to the decision to be made pursuant to paragraph (a)(1) of this section is hereby conferred upon the Director of the Census.

(3) The Director of the Census shall not make the determination specified in paragraph (a)(1) of this section until after he or she receives the recommendation of the Executive Steering Committee for A.C.E. Policy in accordance with paragraph (b)(1) of this section.

(4) The determination of the Director of the Census shall not be subject to review, reconsideration, or reversal by the Secretary of Commerce.

(b)(1) The Executive Steering Committee for A.C.E. Policy shall prepare a written report to the Director of the Census recommending the methodology to be used in making the tabulations of population reported to States and localities pursuant to 13 U.S.C. 141(c).

(2) The report of the Executive Steering Committee for A.C.E. Policy described in paragraph (b)(1) of this section shall be released to the public at the same time it is delivered to the Director of the Census. This release to the public shall include, but is not limited to, posting of the report on the Bureau of the Census website and publication of the report in the **Federal Register**.

(3) The ''Executive Steering Committee for A.C.E. Policy'' (ESCAP) is composed of:

(i) Deputy Director and Chief Operating Officer;

(ii) Principal Associate Director and Chief Financial Officer;

(iii) Principal Associate Director for Programs;

(iv) Associate Director for Decennial Census (Chair);

(v) Assistant Director for Decennial Census;

(vi) Associate Director for Demographic Programs;

(vii) Associate Director for Methodology and Standards;

(viii) Chief; Planning, Research, and Evaluation Division;

(ix) Chief; Decennial Management Division;

(x) Chief; Decennial Statistical Studies Division;

(xi) Chief; Population Division; and

(xii) Senior Mathematical Statistician.

§ 101.2 Availability of other population information.

(a) When the Director of the Census determines pursuant to § 101.1(a)(1) of this part to use methodologies including the statistical method known as ''sampling'' to produce the tabulations of population to report to States pursuant to 13 U.S.C. 141(c), data prepared without the use of such statistical method shall be made available to the public in accordance with the standards set forth in section 209(j) of Public Law 105–119, 111 Stat. 2440, simultaneously with the issuance of the report to States.

(b) When the Director of the Census determines pursuant to § 101.1(a)(1) of this part to produce tabulations of population without the use of methodologies including the method known as sampling, for reporting to States pursuant to 13 U.S.C. 141(c) notwithstanding the Executive Steering Committee for A.C.E. Policy's recommendation to use sampling, data prepared with the use of such statistical method shall be made available to the public in accordance with the standards set forth in section 209(j) of Public Law 105–119, 111 Stat. 2440, for the release of data prepared without the use of such statistical method, simultaneously with the issuance of the report to States.

[FR Doc. 00–15347 Filed 6–14–00; 11:53 am]

BILLING CODE 3510–07–P

Federal Register

Tuesday,
June 20, 2000

Part V

Department of Commerce

Bureau of the Census

Accuracy and Coverage Evaluation; Statement of the Feasibility of Using Statistical Methods To Improve the Accuracy of the Census 2000; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

Accuracy and Coverage Evaluation; Statement on the Feasibility of Using Statistical Methods To Improve the Accuracy of Census 2000

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice.

SUMMARY: The Director of the Census has issued Accuracy and Coverage Evaluation; Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000, his statement on the feasibility of using modern statistical methods to correct Census 2000 counts. The document sets forth the rationale for the Census Bureau's preliminary determination that (1) statistically corrected census data can be produced within the time frame required by law and (2) that statistically corrected data will be more accurate. The Secretary has adopted the Director's analysis and conclusions in a written decision forwarded to the Director. For public information, set forth below is Accuracy and Coverage Evaluation; Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000, as well as three related memoranda (the Director's memorandum transmitting the document to the Secretary, the Secretary's memorandum to the Director, and a supporting legal opinion of the Commerce Department's General Counsel).

Authority: 13 U.S.C. 141, 13 U.S.C. 195.

William G. Barron,

Deputy Director.

June 12, 2000.

MEMORANDUM FOR The Honorable William Daley, Secretary of Commerce

Through: Robert Shapiro, Under Secretary for Economic Affairs

From: Kenneth Prewitt, Director

Subject: Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000

Attached is my statement on the feasibility of using modern statistical methods to correct Census 2000 counts as stipulated by the U.S. Supreme Court's decision in *Department of Commerce* v. *United States House of Representatives* (January 1999). This statement was prepared after extensive discussions with the U.S. Census Bureau's senior staff and review of all relevant documents.

The Census Bureau is committed to making its data as accurate as possible for all uses. This document sets forth the rationale for the Census Bureau's preliminary determination that (1) statistically corrected census data can be produced within the time frame required by law and (2) that statistically corrected data will be more accurate.

ACCURACY AND COVERAGE EVALUATION

STATEMENT ON THE FEASIBILITY OF USING STATISTICAL METHODS TO IMPROVE THE ACCURACY OF CENSUS 2000

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Executive Summary

This document sets forth the rationale for the Census Bureau's preliminary determination that (1) it is feasible to produce statistically corrected census data within the time frame required by law and (2) the statistically corrected data will be more accurate.

Data from the decennial census are used to produce the state population totals for congressional apportionment. Additionally, detailed state data are used for redistricting, federal funds distribution, and other public and private sector purposes. Section 141(b) of Title 13 requires the Secretary of Commerce to report state population totals from Census 2000 to the President by January 1, 2001. Section 141(c) requires the Census Bureau to report redistricting data directly to the states by April 1, 2001.

The Census Bureau is committed to making its data as accurate as possible for all uses. In accordance with a 1999 Supreme Court ruling, the Census Bureau will not use statistical sampling to produce the state population totals used for congressional apportionment. Because the Census Bureau expects it can produce more accurate data by supplementing traditional enumeration procedures with statistical sampling, it plans to use these statistical methods to produce the more detailed data required for redistricting and federal program purposes.

Prior to April 1, 2001, the Census Bureau will have completed an enumeration of the American population, including a coverage measurement survey, that is designed to improve the accuracy of the initial counts. The coverage measurement survey, called the Accuracy and Coverage Evaluation (A.C.E.), is based on the established statistical method known as Dual System Estimation (DSE) and is designed to correct for missed individuals or erroneous enumerations in the traditional enumeration. The method of Demographic Analysis will also be used to evaluate the completeness of population coverage in Census 2000 at the national level, and to assess changes from previous censuses.

The operations used to produce the apportionment counts are designed with the goal of counting and correctly locating every individual residing in the United States on April 1, 2000, and also to count federal employees and their dependents living overseas as of that date. This goal cannot be completely and accurately realized. Every decennial census, from 1790 to 1990, has included in the census counts some who should have been excluded, and has missed some who should have been included. The first source of error leads to an overcount; the second source to an undercount. Every census for which the effect of these errors has been systematically measured has shown a net undercount—that is, the number of residents who were missed was greater than the number of erroneous enumerations.

Furthermore, in studies going back to 1940, the Census Bureau has documented and measured not only an overall net undercount, but also a higher net differential undercount for the Black population than for the non-Black population. Studies from the 1990 census also indicate differentially higher net undercounts for the Hispanic population and American Indians on reservations, compared to the White population. This persistent problem of differential undercounts is the most significant error for the population totals obtained through the traditional enumeration. As part of the operations for Census 2000, the Census Bureau will conduct the A.C.E., which is designed to improve census accuracy by increasing overall coverage and reducing the differential undercount. The A.C.E. also corrects for the smaller, though not insignificant, overcount that occurs when erroneous enumerations are included in the census.

The Census Bureau has determined that the A.C.E. is operationally and technically feasible and expects, barring unforeseen operational difficulties that would have a significant effect on the quality of the data, that these corrected data will be more accurate than the uncorrected data for their intended purposes. This determination is based on more than 20 years of Census Bureau research and experience with coverage measurement surveys using DSE and is supported by external experts in statistical methodology. From these years of experience, Census Bureau statisticians have a comprehensive understanding of the technical underpinnings of DSE. This understanding has guided the design of the A.C.E., allowing the Census Bureau to focus on the completeness and quality of the estimates of the population corrected for estimated net census error.

It is possible, though very unlikely, that problems with census operations could lead the Census Bureau to conclude that the data are not of sufficient quality for their intended purposes. These problems could occur in the operations leading to production of the apportionment counts and/or in the operations leading to the production of the corrected counts. This document does not address factors that the Census Bureau will consider in its determination that the apportionment counts are of sufficient quality to be used for their intended purposes. Because this document does focus on the feasibility of using statistical methods to improve the accuracy of Census 2000 for purposes subsequent to the production of apportionment counts, it discusses the review process for the final decision on whether to release statistically corrected data. This review process will be based on a determination of whether the A.C.E. operations were conducted in a way that met expectations. In the fall of 2000, the Census Bureau will present this review process to the statistical community and other interested parties.

Background and Overview

Census data are critically important in achieving equitable political representation and fair allocation of resources. Finding and enumerating approximately 275 million individuals in the correct location is, of course, an extremely challenging task. The traditional decennial census misses certain identifiable population groups at greater rates than others and therefore contains inherent inaccuracies. The Census Bureau designed the Accuracy and Coverage Evaluation (A.C.E.) using proven statistical methodologies to correct for this differential undercount and thereby make the census more accurate.

Uses of Decennial Census Data

The Constitution requires that a census of the nation's population be taken every 10 years to reapportion seats in the House of Representatives,[1] but the information provides more than just state-by-state population totals. State and local governments use census data to draw legislative districts of equal population to comply with the constitutional ''one-person-one-vote'' mandate and the statutory requirements of the Voting Rights Act. The federal government distributes billions of dollars in grants according to population-based formulae that rely on census data. Federal, state, local and tribal officials study the patterns of detailed census data before constructing hospitals, highways, bridges, and schools. Businesses, large and small, have come to depend on the Census Bureau's population, income, education, and housing data to make informed decisions about locating new offices, shops, and factories, and finding markets for new products and services. Census data also serve as definitive benchmarks for many of the household surveys conducted by federal agencies.

As will be explained in more detail below, the Census Bureau has designed the A.C.E. so that it will produce statistically corrected census data down to the block level. Census blocks are the ''building blocks'' employed by users of census data. The Census Bureau does not define the aggregations employed by data users; it provides the data that users can tabulate as needed for their programmatic purposes. For example, an administrator distributing funds under the Elementary and Secondary Education Act might need to distribute funds tabulated to school districts, which can range in size from large counties and cities to small towns and districts, while a state official responsible for redistricting might need to aggregate and re-aggregate census blocks into many different configurations to satisfy the requirements of the Voting Rights Act, 42 U.S.C. § 1971 *et seq.*

[1] *Constitution*, Art. I, Sec. 2, cl. 3.

The A.C.E. was designed to accommodate the needs of data users by allowing them to aggregate census blocks as appropriate for their particular program purposes. The accuracy of aggregated census data is more important than the accuracy of any particular block because data users rely on aggregated data, not block-level data.[2] Different types of accuracy and how they can be assessed at various levels of aggregation are reviewed below.

This recitation of the uses of census data illustrates the importance of taking as accurate a census as possible by reducing the differential undercounts of geographic areas and demographic groups. The belief that the census should be as accurate as possible has motivated the Census Bureau for more than 20 years to develop techniques to reduce the differential undercount.

The Differential Undercount

The Census Bureau has documented and measured a substantial differential undercount since the 1940 census.[3] After the 1940 census, Census Bureau statisticians and academic researchers refined a statistical technique known as Demographic Analysis, a technique that measures coverage trends as well as differences in coverage by age, sex, and race. Demographic Analysis uses records and estimates of births, deaths, immigration, emigration, and Medicare enrollments to develop estimates of the population at the national level, independently from the census. Demographic Analysis, though not without its errors, reveals the persistence of the differential undercount that exists between the Black and the non-Black populations. The following table illustrates this differential:

DEMOGRAPHIC ANALYSIS ESTIMATES OF PERCENTAGE NET UNDERCOUNT, BY RACE: 1940–1990

	1940	1950	1960	1970	1980	1990
Percent:						
Total	5.4	4.1	3.1	2.7	1.2	1.8
Black	8.4	7.5	6.6	6.5	4.5	5.7
Non-Black	5	3.8	2.7	2.2	0.8	1.3
Percentage Point Difference:						
Black/Non-Black	3.4	3.6	3.9	4.3	3.7	4.4

Source: J.G. Robinson and others, ''Estimates of Population Coverage in the 1990 United States Census Based on Demographic Analysis,'' *Journal of the American Statistical Association* 88, (September 1993): 1065.

The 1990 census revealed that the Black population was not the only group undercounted differentially. Children were much more likely than adults to have been undercounted in the 1990 census. While children under the age of 18 represented 26 percent of the total national population that year, they accounted for 52 percent of the net estimated undercount as estimated by the 1990 Post-Enumeration Survey (PES).[4] Another characteristic that affected the likelihood of being missed in the census was tenure, whether one rents or owns. Renters were more likely to have been left out of the 1990 count. The 1990 PES found higher undercounts among renters than for owners.[5] As the chart below demonstrates, a substantial differential undercount also was estimated in 1990 for Hispanics and American Indians on reservations:

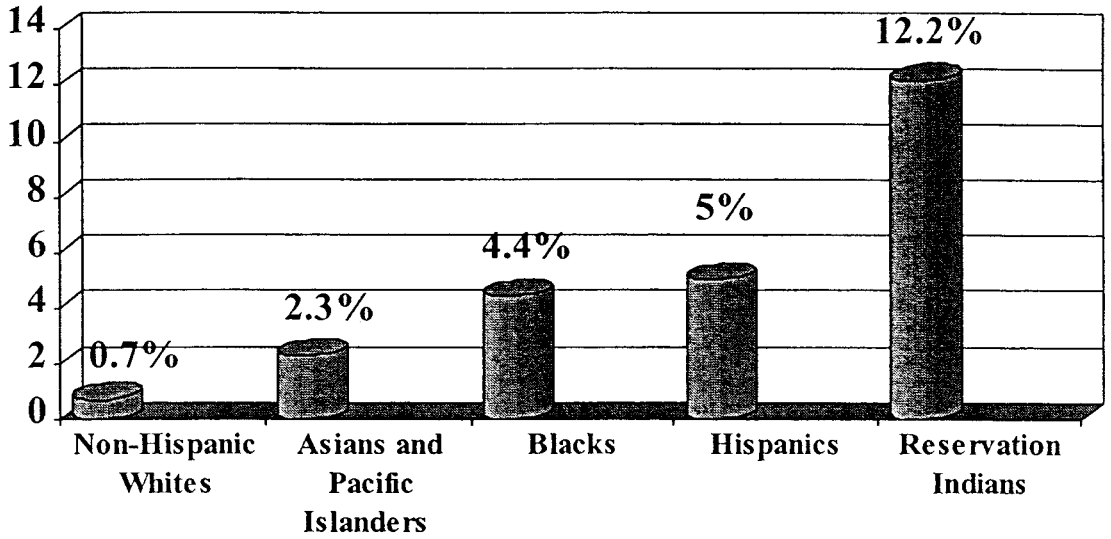
[2] The National Academy of Sciences agrees that accuracy at the block level is not an appropriate criterion of accuracy, that accuracy should be evaluated at aggregated levels. See Andrew A. White and Keith F. Rust, eds., *Preparing for the 2000 Census: Interim Report II* (Washington, D.C.: National Academy Press, 1997), 11–12.

[3] Bureau of the Census, ''Report to Congress—The Plan for Census 2000,'' originally issued July 1997, revised and reissued August 1997, 2–6.

[4] Ibid., 3.

[5] Howard Hogan, ''The 1990 Post-Enumeration Survey: Operations and Results,'' *Journal of the American Statistical Association* 88 (September 1993): 1054, Table 3.

Estimated 1990 Census Net Undercount Percent By Race[6]



Within each demographic group, the undercount for renters was considerably higher than for owners. For example, the estimated undercount was 6.5 percent for Black renters versus only 2.3 percent for Black owners.[7]

The differential undercount is a longstanding problem and one that the Census Bureau has not been able to solve despite increased efforts and resources. The National Academy of Sciences has calculated that the per housing unit cost of the census, in 1990 constant dollars, increased from less than $10 per housing unit in 1960, to $11 per housing unit in 1970, to $20 per housing unit in 1980, and to $25 per housing unit in 1990.[8] This steady increase in unit cost from 1960 to 1990, in large part due to increased efforts to reduce coverage errors, did not result in any appreciable reduction in the differential undercount.

The differential undercount clearly affects census accuracy. When identified areas and demographic groups are differentially undercounted, the relative population shares across states and sub-state areas are incorrect. Census data also provide the foundation for a large number of federal demographic statistics and household statistical surveys. These data are also extensively used by the private sector. Inaccuracies in the decennial census are carried over into these many other statistical series, and therefore, the persistent differential undercount has far-reaching consequences across public and private sector programs based on census data.

Summary of Census 2000 Operations

The Supreme Court determined in 1999 that Title 13 statutorily precludes the use of sampling to produce congressional apportionment counts.[9] Accordingly, the plan for Census 2000, as outlined in the Updated Summary: Census 2000 Operational Plan (February 1999), is to produce apportionment numbers without the use of statistical sampling by January 1, 2001. Rather than conducting the Integrated Coverage Measurement (ICM) survey [10] to produce statistically corrected numbers as part of the original Census 2000 plan, the plan now includes the A.C.E., which will produce statistically corrected numbers for non-apportionment uses of the data.

Within the constraint of the 1999 Supreme Court decision, the Census Bureau is committed to producing the most accurate data possible without the use of sampling for purposes of apportionment. The constraint does not apply to non-apportionment uses, and the Census Bureau also remains committed to producing the most accurate data possible for these other uses by implementing the A.C.E. As a prelude to the discussion of the A.C.E., this paper will briefly review basic census operations to be conducted prior to the A.C.E. A more extensive explanation of the operations for Census 2000 can be found in the Census 2000 Operational Plan.

The Census Bureau uses three basic data collection methods: mailout/mailback (where the Census Bureau mails questionnaires to housing units on the address list and the residents mail them back), update/leave (where Census Bureau workers deliver questionnaires at the same time they update the address list, and the residents mail them

[6] Bureau of the Census, ''Assessment of Accuracy of Adjusted Versus Unadjusted 1990 Census Base for Use in Intercensal Estimates,'' Report of the Committee on Adjustment of Postcensal Estimates,'' 7 August 1992, Attachment 3A, Table 2, later referred to as CAPE; and Bureau of the Census, ''Report to Congress—the Plan for Census 2000,'' 4.

[7] Hogan, ''The 1990 Post-Enumeration Survey: Operations and Results,'' 1054, Table 3.

[8] Barry Edmonston and Charles Schultze, eds., *Modernizing the U.S. Census* (Washington, D.C.: National Academy Press, 1995), 44. The cost for Census 2000 is currently estimated to be over $50 per housing unit in current dollars, indicating the increasingly greater cost of taking a census using traditional methods.

[9] *Department of Commerce* v. *House of Representatives*, 119 S.Ct. 765 (1999).

[10] The Census Bureau's original plan to use sampling was to conduct an Integrated Coverage Measurement (ICM) survey to produce a one-number census through the use of statistical sampling (''Report to Congress—The Plan for Census 2000,'' 29–32). The Census Bureau dropped its plans to conduct an ICM after the Supreme Court ruled that sampling could not be used to produce the apportionment counts.

back), and list/enumerate (where Census Bureau enumerators create the address list while canvassing their assignment areas and conducting interviews with respondents). Individuals can also respond to the census through the Internet or by telephone. The Be Counted program provides an additional means for people to be included in the census by allowing them to fill out a blank form made available in various public locations. Special enumeration procedures are followed for remote parts of Alaska, for locations containing a concentration of persons with a transient lifestyle (*e.g.*, trailer parks, marinas, and campgrounds), for group quarters (*e.g.*, prisons and long-term care facilities), and for people with no usual residence.

After allowing a reasonable amount of time for respondents to mail back their questionnaires, the Census Bureau conducts an operation called nonresponse followup (NRFU), which involves conducting a field followup of housing units that do not return their questionnaires by mail. A census enumerator will make up to six attempts to contact housing units that appear occupied to secure an interview. If an interview cannot be obtained, the enumerator attempts to interview a proxy respondent, that is, a neighbor, rental agent, building manager, or other knowledgeable individual.

A number of other operations are being implemented to ensure as complete coverage as possible in the initial enumeration. Computer edits are performed on mail-return questionnaires to identify those that may contain missing persons and those that contain large households (more than six persons). Interviewers conduct telephone interviews with these households during the coverage edit followup operation in order to obtain accurate data about the persons residing there. Another operation, coverage improvement followup, is conducted after NRFU. This operation includes an interviewer recheck of housing units classified as vacant or nonexistent during NRFU to ensure that no units have been misclassified. Finally, all major operations of the Census 2000 plan are subjected to enhanced quality assurance (QA) activities designed to detect and correct errors before they affect accuracy or data quality.

The Census Bureau also designed and implemented an enhanced marketing and partnership program that provides an integrated communications effort to increase both awareness of the decennial census and public cooperation. The marketing program is designed around the first-ever paid advertising campaign, including a national media campaign aimed at increasing mail response, targeted advertising directed at raising mail response among historically undercounted populations, and special advertising messages and campaigns targeted to hard-to-enumerate populations. In the partnership program, the Census Bureau is working nationwide with state and local partners to encourage all individuals to respond to the census.

After the data collection efforts have been completed, the data are processed through a number of computer operations for unduplication of multiple responses for the same housing unit and for editing of inconsistent or missing responses. For items that are not reported by respondents, the Census Bureau uses the statistical process of imputation to determine a response. The data are then tabulated, and the tabulations and other statistical aggregations are released.

The Accuracy and Coverage Evaluation Methodology

Following the initial census, the Census Bureau will conduct the A.C.E. Key components of the A.C.E. include the sample design, the survey itself, and the Dual System Estimation (DSE) used to compute the estimates of the true population.[11]

The A.C.E. in Brief

The A.C.E. methodology planned for Census 2000 involves comparing (matching) the information from an independent sample survey to initial census records. In this process, the Census Bureau conducts field interviewing and computerized and clerical matching of the records. Using the results of this matching, the Census Bureau will apply the statistical methodology of DSE (described below) to develop coverage correction factors for various population groups. The results will then be applied to the census files to produce all required Census 2000 tabulations, other than apportionment. The A.C.E. can be summarized as follows:

- Select a stratified random sample of blocks for the A.C.E.
- Create an independent list of housing units in the sample of A.C.E. blocks.
- Begin conducting telephone interviews of mail return housing units on a subset of the independent list.
- After the initial census nonresponse followup, conduct a personal visit interview at every housing unit on the independent list not already interviewed by telephone.
- Match the results of the A.C.E. interview to the initial census.
- Resolve cases that may not match but that require additional information by conducting a personal visit followup interview.
- Use information from other similar people to impute missing information.
- Categorize the A.C.E. data by age, sex, tenure, and other appropriate predefined variables into groupings called post-strata.
- Calculate the coverage correction factors using DSE, that is, determine the extent to which people in each post-stratum have been over- or undercounted by the initial census.
- Apply the coverage correction factors to correct the initial census data.
- Tabulate the statistically corrected census results.

The Sample Design

For the 2000 A.C.E., the Census Bureau selected a stratified random sample of blocks designed to be representative of racial and ethnic composition; tenure (owner or renter); and other variables. The sample consists of approximately 11,800 block clusters with approximately 314,000 housing units. The sample is designed to provide sufficient precision to estimate the true population for groupings of the population known as post-strata. Each person belongs to one and only one post-stratum. Post-strata are constructed with the goal of grouping individuals who have a similar probability of having been included in the initial census. Census 2000 post-stratification variables include race, ethnicity, age, sex, tenure, mail return rate, and metropolitan status/census enumeration method. For example, one post-stratum would include non-Hispanic Black males, aged 18–29, in non-owner units, in mailout/mailback areas of metropolitan statistical areas with 500,000 or more population, in tracts with a low mail return rate in the census. By comparing the estimated true population based on the dual system estimate for each post-stratum to the number of individuals counted in the initial census enumeration for each post-stratum, the Census Bureau estimates over- and undercounts for each post-stratum.

[11] A more extensive description of the A.C.E. can be found in Howard Hogan's paper, ''Accuracy and Coverage Evaluation: Theory and Application'', prepared for the February 2–3, 2000, DSE Workshop of the National Academy of Sciences Panel to Review the 2000 Census; and Bureau of the Census, ''Accuracy and Coverage Evaluation: Overview of Design'', by Danny R. Childers and Deborah A. Fenstermaker, DSSD Census Procedures and Operations Memorandum Series S–DT–02, 11 January 2000.

Conducting the Survey

Essential to the proper conduct of the A.C.E. is the need to ensure that the A.C.E. and the initial census are operationally independent. Independence requires that the probability of a particular household or person being included in the A.C.E. is not affected by the initial census operations and that the probability of people being included in the initial census is not affected by A.C.E. operations. Such independence is a critical criterion for DSE.

The A.C.E. independent interview is conducted by separately hired and trained staff through the use of Computer Assisted Personal Interviewing (CAPI) either by telephone or in person. CAPI is a method of data collection using a laptop computer in which the questions to be asked are displayed on the screen and responses are entered directly into the computer. The Census Bureau expects that the use of CAPI will improve the accuracy of the A.C.E. interview. To get an early start for the A.C.E. interviewing, where possible, a telephone interview using CAPI may be conducted for households where the census questionnaire has been completed and for which a telephone number was obtained. This activity is carried out concurrently with the initial census followup of nonresponse households. The door-to-door interviewing with CAPI does not begin until the initial census nonresponse followup is nearly completed in a given block cluster. The A.C.E. enumerators will attempt to secure an in-person interview with a household member. If the interview cannot be obtained, the enumerator will interview a proxy respondent.

After the A.C.E. independent interviews have been completed, computer matching between the initial census and the A.C.E. person records is carried out, followed by a clerical matching operation using an automated review system. The matching process allows the Census Bureau to determine who may have been missed by the initial census or to determine erroneous enumerations. It should be noted that the census can miss either entire households or individuals within households. This is also the case for erroneous enumerations.

The Census Bureau has carefully designed the A.C.E. to minimize matching errors. Incorrect matching generally results either from errors caused by incomplete, inaccurate, or conflicting data, or from errors where a poor match decision was made even though the data were sufficient. It is critical that the matching be as accurate as possible. Accordingly, as necessary, the Census Bureau conducts a personal visit follow-up operation to obtain the additional information needed to accurately code A.C.E. and census nonmatches. After this followup, the Census Bureau conducts a final clerical matching operation.

Even after this intense effort, occasionally some information will still be missing, either person characteristics, status of enumeration in the initial census, or match status for A.C.E. cases that could not be resolved. Before any calculations can be made to determine the estimated true population, missing person characteristics, initial census enumeration status, and A.C.E. match status must be resolved. Missing person characteristics such as age, race, sex, and tenure are statistically imputed from data reported for other household members or from similar households in the geographic area. For unresolved cases, the Census Bureau uses statistical imputation methodology to impute probabilities of being correctly enumerated or matched. The Census Bureau then estimates the true population by using these results in Dual System Estimation.

Dual System Estimation

DSE is an established and accepted statistical technique that is also referred to as ''capture/recapture.'' [12] Because the Census Bureau has conducted years of research into the likelihood that people of varying characteristics will be included in the census enumeration (this likelihood is known as inclusion probability), it is able to divide the nation's population into post-strata. Each post-stratum is defined so as to contain people with a similar probability of being included in the initial census. At the conclusion of the A.C.E. processes described previously, data are available for each post-stratum to calculate a dual system estimate.[13]

The dual system estimate is an estimate of the true population total for each post-stratum. The dual system estimates are then used to calculate a coverage correction factor for each post-stratum. The coverage correction factor is a ratio of the dual system estimate (the estimate of the true population) to the initial census count. These factors are then applied to correct the initial census data files. For example, if the coverage correction factor for non-Hispanic Black males, aged 18–29, in non-owner units, in mailout/mailback areas of metropolitan statistical areas with 500,000 or more population, in a tract with a low mail return rate in the census, is 1.02, then for every 100 such person records counted in the census in those areas, two numerical records will be added. Once these factors are applied, the corrected population estimates are created and tabulated.

Assessment of Feasibility

Section 195 of the Census Act states that ''the Secretary shall, if he considers it feasible, authorize the use of sampling,'' but the term ''feasible'' is not defined. As discussed in a legal opinion from the Department of Commerce's General Counsel, the Census Bureau understands this term in accordance with its ordinary meaning and the overall purposes of Title 13. It is important to note that even if Title 13 were silent as to the obligation to use sampling if feasible, the Census Bureau would apply criteria similar to those described below to determine whether to correct the census through the use of statistical sampling. The Census Bureau is committed to using reliable statistical methods if those methods can be expected to improve the overall accuracy of the census.

The Definition of Feasibility

The Census Bureau's determination that sampling is ''feasible'' is based on whether its use is possible, that is, compatible with other aspects of the census plan and with any statutory, timing, and funding constraints. Equally important, this determination is based on whether the use of sampling is expected to improve the overall accuracy of census data by improving overall coverage and reducing the differential undercount. These two components of the feasibility determination represent operational feasibility and technical feasibility. Can the Census Bureau produce the statistically corrected block-level numbers by the April 1, 2001, statutory deadline? Can the statistically corrected counts be expected to improve the overall accuracy of census data?

More specifically, in the context of Census 2000, the use of statistical sampling is feasible to correct the census if the two components of feasibility, operational and technical,

[12] Michael L. Cohen, Andrew A. White, and Keith F. Rust, *Measuring a Changing Nation—Modern Methods for the 2000 Census* (Washington, D.C.: National Academy Press, 1999), 31; and Kirk M. Wolter, ''Some Coverage Error Models for Census Data,'' *Journal of the American Statistical Association* 81 (June 1986): 338.

[13] Production of these estimates is discussed in more detail in Bureau of the Census, ''Accuracy and Coverage Evaluation Survey: Dual System Estimation,'' by Donna Kostanich and Richard Griffin, DSSD Census 2000 Procedures and Operations Memorandum Series #Q–20, 12 January 2000.

are satisfied. Operational feasibility refers to the Census Bureau's ability to conduct the A.C.E. with available resources and within required deadlines or time frames. Technical feasibility refers to the Census Bureau's expectation that the A.C.E. statistical methodology, if carried out as planned, will improve the accuracy of the census for non-apportionment uses of the data. As discussed below, the Census Bureau's extensive experience with coverage measurement surveys, including its incorporation of improvements since 1990, confirms the conclusion that the A.C.E. is both operationally and technically feasible.

Operational Feasibility

Operational feasibility refers to the Census Bureau's ability to conduct each major component of the census within applicable deadlines and with available resources. The Census Bureau expects to conduct each major component of the census, including the A.C.E., in time to meet the April 1, 2001, deadline for producing the redistricting data.

Release of Data Products for Use in Redistricting

The Census Bureau's goal is to produce the most accurate numbers possible within the constraints imposed by the federal statute and available resources. Section 141(c) of Title 13 requires the Census Bureau to deliver redistricting numbers to the states by April 1, 2001.[14] In past decennial censuses, the Census Bureau has been able to release redistricting numbers to certain states prior to the federal deadline, enabling redistricting officials in those states to meet deadlines set by state statutes and constitutions. The Census Bureau will, as in the past, release the numbers from Census 2000 to the states as they are ready, giving priority to states that need to meet early deadlines.

Operational Considerations

The Census Bureau's detailed plan for carrying out the entirety of the census operation, including the A.C.E., is set forth in the ''Master Activity Schedule'' (MAS).[15] This plan has undergone thorough reviews and analyses and supports the Census Bureau's confidence that it can implement the A.C.E. methodology correctly and successfully. The Census Bureau introduced its original Census 2000 plan in 1995. Since that time, the plan has been refined to incorporate testing, analysis, expert and other public input, and policy and programmatic changes, including the Supreme Court's January 25, 1999, ruling. During the last five years, the Census Bureau has put into place a comprehensive project management framework based on a powerful project management tool used by some of the world's largest private organizations. The use of this and other project tools, such as an integrated cost model and function and process modeling software, led to the Census Bureau's determination that it could produce the statistically corrected numbers by April 1, 2001. A revised Census 2000 MAS, reflecting this determination, along with the Census 2000 Operational Plan, were presented to the U.S. House of Representatives Subcommittee on the Census, as well as the Census Bureau's other oversight and appropriations committees and subcommittees, in March 1999.

Resource Considerations

Resources are also relevant to a feasibility determination. Based on current FY 2000 appropriations and the anticipation that the Administration's FY 2001 budget request for Census 2000 will be appropriated, the Census Bureau should be able to hire sufficient staff and acquire the necessary equipment to complete Census 2000 and produce statistically corrected redistricting numbers by the April 1, 2001, statutory deadline.

The Census 2000 Dress Rehearsal

In preparing for Census 2000, the Census Bureau, as has been its practice for many decades, conducted a dress rehearsal, or full-scale census simulation, in several sites across the country.[16] The dress rehearsal demonstrated the operational feasibility of producing the statistically corrected block-level data by the statutory deadline. The Census Bureau was able to produce data without the use of statistical sampling within nine months (as it is required to do for apportionment) and statistically corrected data within 12 months (as it is required to do for redistricting).

Technical Feasibility

Technical feasibility refers to whether the statistical methodology used by the A.C.E. will improve accuracy.

Measuring the accuracy of the census is not a simple task. There are two types of accuracy—numeric and distributive—central to census operations and the uses of census data. Starting with the planning for the 1980 census, the Census Bureau has developed, tested, refined, and implemented statistical methods to improve both the numeric and distributive accuracy of the census enumeration, culminating in the 2000 A.C.E. design. The Census Bureau expects the A.C.E. to improve both numeric and distributive accuracy.

Defining Numeric and Distributive Accuracy

In analyzing the effect of the A.C.E. on accuracy, this discussion focuses on the accuracy of population totals for geographic areas and demographic groups, and, though important in the overall understanding of the census, not on the accuracy of detailed characteristic data for people or housing units.

Numeric accuracy refers to how close the overall count of a particular geographic area or demographic group is to the ''truth,'' that is, to the actual number of people who reside in that area or belong to that group. Distributive accuracy refers to how close the relative proportion or share of a geographic area or demographic group is to its true share relative to other areas or groups. A census operation that increases numeric accuracy moves the overall count for any particular area or demographic group closer to the true total. For example, an operation that enumerates individuals in a particular state who would otherwise be missed, increases the numeric accuracy of that state. A census operation that increases distributive accuracy will improve the accuracy of the population share for a given area or demographic group compared to other areas or demographic groups '' in other words, improve the accuracy of the estimated proportions or shares of the total population for the areas or groups.

A perfect census—one in which every resident is counted once and only once and is correctly located—would be both numerically and distributively accurate. But, as noted above, the Census Bureau's experience leads it to expect that, absent statistical correction, Census 2000 will result in both a net national undercount and various differential undercounts. Such undercounts affect both numeric and distributive accuracy. Although much of the analysis of the 1990 census focused on distributive accuracy, both types of accuracy are important and must be considered in designing a census that

[14] The Census Bureau's FY 1998 Appropriations Bill (P.L. 105–119) requires the Census Bureau, when it releases redistricting numbers based on statistical methods, to also release data produced without the use of statistical methods at all levels of geography.

[15] Bureau of the Census, ''Master Activity Schedule for Census 2000.''

[16] Sacramento, California; Menominee County, Wisconsin; and Columbia, South Carolina and 11 surrounding counties.

will provide the most accurate count possible.

Importance of and Relationship Between the Two Types of Accuracy

The decennial census can be viewed as one of the nation's most important civic ceremonies. Viewed in this broad perspective, securing maximum participation must be a key Census Bureau goal. To the extent that the census has the obligation to fully reflect who Americans are and how they live, everyone should be counted. Census operations that improve numeric accuracy, irrespective of their impact on distributive accuracy, meet this most basic goal.

In contrast, census operations that improved distributive accuracy but left many residents out of the count would not meet this basic goal. For example, a census that counted 90 percent of every demographic group in every geographic area would be distributively accurate, but would fail the obligation of the census to include everyone.

Numeric accuracy of census data is particularly important when population thresholds determine eligibility for program funding. For example, in FY 1998, the U.S. Department of Housing and Urban Development obligated over $3 billion under its Community Development Block Grants Entitlement Program. For this program, the population thresholds used are central cities of metropolitan statistical areas; other cities over 50,000 in metropolitan statistical areas; and qualified urban counties of at least 200,000 (excluding the population in entitlement cities located within the boundaries of such counties). Central city and metropolitan statistical area designations themselves depend upon certain population thresholds.

Additional uses of census data for which numeric accuracy is critical are associated with the Census Bureau's intercensal population estimates and survey controls. Decennial census data are the base for the Census Bureau's intercensal population estimates and projections programs, programs that produce annual population estimates for all general purpose governments and projections for the nation and states, respectively. Specific uses of the population estimates that depend on numeric accuracy include use of the estimates as controls for many federal surveys, including the Current Population Survey (which provides monthly labor force and employment data), and as denominators for many critical federal data series, such as birth, mortality, and cancer rates, as well as per capita income.

For the purpose of reapportioning seats in the House of Representatives, distributive accuracy becomes a principal concern, because reapportionment is based on a proportionate allocation formula. Federal and state redistricting are based on criteria for dividing state populations into districts of equal size; thus both numeric and distributive accuracy are important. Distributive accuracy is also central to federal funding allocations that distribute funds based on relative percentage of the population.

The goal of the Census Bureau is to conduct a census that is both numerically and distributively accurate. This said, it is numeric accuracy that drives the process for designing Census 2000 operations other than the A.C.E. When it designs a decennial census, the Census Bureau has available a very large number of possible operations. It assesses these operations against such criteria as cost, statutory deadlines, whether the staff necessary to implement these operations can be recruited and adequately trained, and how well the operations fit with other operations under consideration. In this extensive process of evaluating individual operations and then assembling them in the final design, there is one paramount criterion: what census design has the highest probability of correctly enumerating the population? That is, can an operation considered separately, and when combined with other operations, be expected to help the Census Bureau correctly count as many people as possible, given funding, timing, and other constraints?

Obviously, if perfect numeric accuracy were achieved for all geographic areas and demographic groups, then perfect distributive accuracy would also result. However, because it is difficult and perhaps impossible to know a priori the effects of a particular census operation on distributive accuracy, assessing an operation's effect on distributive accuracy can rarely be part of the planning process. The difficulty of designing operations for distributive accuracy is compounded if it is to be achieved across geographic areas and multiple demographic groups and then simultaneously across many levels of geography. For example, the Local Update of Census Addresses program, being voluntary, may have benefitted communities with strong local planning departments more than other communities. This program, then, had an unpredictable effect on distributive accuracy.

In principle, any given census operation designed to increase numeric accuracy can increase distributive accuracy, leave it the same, or make it worse. But in assembling a census design, the Census Bureau does not reject operations that would improve numeric accuracy (and meet other criteria for inclusion) even though such operations might affect distributive accuracy negatively, or indeterminately. For example, the Census Bureau has developed for Census 2000 an extensive partnership program to assist local jurisdictions and community organizations in promoting participation in the census. But increasing the counts for these participating localities will not necessarily translate into improvements in distributive accuracy. If one state promotes the census more effectively than another state, the state with the better promotion program may earn a higher share of the total national population than would otherwise be the case.

Although the Census Bureau has largely targeted its coverage improvement programs in the areas that have been the most difficult to count, it has not rejected census operations that might disproportionately improve the count for groups that are already well counted. An example of the latter in Census 2000 is the ''New Construction'' program.[17] Moreover, the Census Bureau has supported the efforts of neighborhoods, cities, and states to increase the accuracy of their census counts, irrespective of the effect on distributive accuracy. The Census Bureau views these increases in numeric accuracy, even for well counted groups, as important to the most basic goal of the census—counting everyone.

Finally, although different uses of census data depend to varying degrees on each type of accuracy, the two concepts are related. When the census falls short of overall numeric accuracy, states and localities with large populations that are differentially undercounted will suffer a diminution in proportionate shares. For example, the differential undercount in the 1990 census caused states and localities with large minority populations to suffer a diminution in share. The Census Bureau can and does try to improve both

[17] In this program, local and tribal governments liaisons in mailout/mailback areas review the Census Bureau's address list for their areas and provide the agency with the addresses of all newly constructed housing units as of April 1, 2000. The Census Bureau matches these addresses to its address list, updated with United States Postal Service files, and verifies and enumerates those addresses that are not on its address list.

numeric and distributive accuracy by bringing the total count for each area or demographic group closer to its true count.

Impact of the A.C.E. on Accuracy

The preceding discussion of accuracy included a discussion of the design of the census for apportionment purposes, but did not consider the effects of the A.C.E. on numeric and distributive accuracy. As discussed below, the A.C.E. measures and corrects for the deficiencies in the initial census, and consequently the Census Bureau expects that the A.C.E. will improve both distributive and numeric accuracy.

Based on decades of research identifying and measuring the undercount, as well as the 1990 census evaluations (discussed below), the Census Bureau expects the differential undercount to persist in Census 2000, with properties similar to those measured in 1990.[18] This extensive research into measuring and correcting the differential undercount, augmented by enhancements to prior coverage measurement surveys, leads the Census Bureau to expect that the A.C.E. will improve accuracy. The A.C.E. is expected to improve numeric accuracy by moving total counts closer to the true count and to improve distributive accuracy by more accurately counting areas that contain significant populations of historically undercounted groups.

It is important to consider the contribution of the A.C.E. to numeric and distributive accuracy at different levels of geography. The Census Bureau expects that the A.C.E. will, on average, improve numeric accuracy for geographic areas down to and including census tracts.[19] ''On average'' means that, while some tracts will be more numerically accurate using uncorrected numbers and others more accurate using corrected numbers, the average effect over all tracts is greater accuracy with than without the A.C.E. The Census Bureau also expects that improvement will be greatest for those areas that contain groups that have been historically undercounted.

Regarding distributive accuracy, the Census Bureau's extensive evaluations following the 1990 census led it to conclude that the 1990 PES would have, on average, increased distributive accuracy for larger geographic areas, including states and cities and counties with more than 100,000 people. These evaluations did not determine whether the 1990 PES would have improved the distributive accuracy of smaller geographic areas.[20] In addition, these evaluations did not address whether the unadjusted counts were more accurate for these areas. The research on these issues conducted by the Census Bureau's Committee on Adjustment of Postcensal Estimates (CAPE) is discussed more fully below. Based on this research, the Census Bureau expects the incorporation of the A.C.E. results in the Census 2000 counts to have a similar effect, that is, to improve distributive accuracy for larger geographic areas, as in 1990.

Historical Experience With Coverage Measurement Surveys Demonstrates Feasibility

The Census Bureau has a longstanding practice of employing scientific sampling techniques in the decennial census whenever sampling has the potential to lower costs without negatively affecting quality.[21] It has devoted substantial resources for over two decades to the development of coverage measurement programs employing high quality sampling methodologies that enable the production of more accurate data. The feasibility assessment discussed in this document is one more logical step along that continuum.

The Census Bureau and leading professional statistical organizations have concluded that the best way to address the persistent problems of the undercount and the differential undercount is to complement traditional enumeration procedures with scientific sampling, using DSE. Extensive research, testing, and refinement of the tools of statistical adjustment have led the Census Bureau to determine that the A.C.E. will improve the overall accuracy of the census.

The Census Bureau also has used Demographic Analysis to evaluate coverage in decennial censuses and broadly validate the coverage measurement survey results.[22] Since independent Demographic Analysis estimates are not available below the national level, nor have estimates been available for detailed demographic groups (for example, tenure or detailed racial groups), the Demographic Analysis method has not been used to adjust the census for undercoverage.

The 1980 Census Experience

Development of the modern coverage measurement survey began with the 1980 Post Enumeration Program, or PEP.[23] The PEP was a coverage measurement survey, based on DSE methodologies, designed to evaluate the accuracy of the 1980 census. Over 50 lawsuits were filed regarding the 1980 census, most contending that the results of the PEP should have been used to adjust the census. However, the PEP had been designed primarily as a coverage evaluation tool, rather than an adjustment mechanism, making its use to correct the census results problematic. The Director of the Census decided not to adopt the numbers produced from this first attempt at statistical correction using DSE, judging the estimates to be flawed by missing and inaccurate data.[24]

Significantly, however, the PEP operation provided a wealth of information on measuring coverage in a census using DSE. The PEP illustrated the potential use of coverage measurement surveys as a coverage evaluation tool for U.S. censuses. It was clear in principle that coverage measurement surveys could be used to correct the census. In the two subsequent decades, the Census Bureau built upon the knowledge and experience gained in the 1980 census.

Early Research and Development for the 1990 Census

After the 1980 experience, the Census Bureau began an extensive review of its coverage measurement program to enhance the methods that had been used in 1980 and to determine the feasibility of a statistical adjustment in 1990. Adjustment of the census was a topic of lively debate in the statistical

[18] This conclusion is based on the assumption that the coverage improvement programs used for Census 2000 will have similar results as those used in 1990.

[19] Bureau of the Census, ''Report to Congress—The Plan for Census 2000,'' 44–46. Census tracts are small, homogeneous, relatively permanent statistical subdivisions of counties formed for the purpose of collecting and tabulating decennial census data. Tracts typically contain between 1,000 and 8,000 people.

[20] When apportionment is calculated based on Census 2000 counts, the average Congressional District is expected to be over 600,000 people.

[21] The Census Bureau first used sampling in a decennial census in 1940, in the program now known as ''long form'' enumeration, which is used to obtain detailed demographic information. The Census Bureau has used sampling to conduct federal surveys to collect key information, including unemployment and labor force data, etc., for many decades.

[22] J.G. Robinson and others, ''Estimates of Population Coverage in the 1990 United States Census Based on Demographic Analysis,'' *Journal of the American Statistical Association* 88 (September 1993): 1061–77.

[23] For a detailed discussion of the 1980 Census Post Enumeration Program, see Robert E. Fay and others, *The Coverage of Population in the 1980 Census* (Washington, D.C.: Government Printing Office, 1988), 37–92.

[24] Department of Commerce, ''Position on Adjustment of the 1980 Census Counts for Underenumeration,'' **Federal Register** (16 December 1980) vol. 45, no. 243, p. 82872.

community during the 1980s. Census Bureau professionals and outside statisticians published more than 100 papers on coverage measurement issues.[25] In 1983, the Census Bureau formed the Undercount Research Staff, a staff of agency professionals charged with addressing coverage measurement issues and with assessing the potential correction of the 1990 census. This group conducted research over the decade leading up to the 1990 census.

Planning for the 1990 census progressed with a two-track approach—preparing to take the best traditional enumeration possible, while simultaneously developing a Post-Enumeration Survey (PES), a coverage measurement survey the results of which could be used to statistically correct the census. The Census Bureau's position was that it would proceed with correction if it could determine, prior to the spring of 1987, that implementation of a PES-based correction was feasible. As part of its research effort, the Census Bureau carried out the Test of Adjustment Related Operations (TARO) in 1986. Based on the results of the TARO, as well as various theoretical and empirical studies conducted since 1980, senior statisticians at the Census Bureau concluded that statistical methods existed that could produce census counts with a reduced differential undercount, and that if funded and successfully completed, the program incorporating these methods could be used to statistically correct the 1990 census.[26]

As discussed below, the Department of Commerce overruled the Census Bureau and decided not to allow adjustment of the 1990 census. The Census Bureau's research on the PES as a coverage measurement tool continued, including the conduct of the 1988 dress rehearsal Post-Enumeration Survey. The 1988 dress rehearsal demonstrated significantly improved operations and once again demonstrated DSE's consistent ability to measure the undercount and the differential undercount.[27]

Litigation Challenging Decision to Halt 1990 Adjustment-Related Planning Activities

The Department of Commerce, in the fall of 1987, directed the Census Bureau not to proceed with its plans to produce adjusted census figures, prompting the filing of a lawsuit against the Department and the Census Bureau. As part of that lawsuit, on July 17, 1989, the Department of Commerce entered into a stipulation, vacating the Department's 1987 decision against adjustment and requiring the Secretary to consider *de novo,* after the completion of the census, whether adjustment was warranted. The Census Bureau would conduct a PES and certain other adjustment-related planning operations,[28] and the Secretary was to announce his decision on the adjustment issue by July 15, 1991. Pursuant to the stipulation, the Department of Commerce agreed to develop and adopt promptly ''guidelines articulating what defendants believe are the relevant technical and nontechnical statistical and policy grounds for the decision on whether to adjust the 1990 Decennial Census population counts.'' An adjustment would be made if the Secretary of Commerce, in his judgment, determined that doing so would satisfy the guidelines. The stipulation also set up a Special Advisory Panel composed of four experts chosen by the plaintiffs and four experts chosen by the defendants; the Panel's role was to advise the Secretary regarding adjustment. At this time, the Census Bureau convened the Undercount Steering Committee, a group of senior career agency employees, and charged the committee with evaluating the conduct of the 1990 PES and assessing the accuracy of the adjusted versus the unadjusted census counts.

The Department of Commerce published its final guidelines on March 15, 1990.[29] The guidelines established, among other things, the principle that the unadjusted census counts would be presumed more accurate unless it could be shown that the adjusted counts were more accurate at the national, state, and local levels. This presumption and the guidelines in general will be discussed in greater detail below.

Conducting the 1990 Census and Deciding Against Adjustment

The Census Bureau applied the DSE methodology in the 1990 PES to produce a second set of population counts for every block in the nation.[30] Under the direction of the Undercount Steering Committee the Census Bureau analyzed the PES results extensively, producing 33 separate and detailed technical reports analyzing various aspects of the survey and its results. The Census Bureau's extensive analysis was complemented by a large volume of outside expert analysis of the PES results.[31]

Based on the Census Bureau's analyses, then Census Bureau Director Barbara Bryant and the majority of the Undercount Steering Committee recommended that the 1990 census be statistically adjusted. The Special Advisory Panel, convened as part of the stipulation, was divided in its recommendations regarding adjustment. The panel members selected by defendants all recommended against statistical adjustment, and the panel members selected by the plaintiffs all recommended in favor of adjustment. On July 15, 1991, Secretary Mosbacher announced that the 1990 decennial census would not be statistically adjusted.[32]

After the Secretary announced his decision, the plaintiffs returned to court, seeking an order compelling the Department to adjust the 1990 census. On April 13, 1993, Judge McLaughlin of the U.S. District Court upheld Secretary Mosbacher's decision, determining that the decision was not arbitrary or capricious, although he stated that ''were this Court called upon to decide this issue *de novo,* I would probably have ordered the adjustment.''[33] Judge McLaughlin noted also that ''light of recent improvement in statistical tools and the practical benefits that the 1990 PES has provided, the use of adjustment in the next census is probably inevitable.''[34]

[25] See Tommy Wright and Joyce Farmer, ''A Bibliography of Selected Statistical Methods and Development Related to Census 2000,'' 3rd ed., 1 May 2000, for a list of many of the most significant of these papers.

[26] Dan Childers and others, ''The Technical Feasibility of Correcting the 1990 Census,'' in *Proceedings of the Social Statistics Section of the American Statistical Association Held in San Francisco, California, 17–20 August 1987.*

[27] Dan Childers and Howard Hogan, ''The 1988 Post Enumeration Survey Methods and Preliminary Results,'' in *Proceedings of the Survey Research Methods Section of the American Statistical Association Held in New Orleans, Louisiana, 22–25 August 1988.*

[28] Prior to the Department's 1987 decision halting the Census Bureau's adjustment-related planning activities for the 1990 census, the agency had planned to conduct a PES of 300,000 housing units. Under the terms of the stipulation, the Census Bureau agreed to conduct a PES of approximately 165,000 housing units, the results of which could be used to adjust the census.

[29] Department of Commerce, ''Final Guidelines for Considering Whether or Not Statistical Adjustments of the 1990 Decennial Census of Population and Housing Should be Made for Coverage Deficiencies of the Population,'' **Federal Register** (15 March 1990) vol. 55, p. 9838.

[30] Hogan, ''1990 Post-Enumeration Survey,'' 1054.

[31] Wright and Farmer, ''A Bibliography of Selected Statistical Methods Related to Census 2000.''

[32] Department of Commerce, ''Adjustment of the 1990 Census for Overcounts and Undercounts of Population and Housing: Notice of Final Decision,'' **Federal Register** (22 July 1991) vol. 56, p. 33583.

[33] *City of New York* v. *U.S. Dept. of Commerce,* 822 F. Supp. 906, 928 (E.D.N.Y. 1993).

[34] 822 F. Supp. 906 at 918, fn. 27.

Postcensal Estimates and Survey Controls Decision

Although Secretary Mosbacher determined not to adjust the 1990 census for estimated net census undercount, he deemed it appropriate that the Census Bureau consider using the adjusted counts as the basis for producing postcensal estimates: ''I am today requesting that the Census Bureau incorporate, as appropriate, information gleaned from the Post-Enumeration Survey into its intercensal estimates of the population.'' [35]

Census Bureau Director Bryant convened the Committee on Adjustment of Postcensal Estimates (CAPE) to study this issue and make recommendations to her. CAPE was a group of senior statisticians, demographers, and other Census Bureau professionals assembled to conduct additional analyses of the adjusted counts. The Committee's work extended over a 15-month period. The Committee issued a report on August 8, 1992, and an Addendum on November 24, 1992. [36] The Addendum was the result of continuing and more focused analysis by the team. Taken together, the initial CAPE report and the Addendum found that the adjusted numbers were overall more accurate in terms of distributive accuracy at the state level and for areas with greater than 100,000 population. For areas with populations of less than 100,000, the CAPE could not identify any improvement in distributive accuracy for the adjusted data. [37]

In January 1993, Dr. Bryant announced that the Census Bureau would not use the 1990 adjusted counts as the basis for producing postcensal estimates of the population. [38] Director Bryant's Census decision was made in light of, though not explicitly governed by, the litigation guidelines that stated that adjustment was not warranted unless improvement could be clearly demonstrated down to small levels of geography, such as places and counties.

Recognizing the improvements in accuracy for certain uses of census data, Dr. Bryant decided to offer sponsors of federal sample surveys the option of having their surveys calibrated to population estimates benchmarked to adjusted census results. [39] Accordingly, in December of 1993, the Bureau of Labor Statistics (BLS) requested that the Census Bureau convert the Current Population Survey controls to ones based on estimates incorporating the results of the 1990 PES. The BLS stated its conviction ''that the undercount-adjusted estimates provide a more accurate reflection of the level and distribution of the national population and that of most States than the estimates based on the raw Census counts.'' [40] The BLS also requested that the population controls for the Consumer Expenditure Survey be adjusted in a similar fashion. [41] Subsequent to the BLS decision, all other major national household surveys conducted by the Census Bureau for other agencies of the federal statistical system were converted to an adjusted population basis. Thus, corrected data from the 1990 census are already incorporated in many federal statistical series.

Early Census 2000 Planning

The results of the 1990 census led the Census Bureau, other professional statisticians, and Congress to conclude that significant changes were required for the next census. A comprehensive re-examination of census methodology was needed to identify a census design that would improve the accuracy of the census. To this end, in November 1990, the Census Bureau established the ''Task Force for Planning for the Year 2000 Census and Census-Related Activities for 2000–2009.'' The Task Force was responsible for defining a census design for Census 2000, considering both policy and technical issues, and a demographic measurement system for related activities for 2000 through 2009.

In June 1992, the General Accounting Office (GAO) released a comprehensive evaluation of the 1990 census, discussing lessons learned and identifying opportunities for fundamental, effective reforms. The GAO concluded that reduced data quality (including failure to make reductions in the net and differential undercounts)'' * * * is a cost of the current approach to taking the census * * *'' and that ''[t]he results from 1990 demonstrate that adding more resources [while employing traditional census-taking methods] is unlikely to allow the Bureau to enumerate that last remaining segment of the population.'' [42]

Also at the beginning of the decade, two panels of the National Academy of Sciences' (NAS) National Research Council were convened to study ways to improve the census for 2000. The Decennial Census Improvement Act of 1991, signed into law by President Bush, required the Census Bureau to contract with the National Academy of Sciences to study * * * the means by which the Government could achieve the most accurate population count possible * * *'' specifically considering, among other things, ''. . . the appropriateness of using sampling methods in combination with basic data-collection techniques or otherwise, in the acquisition or refinement of population data, including a review of the accuracy of data for different levels of geography * * *.'' [43] The Panel on Census Requirements in the Year 2000 and Beyond was established pursuant to this statutory requirement, supplementing the work already being performed by the NAS Panel to Evaluate Alternative Census Methods. This latter panel was established to provide an independent review of the technical and operational feasibility of the design alternatives and of the tests to be conducted by the Census Bureau. The Methods Panel's recommendations on testing and design alternatives informed the final design of the original plan for Census 2000. The Panel issued its final report in 1994, recommending that the agency use sampling as an essential part of census-taking in Census 2000. [44]

In June 1995, the Task Force convened at the beginning of the decade issued final recommendations in its ''Global Report,'' suggesting a number of

[35] Department of Commerce, ''Adjustment of the 1990 Census,'' 33582.

[36] CAPE; ''Additional Research on Accuracy of Adjusted Versus Unadjusted Census Base for Use in Intercensal Estimates,'' Addendum to Report of the Committee on Adjustment of Postcensal Estimates, 25 November 1992, referred to later as CAPE Addendum.

[37] As will be discussed more fully below, more recent research has confirmed that the Census Bureau similarly cannot determine that the uncorrected 1990 data were more distributively accurate. For aggregations below 100,000, the evidence as to accuracy is indeterminate, that is, neither favoring the unadjusted nor the adjusted counts. See Bureau of the Census, ''Analysis of CAPE Findings on PES Accuracy at Various Geographic Levels,'' by Sally M. Obenski and Robert E. Fay, 9 June 2000.

[38] Department of Commerce, ''Decision of the Director of the Bureau of the Census on Whether to Use Information from the 1990 Post Enumeration Survey (PES) to Adjust the Base for the Intercensal Population Estimates Produced by the Bureau of the Census,'' **Federal Register** (4 January 1993) vol. 58, no. 1, 69.

[39] Ibid., 70.

[40] Katharine G. Abraham, U. S. Bureau of Labor Statistics, to Harry A. Scarr, U. S. Bureau of the Census, 1 December 1993.

[41] Ibid.

[42] General Accounting Office, *Decennial Census: 1990 Results Show Need for Fundamental Reform,* Report to Congressional Requesters, 9 June 1992, 62, 49 GAO/GGD–92–94.

[43] Congress, House, *Decennial Census Improvement Act of 1991,* 102nd Cong., 2nd sess., H.R. 3280, *Congressional Record,* daily ed. (9 October 1991), H7694 became Public Law 102–135 on October 24, 1991. It was set forth in the commentary to Title 13, U.S. Code, sec. 141.

[44] Duane L. Steffey and Norman A. Bradburn, *Counting People in the Information Age* (Washington, D.C.: National Academy Press, 1994), 4.

improvements for Census 2000.[45] The Task Force endorsed the Census Bureau's basic plan to conduct an Integrated Coverage Measurement (ICM) survey and suggested that the Census Bureau pursue an ICM design that would incorporate the best features of alternative methodologies, including DSE and CensusPlus.[46] The Census Bureau tested these alternate methodologies in the 1995 Census Test, concluding along with the NAS Panel to Evaluate Alternative Census Methodologies that DSE offered the best opportunity to produce high quality statistical correction.[47]

Also in that year, the Panel on Census Requirements in the Year 2000 and Beyond issued its final report. The Panel recommended the use of sampling and estimation techniques in Census 2000, concluding that:

> It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration * * *. It is possible to improve the accuracy of the census count with respect to its most important attributes by supplementing a reduced intensity of traditional enumeration with statistical estimates of the number and characteristics of those not directly enumerated.[48]

The Census 2000 Dress Rehearsal

The Census Bureau conducted a dress rehearsal in 1998 in several sites across the country, an important opportunity to test the DSE methodology in as near a census-like environment as possible. The Census Bureau concluded from the dress rehearsal results that ''[t]he data showed across-the-board that the undercount, which has been measured in every census since 1940, persists today, but that scientific methods used at two of the three test sites corrected for it.''[49] The dress rehearsal data also displayed the persistence of the differential undercount.[50] In Sacramento, the estimated undercount rates that would have resulted without the use of Integrated Coverage Measurement were 4.7 percent for non-Hispanic Whites, compared to 8.7 percent for African Americans, 8.3 percent for Hispanics, and 6.0 percent for Asians. In Menominee County, Wisconsin, which is largely composed of the Menominee American Indian Reservation, the estimated undercount rate for non-Hispanic American Indians that would have resulted without the use of Integrated Coverage Measurement was 4.1 percent. In the South Carolina site, the estimated undercount rate for non-Hispanic Whites was 6.3 percent and 13.2 percent for all others (Hispanic, Black, American Indian, Hawaiian, and Asian).

It is clear from these results that, based on traditional census-taking methods alone, there was a substantial net undercount in all three sites, as well as a differential undercount of racial and ethnic minorities in those jurisdictions. The dress rehearsal demonstrated the operational feasibility of the A.C.E. and enhanced the Census Bureau's knowledge of the properties of statistical correction.

External Review

The Census Bureau's confidence that the application of the DSE methodology will result in a more accurate census is shared by many other entities that have critically examined this issue. Four different NAS panels over the decade have clearly endorsed the concept that a properly designed and executed coverage measurement survey has the potential to produce a more accurate census.[51] In 1999, the NAS Panel to Evaluate Alternative Census Methodologies concluded that:

> The only cost-effective methodology available for measuring the degree of differential undercoverage for subnational areas is a large-scale post-enumeration survey coupled with dual-system estimation * * *. If the Supreme Court prohibits use of integrated coverage measurement for apportionment, the panel still strongly supports a post-enumeration survey * * * for purposes other than apportionment.[52]

This recent conclusion is in line with those of the other three NAS panels. For example, in 1995, the Panel on Census Requirements in the Year 2000 and Beyond concluded that use of a high-quality survey in conjunction with the 2000 census will result in ''* * * improved accuracy with respect to the count and differential undercount for the nation as a whole as well as large areas and groups.''[53]

Numerous other organizations agree that the use of a properly conducted scientific survey in conjunction with the enumeration has the potential to produce a more accurate census in 2000.[54] These include, among others, the American Statistical Association, the American Sociological Association, the General Accounting Office, the Inspector General of the Department of Commerce, the Secretary of Commerce's Census 2000 Advisory Committee, the Census Bureau's Advisory Committee of Professional Associations, and the Census Bureau's Race and Ethnic Advisory Committees.[55]

A.C.E. Implementation Issues

The 1990 census coverage measurement survey was one of the most thoroughly evaluated programs conducted by the Census Bureau. The Census Bureau and other interested parties have analyzed volumes of data on the survey's effects on accuracy and how its results compared to the 1990 unadjusted census. Some of this analysis was performed in conjunction with Secretary Mosbacher's 1991 decision and the 1992 Committee on

[45] Bureau of the Census, ''Reinventing the Census,'' Global Report of the Task Force for Planning the Year 2000 Census, June 1995.

[46] For a description of these methodologies and the differences between them, see White and Rust, *Preparing for the 2000 Census: Interim Report II,* 48–51.

[47] A third National Academy of Sciences panel, the Panel to Evaluate Alternative Census Methodologies, was convened to study ways to improve the census for 2000. In its earlier report (Andrew A. White and Keith F. Rust, eds., *Sampling in the 2000 Census: Interim Report I* (Washington, D.C.: National Academy Press, 1996) following the 1995 Census Test, but before all the analyses from that test had been completed, the Panel concluded that ''* * * nothing in the [1995] census test, nor any other development, suggests that a decennial census that * * * reduces differential undercoverage can be conducted without the use of some form . . . of sampling for integrated coverage measurement'' (pp. 2–3). Based on the performance of DSE versus CensusPlus in the 1995 Census Test, the Census Bureau selected the former methodology for Census 2000, and the Panel supported that decision (White and Rust, *Preparing for the 2000 Census: Interim Report II,* 51–59).

[48] Edmonston and Schultze, *Modernizing the U.S. Census,* 3.

[49] Department of Commerce, ''Census 2000 Dress Rehearsal Shows Undercount Persists; Scientific Methods Correct Race and Ethnic Differential,'' *Commerce News,* 20 April 1999, CB99–CN.16 (revised).

[50] Bureau of the Census, ''Some Results from the Census 2000 Dress Rehearsal,'' by Rajendra Singh, DSSD Census 2000 Dress Rehearsal Memorandum Series A–76, 26 February 1999, 6.

[51] A fourth NAS panel was convened in June 1998 to review the Census Bureau's plans, procedures, and operations in connection with the Dress Rehearal and Census 2000. Experts from this panel are examining, among other things, the statistical methodology and procedures for the A.C.E.

[52] Cohen, White, and Rust, *Measuring a Changing Nation,* 4.

[53] Edmonston and Schultze, *Modernizing the U.S. Census,* 100.

[54] While support is widespread, the Census Bureau does not mean to imply that there is unanimous support on the issue. See, for example, Lawrence D. Brown and others, ''Statistical Controversies in Census 2000,'' *Jurimetrics* 39 (Summer 1999).

[55] Bureau of the Census, ''Report to Congress—The Plan for Census 2000,'' 24–25; Joint Census Advisory Committees on the Racial and Ethnic Populations, ''Recommendations Agreed Upon by the Four Census Advisory Committees on the African American, American Indian and Alaska Native, Asian and Pacific Islander and Hispanic Populations Made at the Meeting Held on May 22–23, 1997,'' Recommendation 3; the Secretary of Commerce's 2000 Census Advisory Committee, ''Final Report, Recommendation 3B, Post Enumeration Survey with a Traditional Census,'' 22 January 1999; and Census Advisory Committee of Professional Associations, ''Recommendations Made as a Result of the Meeting on April 22–23, 1999,'' Recommendation 1.

Adjustment of Postcensal Estimates (CAPE) report, but the Census Bureau has continued to examine the adjusted and unadjusted census data from 1990. These analyses have further clarified the relationship between the adjusted and the unadjusted 1990 census counts.

The extensive study of the 1990 coverage measurement survey identified a number of issues. The Census Bureau has considered these and other issues in assessing the feasibility of statistically correcting the Census 2000 counts. The following discussion presents many of these issues and addresses why the Census Bureau expects the A.C.E. to improve the overall accuracy of the census. In addition, changes in the A.C.E. design and their impact on accuracy are discussed.

Measuring Accuracy

Measuring accuracy in both the enumeration and the coverage measurement survey involves examining two types of error. One type, sampling error or variance, arises from the use of a sample to represent a population. Sampling error will occur only in the A.C.E. The other type, often termed nonsampling error, represents all other sources of error. Of particular concern in nonsampling errors are systematic errors or biases. Nonsampling errors will occur in both the initial census and the A.C.E. The most serious source of bias in the initial census is coverage error resulting from people missed or erroneous enumerations. The most notable example of bias in the enumeration is the historical phenomenon of the net undercount, including the differential undercount. Bias can also occur in the A.C.E., including errors due to false matches or nonmatches, inaccurately accounting for missing information, and other systematic collection or processing errors.

In designing coverage measurement surveys, the Census Bureau must strike a balance between sampling variance and bias. In comparing the accuracy of the 1990 coverage measurement survey to the accuracy of the unadjusted census, the Census Bureau concluded that the combined error in the coverage measurement survey was lower than the large bias in the census enumeration and therefore recommended adjustment. Secretary Mosbacher did not accept this recommendation and explained his reasons for not adjusting in his 1991 decision paper.

Assessment of Issues Emerging from 1990

The scrutiny and analysis of the 1990 census adjustment decision extended and sharpened discussions in the statistical community regarding the use of a coverage measurement survey to correct for census undercounts. Many of these issues were the subject of extensive discussion in Secretary Mosbacher's July 1991 decision document and in the 1992 CAPE report. Over the past decade, issues regarding the use of sampling to correct the census have been debated frequently in the technical literature.[56]

Some of these issues primarily address the basic principles and theories that must be considered in determining the proper application of a coverage measurement survey and DSE. For these issues reasoned judgment has to be invoked, and it is difficult to resolve these issues definitively by quantitative measurements. For example, what is the proper standard for deciding whether the coverage measurement survey should be used to correct the census? What priority should be given to numeric versus distributive accuracy? What are plausible assumptions about the distribution of individuals who are missed by both the initial census and the coverage measurement survey?

Other issues focus more on how well the Census Bureau can implement the coverage measurement survey, including the estimation processes. Is it operationally feasible to conduct the A.C.E. and produce the corrected results within the decennial time frame? Are the levels of sampling variance associated with the A.C.E. estimates reasonable? Can the levels of matching or other processing errors that occur in A.C.E. operations be kept to a minimum? These issues, while still subject to some degree of technical judgement, can often be evaluated by an examination of quantitative data.

As part of its comprehensive assessment of the A.C.E. design, senior Census Bureau officials requested a careful analysis of the technical issues identified in both the Mosbacher document and the CAPE report in order to ensure that cited concerns about accuracy had been adequately addressed. The Census Bureau's analysis of the Mosbacher document focused on the Secretary's guidelines and on supporting evidence for his decision.[57] The Census Bureau's analyses of the CAPE report focused on the accuracy of the unadjusted versus the adjusted census counts for different levels of geography and the status of the technical issues introduced.[58]

In addition to the discussion of technical issues, Secretary Mosbacher's analysis (and other reports critical of sampling) introduced a number of non-technical considerations. Secretary Mosbacher, for example, opined that ''adjustment would open the door to political tampering with the census in the future'' [59]—a theme frequently repeated in political, though not in scientific, discussions of sampling. No evidence has been presented that the Census Bureau has the competence to assess how its selection or implementation of census operations, including the many technical components of the A.C.E., might predetermine partisan outcomes. Furthermore, the highly pre-specified A.C.E. procedures make Census 2000 highly resistant to any form of manipulation. Although there are a number of agencies and groups—including the congressional committees charged with oversight of Census 2000, the General Accounting Office, the Census Monitoring Board, the Inspector General of the Department of Commerce, numerous advisory committees and other watchdog efforts—scrutinizing the planning and conduct of Census 2000, no evidence has been presented suggesting that the Census Bureau has any intention to affect political outcomes, or, if it did, that it has the technical ability to do so. The Census Bureau disputes any and all accusations that it would act out of political motives, and in this document restricts its discussion of concerns about the A.C.E. to those with technical and scientific content.

The Proper Standard To Use in Deciding Whether to Statistically Correct the Counts for Non-Apportionment Purposes

As was discussed earlier, Secretary Mosbacher's adjustment decision regarding the 1990 census was controlled by eight guidelines promulgated in connection with pending litigation. Secretary Mosbacher's decision not to adjust the 1990 census was based in large part on the standard articulated in the first guideline—that the unadjusted census would be ''* * * considered the most accurate count of the population of the United States, at the national, state, and

[56] Wright and Farmer, ''A Bibliography of Selected Statistical Methods Related to Census 2000.''

[57] Bureau of the Census, ''An Analysis of the Consistency of the 1990 Mosbacher Guidelines to U.S. Census Bureau Standards,'' by Sally M. Obenski and Robert E. Fay, 16 May 2000.

[58] Obenski and Fay, ''Analysis of CAPE Findings on PES Accuracy''; and Bureau of the Census, ''Analysis of CAPE Findings on 1990 PES Technical Issues,'' by Sally M. Obenski, 9 June 2000.

[59] Department of Commerce, ''Adjustment of the 1990 Census,'' 33583.

local level, unless an adjusted count is shown to be more accurate.''

Analysis and Response

This guideline assumed a priori that the unadjusted census counts were superior and required proof that the adjusted counts were better in terms of distributive accuracy at all three levels. This decision guideline required the adjusted counts to satisfy criteria that no other census operation could meet—in effect, the 1990 census coverage measurement survey was subjected to a higher standard than all other census operations.

If the Census Bureau had historically applied a similar presumption that a change to the census operation must demonstrate increased accuracy with convincing evidence for small levels of geography, it would not have made many important changes in census-taking methodology. For example, such a standard would not have permitted the Census Bureau to replace 100-percent in-home ''personal'' visits with mail questionnaires in the 1970 census. The Census Bureau did not know whether this fundamental change to the census operation would increase accuracy at all levels. Nor, in 2000, could the Census Bureau determine a priori that extensive promotion and paid advertising would increase accuracy at all levels, or for that matter, would be effective in all areas or for all demographic groups. If applied to all proposals to improve the initial census counts, this standard would effectively halt the Census Bureau's long tradition of scientific and technical innovation.

For Census 2000, the Census Bureau will make the determination on whether to use the A.C.E. to correct Census 2000 after evaluating (1) the conduct of key operations, (2) the consistency of the A.C.E. results with historical measures of undercount, and (3) measures of quality. As described previously, the Census Bureau's comprehensive ongoing analyses and experience with conducting coverage measurement surveys have led it to expect that the A.C.E. will improve overall numeric and distributive accuracy and that it will reduce the differential undercount. Therefore, statistical correction is appropriate absent strong evidence that it will degrade the overall quality of the final census data. However, the Census Bureau will conduct an objective review before making a final determination to release the statistically corrected data. The process that the Census Bureau will follow in making this determination is described in more detail at the end of this document. The Census Bureau will be documenting and discussing both this process and the criteria on which the determination will be made in a public setting in the fall of 2000.

Numeric v. Distributive Accuracy

The 1990 census adjustment decision (and the closely related decision on the adjustment of the postcensal estimates) was unequivocal in giving priority to distributive over numeric accuracy. Secretary Mosbacher interpreted the Constitutional and legal purposes of the census to require that:

> * * * accuracy should be defined predominately in terms of getting the proportional distribution of the population right among geographic and political units. This argues for putting aside the judgment of accuracy based on getting absolute numbers right (numeric accuracy) and instead focusing on the question of whether there is convincing evidence that the accuracy of population distribution in the adjusted numbers (distributive accuracy) is superior to the distributive accuracy of the actual enumeration.[60]

This injunction, when joined with the standard in the first guideline, requires not only that the adjusted counts be demonstrably more accurate at very low levels of geography but that they be more distributively accurate at those levels. This emphasis was reflected in many of the technical papers that have been written on the 1990 census. Comparatively less attention has been directed to the importance of numeric accuracy, despite the importance that the Census Bureau attaches to it. In fact, Secretary Mosbacher critiqued the Census Bureau for its interpretation ''of accuracy as concerned with getting the number of people closer to the truth rather than getting the allocation of the population for the purposes of political representation and funding closer to the truth.''[61]

Analysis and Response

The Census Bureau believes that the adjustment decision in 1990 did not adequately consider the improvements to numeric accuracy that can result from statistical correction. Numeric and distributive accuracy are discussed more fully above. The issue here is the relative importance that should be assigned to numeric and distributive accuracy in assessing the results of the coverage measurement survey. Judgments can differ on this issue. It is the strong judgment of the Census Bureau that in deciding whether to use a coverage measurement survey to improve the census, both numeric and distributive accuracy should be taken into account.

The analysis and decision in 1990 focused almost exclusively on distributive accuracy. Although Secretary Mosbacher stated that the Census Bureau had provided substantial evidence (although ''not necessarily convincing'') that the adjusted counts were more numerically accurate, he based his conclusion not to adjust partially on the fact that improvements to distributive accuracy could not be demonstrated by convincing evidence at national, state, and local levels.[62] Given the decision criteria introduced by Secretary Mosbacher, the CAPE also focused on distributive accuracy.

The interaction between numeric and distributive accuracy is quite complicated, but must be considered in the analysis of the two types of accuracy. Clearly, there are situations where gains in numeric accuracy are expected without improvement in distributive accuracy. For areas or groups that have similar undercount rates, improvements to numeric accuracy are expected from the A.C.E. corrections. However, the distributive accuracy of these areas will be unchanged by the correction, because they will experience similar corrections. This outcome is expected, because gains in distributive accuracy are realized when areas corrected for significant undercounts are compared with areas that have little undercount. Because the A.C.E. is designed to improve the numeric accuracy of areas with significant undercounts, the Census Bureau expects that the A.C.E. will improve both numeric and distributive accuracy and thus result in a more accurate census overall.

Correlation Bias

Correlation bias is the result of either lack of independence between the initial census and the coverage measurement survey, or of variable inclusion probabilities within a post-stratum.[63] Frequently, the term is used to refer to error caused by individuals systematically missed in both the initial census and the coverage measurement survey. Important assumptions for DSE are that everyone in a given post-stratum has a similar inclusion probability and that the census and the coverage measurement survey are independent. Technically, these assumptions are referred to as homogeneity and causal independence, respectively. Correlation bias occurs when these assumptions are not fully satisfied. Although it is theoretically possible for correlation bias to result in

[60] Ibid., 33593.

[61] Ibid., 33592.

[62] Ibid., 33584.

[63] CAPE, 21–23.

either underestimation or overestimation by DSE, it is generally expected that correlation bias leads to underestimation. This will be the case, for example, when there are individuals who have little or no chance of being included in either the initial census or the coverage measurement survey. Some critics of the 1990 coverage measurement survey were concerned that correlation bias was so large as to preclude an improvement in distributive accuracy from adjustment.[64]

Analysis and Response

Correlation bias exists and will affect all dual system estimates. Post-stratification is used to minimize correlation bias. However, post-stratification is not a perfect solution, and it is reasonable to presume that some heterogeneity or causal dependence will persist, leading to some correlation bias. Comparisons with Demographic Analysis, though subject to limitations, have been used to obtain indications of possible correlation bias at the national level by age-sex-race groups. These comparisons in 1990 suggested correlation bias for adult Black males, and gave much less or no evidence of correlation bias for other groups. These analyses were restricted to the national level, and gave no indication of how any persons reflected in correlation bias may have been distributed geographically. In fact, there are no empirical data that can be used to definitely measure correlation bias below the national level. As a result, different hypotheses have been set forth regarding whether the A.C.E. will improve accuracy, particularly distributive accuracy. In the absence of quantitative data, the issues regarding the effects of correlation bias can only be resolved by a review of the assumptions underlying the various hypotheses, and by making judgments regarding which assumptions are more plausible.

The uncertainty about the geographic distribution of persons reflected in correlation bias relates to a concern of Secretary Mosbacher—the concern that because the distribution of those people missed by both the census and the coverage survey was not known, it could not be demonstrated that a statistical correction would improve distributive accuracy.[65] However, such a concern implicitly assumes that the distribution of correlation bias in dual system estimates differs from the distribution of undercount, as estimated in A.C.E. While recognizing the inherent limitations of its knowledge about the distribution of correlation bias, the Census Bureau believes it is more plausible to assume that correlation bias will tend to be distributed in a positive relation to the distribution of estimated undercount rates. A range of models reflecting plausible assumptions for the distribution of correlation bias have been analyzed.[66] This analysis of correlation bias, based on plausible assumptions, leads the Census Bureau to expect that improvements in distributive accuracy will be achieved by a properly designed and conducted coverage measurement survey.

Potential effects of correlation bias on numeric accuracy can also be addressed. Correlation bias, when present, is generally expected to lead to underestimation by dual system estimates. Therefore, when the DSE estimates an undercount in the initial census, by implication the initial census counts are even more severely undercounted. So the statistical corrections based on DSE are moving the census counts in the right direction, though not far enough. Thus, the statistical correction improves numeric accuracy when the groups subject to correlation bias are also undercounted by the census. In fact, the group identified by Demographic Analysis as probably subject to significant correlation bias in 1990 '' adult Black males '' also had a high estimated undercount rate from the 1990 PES.[67]

The Census Bureau expects that a properly designed and conducted coverage measurement survey should improve both numeric and distributive accuracy, even accepting that correlation bias cannot be eliminated. The Census Bureau will continue to use Demographic Analysis to assess the possibility of correlation bias at the national level.

Accuracy at Different Geographic Levels

When Secretary Mosbacher decided not to use the adjusted data in 1991, he indicated that the adjusted data could not be shown by convincing evidence to be more distributively accurate at the national, state, and local levels. The June 1991 Undercount Steering Committee report and later the August 1992 CAPE report concluded that adjustment, on average, improved distributive accuracy for states and areas with populations of more than 100,000.[68] The CAPE report, however, left the erroneous impression that the unadjusted census was more accurate at small geographic areas, generally, areas with a population of fewer than 100,000.

Analysis and Response

The CAPE report, issued on August 7, 1992, was followed by a November 25, 1992, Addendum. Because the CAPE work was conducted at the request of Secretary Mosbacher, the committee implicitly adopted the framework of the Mosbacher adjustment decision process in reaching its conclusions. That is, the adjusted census counts had to be shown to be more accurate at state and local levels in order to be adopted. The committee determined that it was unable to show that the adjusted census counts were more distributively accurate than the unadjusted counts for areas with fewer than 100,000 in population. Accordingly, the CAPE concluded that the unadjusted counts should be used in the postcensal estimates program. Unfortunately, the initial CAPE report could be interpreted as indicating that there was a problem with the accuracy of the adjusted census numbers for areas with a population of fewer than 100,000.

It is important to understand, however, that the Census Bureau did not stop its research into small area accuracy with the initial CAPE report. The initial CAPE analysis reported the Census Bureau's results from its first comparisons, comparisons of similar areas. For example, areas with populations of fewer than 25,000 were compared to each other, and major metropolitan areas were compared to each other. But the Census Bureau conducted additional research, comparing large cities and counties to each other, to the balance of the nation, and to the balance of their respective states. This additional research reported in the Addendum documented additional evidence of improvements in distributive accuracy at sub-state levels.[69]

The correct interpretation of the CAPE report and the Addendum is that the Census Bureau could distinguish no improvement in distributive sub-state accuracy if the corrected numbers had been used to produce estimates for areas

[64] Department of Commerce, ''Adjustment of the 1990 Census,'' 33591–92.

[65] Ibid.

[66] William R. Bell, ''Using Information from Demographic Analysis in Post-Enumeration Survey Estimation,'' *Journal of the American Statistical Association* 88 (September 1993): 1106–1118; and Bureau of the Census, ''Report of the Working Group on the Use of Demographic Analysis in Census 2000,'' by William R. Bell and others, 6 May 1996.

[67] CAPE, Table 2, Attachment 3A.

[68] Bureau of the Census, ''Technical Assessment of the Accuracy of Unadjusted Versus Adjusted 1990 Census Counts,'' Report of the Undercount Steering Committee, 21 June 1991, p. 2; and CAPE, 1.

[69] CAPE Addendum.

with populations of less than 100,000. It is incorrect to infer that the unadjusted census produced more distributively accurate sub-state data. That question was not tested in the CAPE research.

More recently, the Census Bureau has re-examined the CAPE data and determined that, based on available data, there is no basis for concluding that the unadjusted census was more distributively accurate than the adjusted counts for small areas.[70] That is, in general, no differences in the distributive accuracy of these two sets of counts have been demonstrated for geographic areas with less than 100,000 population.

Based on the CAPE and subsequent research and the expectation that the error structures of the initial census and A.C.E. operations for Census 2000 will be similar to 1990, the Census Bureau expects that the A.C.E. will, on average, increase distributive accuracy for areas with 100,000 or more residents. For areas with fewer than 100,000 people, the predicted effect of the A.C.E. on distributive accuracy is indeterminate—neither favoring the initial census nor the corrected counts.

With respect to numeric accuracy, as noted above, the Census Bureau expects that the A.C.E. will, on average, improve accuracy for geographic areas down to and including census tracts. Furthermore, the Census Bureau expects that improvement will be greatest for those areas that contain groups that have been historically undercounted.

Consistency with Demographic Analysis

The analysis of the 1990 coverage measurement survey included a comparison of the adjusted census with estimates based on Demographic Analysis (DA).[71] Discrepancies between the adjusted census and DA estimates led Secretary Mosbacher and others to question the accuracy of the 1990 adjusted census counts.

Analysis and Response

Demographic Analysis uses records and estimates of births, deaths, immigration, Medicare enrollments and estimates of emigration and undocumented immigration to estimate the national population, separately from the census. These demographic benchmarks are compared to the census counts, and the differences are used to create an estimate of the net census undercount. These estimates are produced for age groups (single years of age), sex, and broad race groups (Black, Non-Black). DA estimates can be used as independent benchmarks to validate the accuracy of coverage measurement survey estimates for corresponding demographic categories.

It is important to note that DA, like coverage measurement surveys, has an associated level of uncertainty. The Census Bureau developed quantitative measures of uncertainty for the 1990 DA estimates, but these measures are based in part on professional judgment about the range of error in each of the underlying demographic components.

How much uncertainty to assign to a DA estimate is therefore a matter of judgment. Different conclusions will be reached depending on basic assumptions about the accuracy of vital statistics and other records used in DA. In 1990, the Undercount Steering Committee concluded that the uncertainty in the DA estimates was of a magnitude that meant that many of the differences with the coverage measurement survey estimates resulted from random variation. However, Secretary Mosbacher reached another conclusion, citing several ''important and puzzling differences'' between the survey estimates and the DA estimates.[72] The Census Bureau, based on previous work in this area, concluded that some noted differences were expected, but these differences did not call into question the results of the coverage measurement survey.[73] Indeed, the difference between the DA and 1990 PES estimates for adult Black males was beyond the bounds of uncertainty, demonstrating the utility of Demographic Analysis for assessing correlation bias at the national level. Other differences fell within acceptable bounds of uncertainty associated with both sets of estimates. The Census Bureau considered all differences between the DA estimates and coverage measurement survey estimates in its determination that the coverage measurement survey did improve the accuracy of the census counts. For Census 2000, the Census Bureau will continue to compare both the uncorrected and corrected census counts with DA estimates.

Timing

In 1990, the adjusted data were not available for release until July 1991. This raises a concern about whether the Census Bureau can produce the statistically corrected data within the statutory deadline of April 1, 2001, for redistricting, without sacrificing the quality of the initial census or the A.C.E.

Analysis and Response

The timing and quality of the initial census and the A.C.E. are related. The Census Bureau has developed a schedule for the initial census and for the A.C.E. operations that allows adequate time to produce uncorrected data for apportionment and corrected data prior to the statutory deadline. Barring some major, unanticipated operational difficulty,[74] the Census Bureau expects to complete all data collection and processing functions for the initial census and the A.C.E. in time to deliver quality, statistically corrected redistricting numbers to the states prior to April 1, 2001.

Critical differences between the 1990 census and plans for Census 2000 should allow production of the corrected numbers within the required period. First, the 1990 plan was not premised on producing the adjusted numbers by the April 1 deadline. In fact, the 1990 litigation established a deadline of July 15, 1991, for delivery of the adjusted data.

Second, there are improvements to the census that will make the initial Census 2000 operations more timely. While these improvements are directed at allowing enumeration data collection to occur closer to Census Day and therefore to be more accurate, they will also allow for an earlier start for the A.C.E. With respect to the key issue of staffing nonresponse followup so as to finish on schedule, which is crucial to the progress of both the census and the A.C.E., the Census Bureau has developed strategies to avoid the recruitment and retention problems that extended the 1990 census NRFU operation. The Census Bureau has conducted extensive research on how to ensure the recruitment and retention of well-qualified temporary employees. These strategies, successfully employed during the Census 2000 dress rehearsal, included the targeting of wage rates to local areas and a technique called frontloading. Frontloading is directed at

[70] Obenski and Fay, ''Analysis of CAPE Findings on PES Accuracy.''

[71] Bell, ''Using Information from Demographic Analysis in Post-Enumeration Survey Estimation,'' 1106–1118; and Robinson and others, ''Estimates of Population Coverage in the 1990 United States Census,'' 1061–77.

[72] Department of Commerce, ''Adjustment of the 1990 Census,'' 33587.

[73] Bureau of the Census, ''Technical Assessment of the Accuracy of Unadjusted Versus Adjusted 1990 Census Counts,'' 4.

[74] Census Bureau Director Dr. Prewitt provided examples of such operational difficulties in his February 14, 2000, letter to Chairman Dan Miller of the House Subcommittee on the Census. These examples include: (1) Problems with the payroll system that prevent the Census Bureau from paying its employees on a timely basis; (2) widespread problems filling enumerator positions, despite the agency's extensive pool of qualified applicants; and (3) problems with the Census 2000 address file that prevent Census Bureau employees from being able to fulfill their responsibilities.

reducing the effects of early turnover of employees by hiring two employees for every position. As a result of these and other changes, nonresponse followup will take place in a shorter time period in Census 2000. This shortening of nonresponse followup is in accord with the observations of the Census Bureau and the General Accounting Office that NRFU results decrease in accuracy as the time from Census Day increases.[75] In addition, Census 2000 will not be repeating certain ineffective coverage improvement programs that delayed processing of the initial census in the 1990 coverage measurement survey.[76]

Third, several important changes will improve the timeliness of the A.C.E. operation. For example, the A.C.E. interviewers will have received more extensive training than in 1990. Additionally, the Census Bureau has developed a Computer Assisted Person Interviewing (CAPI) system for the A.C.E. that will allow enumerators to collect the data more quickly and accurately, and to transmit it electronically in a more expeditious manner by using laptop computers.

In the unlikely event of an unanticipated, major operational difficulty, the Census Bureau will not curtail important operations key to the quality of the entire census to stay on schedule. For example, the Census Bureau will not curtail nonresponse followup in difficult-to-enumerate neighborhoods to stay on the A.C.E. schedule. Likewise, the Census Bureau will not curtail the A.C.E. data collection activities. The Bureau is committed to achieving high quality in all census operations, and Census Bureau statisticians will be monitoring key A.C.E. performance information, such as response rates, for early warning about areas warranting corrective actions.

Level of Sampling Variance/Smoothing

The levels of sampling variance and bias in the 1990 coverage measurement survey were important topics in the adjustment debate. Sampling variance is discussed in this section; bias will be discussed in the following section.

Analysis and Response

One issue in 1990 was the use of a statistical technique called smoothing, a complex, model-based method designed to control sampling variance. The use of smoothing led to an extensive discussion regarding the robustness of the 1990 methodology. For Census 2000, the Census Bureau has developed the A.C.E. sample design so that smoothing will not be necessary. There were also concerns about the overall level of sampling variance in the 1990 coverage measurement survey.[77] In developing the A.C.E. design, the Census Bureau thoroughly examined 1990 variance issues and made important design decisions to reduce sampling variance levels. These include:

- The A.C.E. sample size is almost double that of 1990, increased from approximately 165,000 to 314,000 housing units. Because sampling variance is inversely proportional to sample size, this increase will reduce the level of sampling variance in 2000.
- The A.C.E. sample was designed to minimize the range in size of the sampling weights. Weights are assigned to categories of blocks (that is, small and large) that have different probabilities of being selected in the sample. When there is a wide range of weights, variance increases because blocks with large weights have a disproportionate effect on the variance of the estimates. The Census Bureau has designed its sampling procedures for Census 2000 specifically to limit how much these weights will vary. This design will result in reduced sampling variance.[78]

The Census Bureau has used the 1990 experience to develop an enhanced A.C.E. sampling design, and does not anticipate that variance-related issues will be a serious source of concern for the Census 2000 coverage measurement survey.

Level of Nonsampling Error/Bias

One concern was that the level of nonsampling error or bias in the 1990 coverage measurement survey was so large that statistical correction would not result in an improvement in distributive accuracy.[79] Critics of the A.C.E. have expressed similar concern about the anticipated level of bias in the Census 2000 DSE.[80]

Analysis and Response

The Census Bureau conducted extensive evaluations of nonsampling error in the 1990 coverage measurement survey.[81] These evaluations have given the Census Bureau a detailed understanding of nonsampling error. Based on this extensive work, the Census Bureau has concluded that the levels of nonsampling error in the 1990 PES did not prevent the statistical correction based on the coverage measurement survey from improving the accuracy of the census counts.[82] The A.C.E. design includes enhancements to the 1990 coverage measurement survey that will even further control nonsampling error.

It is important to note that some amount of bias in both the initial census and the A.C.E. is inevitable. However, the Census Bureau's analysis of bias, grounded in sound statistical principles, leads to the expectation that the improvements described in the following sections will control the levels of nonsampling error in the A.C.E. so that a statistical correction based on the A.C.E. will improve the uncorrected counts.

Enhancements to the Matching Process

Matching refers to the determination of whether an individual enumerated in a coverage measurement survey is the same person as an individual enumerated in the initial census operation. Because errors in matching can significantly affect undercount estimates, highly accurate matching is an important component of the A.C.E. methodology. Although neither Secretary Mosbacher nor CAPE identified matching error as a significant problem with the 1990 coverage measurement survey, the Census Bureau has made significant improvements to the matching process in the 2000 A.C.E. design, and matching error is expected to be even lower in Census 2000 than in 1990:

- A fully automated system supports computer and clerical matching, an advance over 1990 procedures that required handling and control of paper documents. This improvement provides for a number of built-in edits and quality checks to control matching error.

[75] Bureau of the Census, ''Characteristics of Census Errors,'' by Deborah Griffin and Christopher Moriarity, 1990 Decennial Census Preliminary Research and Evaluation Memorandum No. 179, 15 September 1992; and General Accounting Office, *Decennial Census—1990 Results, 47.*

[76] These coverage improvement programs are discussed briefly in Cohen, White, and Rust, *Measuring a Changing Nation, 32–33.*

[77] Bureau of the Census, ''Adjustment of the 1990 Census,'' passim.

[78] The NAS agrees that design changes in the A.C.E. will reduce the variance in block sampling weights, a ''key improvement in comparison to the 1990 design,'' May 3, 1999, letter from Janet L. Norwood, Chair, NAS Panel to Review the 2000 Census, to Kenneth Prewitt, Director, U.S. Bureau of the Census.

[79] Bureau of the Census, ''Adjustment of the 1990 Census,'' and Leo Breiman, ''The 1991 Census Adjustment: Undercount or Bad Data?'' *Statistical Science* 9, no. 4 (1994): 458–537.

[80] David A. Freedman and Kenneth Wachter, University of California, letter to Rep. Miller, Chairman, House Subcommittee on the Census, 17 May 2000; and Brown and others, ''Statistical Controversies in Census 2000.''

[81] Bureau of the Census, ''Technical Assessment of the Accuracy of 1990 Census Counts,''4; and Mary H. Mulry and Bruce D. Spencer, ''Accuracy of the 1990 Census and Undercount Adjustments,'' *Journal of the American Statistical Association* 88 (September 1993): 1080.

[82] Bureau of the Census, ''Technical Assessment of the Accuracy of 1990 Census Counts,'' 1.

The automated matching system is the culmination of Census Bureau analyses and refinements over the last 20 years and will make searching and matching easier and more reliable.

• The matching processes have been centralized in one site, rather than decentralized as in 1990, allowing for more effective control—a well-trained staff will perform all matching at a single location.

• As discussed below, the change in the treatment of people who have moved since Census Day will simplify matching for these movers. Unlike in 1990, it will only be necessary to match people who resided in the sample blocks on April 1.

Enhancements to Computer Processing

After the initial release of the adjusted numbers in July 1991, the Census Bureau discovered a computer processing error that resulted in a 0.4 percent decrease in the estimated undercount for the 1990 census. The CAPE report reduced the Census Bureau's official undercount estimate from 2.1 percent to 1.6 percent, with 0.4 percentage points attributable to the computer processing error, and 0.1 percent attributable to additional processing corrections. Concerns have been raised relating to the Census Bureau's late discovery of the computer processing error. These concerns have been cited as evidence that the complexity of the computer operations associated with incorporating the results of a coverage measurement survey—like the A.C.E.—in the census counts makes the final numbers vulnerable to significant processing errors.[83]

The Census Bureau has adopted a number of methods to improve the quality of the A.C.E. software to guard against a similar error in Census 2000:

• To ensure reliability, the Census Bureau has included software validation and verification strategies, such as independent software development of key computer programs (double programming).

• To reduce ambiguity and increase communication, the Census Bureau has enforced standardized nomenclature and adopted an improved documentation approach for technical issues.

• The Census Bureau has developed a Sample Design Control System. This system provided the necessary data to control, monitor, and validate the different phases of sampling. It also ensured that the software used to select the A.C.E. sample functioned correctly.

• The software programs supporting the A.C.E. estimation process will be further validated by an Integrated Review System. This system will provide data on all phases of the estimation process that will allow timely validation that the software is performing as specified.

These and other initiatives should result in a controlled, robust, and reliable A.C.E. computer processing environment. Therefore, the Census Bureau expects the processing for the Census 2000 A.C.E. to be not only more streamlined but also more reliable than it was for the 1990 PES.

Enhancements to Minimize Missing Data

Missing data cases involve the following situations where complete information cannot be obtained: missing characteristic data (race, age, or other characteristic information), complete non-interviews, or cases with insufficient information to determine an individual's enumeration or match status. In 1980, missing data in the coverage measurement survey was a serious problem and factored into senior statisticians' conclusion that the estimates were not sufficiently reliable to use for statistical adjustment of the census counts. The Census Bureau took steps to minimize missing data in the 1990 coverage measurement survey, and missing data in 1990 did not significantly affect the accuracy of the estimates.[84] Nonetheless, concerns remain regarding the potential for high levels of missing data in the A.C.E.

Building on its experience from the 1990 census, the Census Bureau has designed its field operations to minimize missing data. After the initial A.C.E. interview attempt, the Census Bureau will allow up to two additional weeks for attempts to revisit any nonresponding households. This two-week period of intense followup of nonresponding households will be conducted by the Census Bureau's best and most experienced available A.C.E. interviewers.[85] Finally, Census Bureau staff will be monitoring missing data rates closely throughout the conduct of the A.C.E.

The Census Bureau has developed additional extensive procedures to deal with missing data. One method the Census Bureau uses to handle missing data in both the initial census and the A.C.E. is imputation. Imputation is an established statistical methodology that completes missing respondent information by incorporating information provided by other similar respondents. The imputation process for Census 2000 draws on lessons learned in the 1990 census. Additionally, the imputation process for Census 2000 has been simplified, which should result in the production of more easily validated data.

While missing data were not a significant issue for the 1990 census,[86] some concerns have been expressed regarding the accuracy and robustness of the Census Bureau's imputation model for the 1990 coverage measure survey.[87] However, Census Bureau statisticians and others have conducted multiple evaluations using different methodologies to independently validate the imputation model used in the 1990 census.[88] These evaluations and the improvements to missing data procedures discussed earlier lead the Census Bureau to expect that missing data will not be a substantial problem in the A.C.E.

Homogeneity and the Synthetic Assumption

Generally speaking, homogeneity refers to the principle that individuals grouped in a post-stratum have similar probabilities of being included in the census, that is, similar coverage probabilities. If homogeneity holds, conclusions can be drawn from a sample about population groups or geographic areas and the initial enumeration for these population groups or areas can be corrected with a coverage measurement survey. The synthetic assumption states that the people in a particular post-stratum are

[83] Congress, House, Committee on Government Reform and Oversight, *Prepared Testimony of K.W. Wachter and D.A. Freeman Before the House Committee on Government Reform and Oversight*, 104th Cong., 1st sess., 29 February 1996.

[84] Bureau of the Census, ''Non-Response in Census Coverage Measurement Surveys and Its Impact—An Historical Review,'' by Ruth Ann Killion, DSSD Briefs, Information, and Topics Memorandum Series No. 44C, 17 September 1998, pp. 6–7.

[85] This intensive field operation designed to minimize missing data is described in Childers and Fenstermaker, ''Accuracy and Coverage Evaluation: Overview of Design,'' 7.

[86] Secretary Mosbacher stated that levels of missing data were sufficiently low so that variation in the Census Bureau's missing data models made no difference in the outcome of the survey, and he concurred with the Undercount Steering Committee's judgment that the outcome was robust (Bureau of the Census, ''Adjustment of the 1990 Census,'' 33600). The CAPE, accordingly, did not examine this issue.

[87] Brown and others, ''Statistical Controversies in Census 2000.''

[88] T.R. Belin and others, ''Hierarchical Logistic-Regression Models for Imputation of Unresolved Enumeration Status in Undercount Estimation,'' *Journal of the American Statistical Association* 88 (September 1993): 1149–66; and Bureau of the Census, ''Documentation of Handling Unresolved Enumeration Status in 1990 Census/Post-Enumeration Survey,'' by Greg Diffendal and Tom Belin, STSD Decennial Census Memorandum Series V–98, 15 January 1991.

relatively homogeneous and will generally share the same coverage factor. There are concerns, however, that a lack of homogeneity could lead to inaccuracies being introduced into the data for areas or population groups within the post-stratum.[89]

Analysis and Response

At issue is not whether there is perfect homogeneity; at issue is whether heterogeneity is too great to prevent an improvement from using the A.C.E. While the degree to which the homogeneity assumption holds is a continuing issue, the Census Bureau has made design improvements to the A.C.E. to control heterogeneity and believes that heterogeneity will not preclude the production of useful small area data in Census 2000.

The statistical correction that results from the A.C.E. is carried down to census blocks by applying the coverage correction factors within each A.C.E. post-stratum. The goal in constructing post-strata is to form groupings of the population that capture differences in the probabilities of being included in the census and the A.C.E.[90] In effect, the inclusion probabilities are more similar for individuals within the same post-stratum than for individuals in different post-strata. The coverage correction factors are calculated for each post-stratum, based on a representative sample of the post-stratum, and thus reflect the net coverage of all people within the post-stratum. This is the underlying basis for applying this factor to the data records within the corresponding post-stratum to produce statistically corrected block totals which serve as the basis for Census 2000 tabulations.

The more homogeneity within a post-strata and the more differences among post-strata, the greater the improvement from statistical correction. In designing post-strata, it is not necessary for each individual to have the same probability of inclusion. Since no two individuals are perfectly alike with respect to their chances of being included in either the initial census or the A.C.E., the goal for defining post-strata is to form groupings of the population with similar inclusion probabilities. That is, the goal is to form post-strata that differentiate between groups of the population with respect to inclusion probabilities, and with respect to net coverage in the initial census. Some have suggested that an improvement will result from applying Demographic Analysis-based corrections within national post-strata consistent with DA.[91] However, the Census Bureau expects to achieve greater improvements by having defined post-strata that take advantage of more local data.[92]

The accuracy of the estimates that result from the application of the coverage correction factors depends on the degree to which the net coverage for areas or groups within a post-stratum is similar to the coverage correction factor that was developed for that post-stratum. The coverage correction factor is measured for the post-stratum based on a representative sample, and thus represents the net coverage for the post-stratum. Clearly, within the post-stratum, some degree of variation is expected from the measured coverage correction factor, and this variation will most likely be relatively greater for small areas. Thus, it is inevitable that the A.C.E. will result in the population in some blocks being overestimated and the population in other blocks being underestimated. The A.C.E. statistical correction was never intended nor expected to produce unqualified improvement in the smallest geographic areas, like blocks. That the A.C.E. does not produce improvement for every single block, however, is no reason to forego the benefits that will flow from the use of corrected census population counts at geographic levels of significance to data users. The Census Bureau expects that the A.C.E. estimates will produce better data for aggregations—such as states, congressional districts, counties, and cities—that are the basic areas for which census data are used.

The Census 2000 A.C.E. incorporates improvements from the design used for the 1990 coverage measurement survey that are expected to improve the homogeneity within post-strata for Census 2000.[93] The Census Bureau analyzed heterogeneity as part of the 1990 CAPE process, and has continued research for the A.C.E. post-strata.[94] Building on the lessons learned from 1990, the Census Bureau has developed enhanced post-strata for Census 2000. For example, the A.C.E. post-strata definitions include mail return rate and type of enumeration variables.[95]

Some have cited the CAPE report as evidence that the Census Bureau had serious concerns about heterogeneity. A reading of the entire CAPE report, including the more technical Addendum, puts these concerns in proper perspective. That is, the full analysis of the CAPE report (including the Addendum) supports the expectation of the Census Bureau that the use of the A.C.E. results will lead to improvements in the accuracy of the Census 2000 data.

Additional Design Changes From 1990

In addition to the specific improvements discussed previously, the Census Bureau has implemented other changes to the 1990 coverage measurement survey design. These changes, which will improve operational efficiency, include the use of the telephone in the A.C.E., and changes in the treatment of movers and the search area for matching. The Census Bureau will also collect data on race and ethnicity differently in Census 2000. The Census Bureau continues to consider and examine issues relating to these changes.

Use of the Telephone in A.C.E. Interviewing

To gain efficiencies in the interviewing phase of the A.C.E., enumerators will conduct telephone interviews using CAPI laptop computers for households that have returned their census questionnaires by mail. By design, this interview will take place before or concurrent with the initial census nonresponse followup. The interviews will be conducted from the homes of the A.C.E. enumerators and will be conducted only for households that mail back a questionnaire that includes a telephone number. Furthermore, the households must be in areas where there is negligible risk of mail delivery problems—generally, single family housing units or large multi-unit structures in areas with city-style mail delivery.

The Census Bureau implemented this process to enhance the efficiency and

[89] K. Wachter and D. Freedman, ''Local Heterogeneity and Census Adjustment for the Intercensal Base,'' Technical Report No. 381 (Berkeley, CA: University of California, Department of Statistics, 1993); and Brown and others, ''Statistical Controversies in Census 2000,'' 13.

[90] This section presents a general discussion of the basis for synthetic or indirect estimation. There are more complex, but less stringent, requirements involving the relationship between census omissions and erroneous enumerations as discussed in Howard Hogan's paper, ''Accuracy and Coverage Evaluation: Theory and Application.''

[91] David Freedman and Kenneth Wachter, ''Planning for the Census in the Year 2000,'' *Evaluation Review*, 20, (August 1996): 355–77.

[92] Bureau of the Census, ''Accuracy and Coverage Evaluation Survey: Final Post-stratification Plan for Dual System Estimation,'' by Richard Griffin and Dawn Haines, DSSD Census 2000 Procedures and Operations Memorandum Series Chapter Q–24, 19 April 2000.

[93] *Ibid.*

[94] Robert E. Fay and John Thompson, ''The 1990 Post Enumeration Survey: Statistical Lessons in Hindsight,'' in *Proceedings of the 1993 Annual Research Conference, 21–24 March 1993.*

[95] Griffin and Haines, ''Accuracy and Coverage Evaluation Survey: Final Post-stratification Plan for Dual System Estimation.''

quality of the A.C.E. interview. Shortening the elapsed time from Census Day to the A.C.E. enumeration should improve data quality. Also, starting early in an environment that is more easily controlled should allow the A.C.E. enumerators to gain valuable experience in conducting interviews and in operating their laptop computers. The Census Bureau designed this process in a fashion that should maintain the independence between the A.C.E. and the other Census 2000 operations.

New Treatment to Account for Movers

The Census Bureau has changed its treatment of individuals whose residence changes after Census Day. In the 1990 coverage measurement survey, movers were sampled where they lived at the time of the PES interview. The Census Bureau then searched the census records at the movers' April 1 usual residence to determine if they had been correctly enumerated in the census.[96]

In the modified procedure employed by the A.C.E., the Census Bureau will combine information on movers from two sources to produce an estimate of movers who are missed in Census 2000. First, an estimate of the total number of movers will be calculated based on people who moved into the A.C.E. sample blocks between April 1 and the time of the A.C.E. interview. Second, the rate at which movers match to Census 2000 will be based on reconstructing the Census Day residents of the A.C.E. sample housing units and matching these residents to the initial census records. Reconstructing the Census Day residents will be based on proxy interviews with the new residents or neighbors. These two estimates will be combined to form an estimate of the movers who are missed in Census 2000. These results are then used in the Dual System Estimation. The Census Bureau tested the modified procedure in the dress rehearsal and has judged this procedure to be the best blend of operational feasibility and accuracy.[97]

Search Area for Matching

The Census Bureau's search operation in the 1990 coverage measurement survey used an extended search area in blocks adjacent to the sample blocks.[98] The extended search area included one ring of adjacent blocks, or two rings of adjacent blocks in most rural areas. A person located in either the sample or an adjacent block was labeled a correct enumeration or match. Defining the search area in this fashion provided significant gains in reducing sampling variance. For Census 2000, the A.C.E. search area has been designed to achieve the gains in controlling sampling variance, while providing operational efficiencies.

The Census 2000 search operation uses a sampling procedure that selects A.C.E. block clusters for an extended search. All block clusters are selected where there is evidence that an extended search will provide substantial information needed for the A.C.E. matching. Additionally, a random subsample of all other clusters is selected for the extended search.[99] This decision was based on an analysis of the results of the 1990 census coverage measurement survey matching that indicated that this strategy would provide virtually the same gains in sampling variance reduction as compared to the 1990 results.[100]

Reporting More Than One Race

In accordance with direction from the Office of Management and Budget,[101] Census 2000 will for the first time allow individuals to report more than one racial category. This guidance from the OMB necessitates that the A.C.E. post-strata be defined taking into account people that report more than one race. The Census Bureau, therefore, has defined and documented the A.C.E. post-strata to include individuals that report more than one race.[102] The Census Bureau will conduct a study of the effects of multiple race reporting after completion of the census.

Making the Final Decision

The Census Bureau expects that the A.C.E., if properly conducted, will make the census more accurate by improving coverage and reducing differential undercounts. The Census Bureau will not, however, release corrected redistricting data until it has brought its technical judgment to bear in assessing the available data to verify that its expectations have been met. The Census Bureau will consider operational data to validate the successful conduct of the A.C.E., assess whether the A.C.E. measurements of undercount are consistent with historical patterns of undercount and independent Demographic Analysis benchmarks, and review measures of quality.

In preparing for this determination, the criteria and the process that will be followed for the assessment of the A.C.E. results will be shared and discussed with outside statistical experts and other interested parties in the fall of 2000. This plan is consistent with the principle of pre-specification adopted by the Census Bureau for the Census 2000 A.C.E. and with its open and transparent planning and decision processes. The extent of pre-specification already publicly provided is very extensive.

It should be noted that all major census operations are vulnerable to unanticipated difficulties. Such difficulties could affect production of the apportionment counts. If, for example, a major natural disaster were to occur in a region of the country during census nonresponse followup, and this operation were seriously disrupted, the Census Bureau might conclude that the apportionment count so misrepresented the ''true'' state-by-state population distribution that it should not be used until corrective action was taken, possibly delaying delivery of the apportionment counts past January 1, 2001. Unanticipated difficulties could also affect the A.C.E. The Census Bureau would respond to any major unanticipated operational difficulty by taking steps to conduct and complete (or repeat, as necessary) all planned operations necessary to ensure that an accurate A.C.E. had taken place before releasing the statistically corrected data. If the Census Bureau determines that incorporating the results of the survey would not improve the accuracy of the initial census counts, then the uncorrected data would be denominated as the P.L. 94–171 file.

Secretary Mosbacher's 1991 decision document raised the specter of ''political tampering'' in any use of statistically corrected census data. To avoid even the appearance of political manipulation, the Census Bureau has proposed a process for verifying the agency's expectations regarding the improvements in accuracy from the A.C.E. Under that proposal, a committee

[96] Hogan, ''Accuracy and Coverage Evaluation Theory and Application,'' 22.

[97] Bureau of the Census, ''Minutes of the Executive Steering Committee on Accuracy and Coverage Evaluation Policy (ESCAP),'' 5 January 2000.

[98] Hogan, ''1990 Post-Enumeration Survey,'' 1054.

[99] Childers and Fenstermaker, ''Accuracy and Coverage Evaluation: Overview,'' 8–9; and Bureau of the Census, ''Accuracy and Coverage Evaluation: The Design Document,'' by Danny R. Childers, DSSD Census 2000 Procedures and Operations Memorandum Series Chapter S–DT–01.

[100] Bureau of the Census, ''Accuracy and Coverage Evaluation Survey: Targeted Extended Search Plans,'' by Alfredo Navarro, DSSD Census 2000 Procedures and Operations Memorandum Series #Q–18, 12 January 2000.

[101] President, Executive Office, Office of Management and Budget, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' Federal Register, (30 October 1997), vol. 62, no. 210, pp. 58782–90.

[102] The Census Bureau's plan for including individuals in the A.C.E. post-strata who report more than one race is described in Griffin and Haines, ''Accuracy and Coverage Evaluation Survey: Final Post-stratification Plan for Dual System Estimation,'' 1–2.

of senior Census Bureau officials responsible for resolving policy and technical issues regarding the A.C.E. and assessing the technical effectiveness of its operations would make a recommendation to the Census Bureau Director regarding the use of the statistically corrected census data. The Director would make a determination regarding the use of the statistically corrected data, taking into consideration the recommendation of the committee. This committee, known as the Executive Steering Committee for A.C.E. Policy (ESCAP), was formed in late 1999 and normally meets every two weeks to discuss technical and policy issues associated with the A.C.E. and to advise the Director on these issues. The ESCAP is chaired by the Associate Director for Decennial Census and includes the following other senior career staff: Deputy Director; Principal Associate Director and Chief Financial Officer; Principal Associate Director for Programs; Associate Director for Methodology and Standards; Associate Director for Demographic Programs; Assistant Director for Decennial Census; Chief, Decennial Statistical Studies Division; Chief, Planning, Research and Evaluation Division; Chief, Population Division; Chief, Decennial Management Division; and Senior Mathematical Statistician. The committee will document its discussions and decisions and will make this documentation available along with its recommendation to the Director.

Following the release of census data, the Census Bureau will continue its research and evaluation, budget permitting. The census is an ongoing process, and the Census Bureau implements refinements to the data over a 10-year period. These ongoing efforts are consistent with good science and are fundamental to the Census Bureau's work. The fact that further research will provide more information about the success of census operations, including the production of the apportionment counts and the A.C.E., does not alter the requirement to release the statistically corrected block-level numbers by the April 1, 2001, statutory deadline, if these data meet the Census Bureau's expectations with regard to improvements in accuracy. Evaluations of many Census 2000 operations and results, including the A.C.E., will continue after the release of the data; and program evaluation results will be available for planning the 2010 census and informing the scientific and public discourse over the intervening years.

Conclusions

The Census Bureau's mission is to produce the most accurate data possible, taking into account the intended uses of the data. The extensive body of research that the Census Bureau has conducted on census undercount, including the 1990 census evaluations, has conclusively demonstrated that traditional census methodologies will not effectively reduce the differential undercount. The Census Bureau has concluded that based on current state-of-the-art science, the best method or procedure that has the potential to reduce the differential undercount and thereby increase accuracy is the application of scientific sampling to improve traditional census methods. This view is widespread, though not unanimous, in the professional statistical community.

At the present time, the Census Bureau has also concluded that it is operationally feasible to complete the A.C.E. and produce statistically corrected census data prior to April 1, 2001, and expects that the corrected data will be the most accurate data available. The Census Bureau's final decision on what data to release as the most accurate data will not be made, however, until the Census Bureau has had an opportunity to review the conduct of the census and the A.C.E.

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June 13, 2000.

MEMORANDUM FOR KENNETH PREWITT

From: William M. Daley

Attached is my decision adopting the analysis and conclusions set forth in ''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000.''

The Department of Commerce and the Census Bureau are committed to making certain that the decennial census, the largest peacetime mobilization in our country's history, produces the most accurate count possible of the individuals in our Nation. The census is an important civic undertaking designed to find out who we are and how we live. We owe it to the American people to use all of the tools at our disposal to make the census as accurate as possible.

For decades, the experts at the Census Bureau and within the statistical community have recognized that the methodology used in the past fails to count many Americans. This phenomenon '' called the undercount '' has been measured since the 1940s. More disturbing, however, is the established fact that the undercount operates differently for different population groups, creating an inequity called the differential undercount. Despite the Census Bureau's best efforts, the differential undercount has persisted and, for at least the last 50 years, has meant that some groups in the population are undercounted and therefore underrepresented in political, resource-allocation, and other decisions.

The choice we face is whether to use modern statistical methods to produce a more accurate census, or whether we do nothing. Under the law, statistical methods may not be used in tabulating the population for purposes of apportioning seats in the House of Representatives, but I am required to authorize the use of modern statistical methods, if ''feasible,'' for all other releases of census data.

The Director of the Census, with guidance from the Department concerning the relevant legal standard, has provided an analysis of the feasibility of using statistical sampling to correct the persistent errors in the census and to improve its accuracy—''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000.'' As explained in that document, absent the use of statistical methods there is no way to correct the persistent differential undercount in Census 2000. With established statistical methods, however, the Census Bureau believes that it will be able to correct these errors and improve the overall accuracy of the census by increasing coverage and reducing the differential undercount.

I hereby adopt the analysis and conclusions of the Director of the Census set forth in ''Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000.'' As explained in that document, the expert staff at the Bureau believe that the Accuracy and Coverage Evaluation Survey, which was designed to measure and correct for the overall undercount and the differential undercount, should make the census counts more accurate. As is appropriate, however, no final decision about whether to correct the census counts can be made until the operations have been completed and considered by the Bureau. The Director will make a final decision before April 1, 2001, the deadline by which the Bureau must provide data to the States for redistricting.

I am also proposing today a regulation that will insulate the final decision on whether to correct the census counts from even the appearance of political tampering and will make the decision-making process as transparent as possible. Because the final decision on whether to correct the census is a technical decision, the proposed regulation would delegate my authority over that decision to the Director of the Census. His decision would, in turn, be informed by a public recommendation made by a group of career experts at the Census Bureau. Through this process, we will be able to ensure public confidence in the final decision.

Dated: June 13, 2000.

William M. Daley,

Secretary of Commerce.

June 12, 2000.

MEMORANDUM TO: The Secretary, The Director of the Census

FROM: Andrew J. Pincus

SUBJECT: Legal Obligation to Produce Statistically-Corrected Non-Apportionment Census Numbers

As you know, the Department of Commerce and the Census Bureau have been reviewing what process to use in determining whether to statistically correct census data for purposes other than apportionment of the House of Representatives. As part of this review, we have examined the legal requirements of the Census Act. After careful analysis, we have concluded that Section 195 of the Census Act requires the Census Bureau, if feasible, to produce statistically-corrected numbers from the decennial census for all non-apportionment purposes.

The feasibility determination is a technical decision that should be made by the Director, to whom the Secretary delegated his Title 13 responsibilities in Departmental Organizational Order 35–2A (July 22, 1987). To this end, we also believe it appropriate to propose a regulation that would make certain that the Director has final authority over the feasibility determination.

I. Background

The Constitution requires Congress to apportion seats in the House of Representatives among the States every ten years based on the results of the decennial census, providing that ''[t]he actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they [Congress] shall by Law direct.'' [1] Through the Census Act, which is codified in title 13 of the United States Code, Congress has delegated its broad authority over the census to the Secretary of Commerce.[2] In particular, 13 U.S.C. 141(a) provides that the Secretary of Commerce shall take ''a decennial census of [the] population * * * in such form and content as he may determine, including the use of sampling procedures and special surveys.'' As the Supreme Court recognized in *Wisconsin* v. *City of New York,* the Secretary's determination as to how to conduct the Census, pursuant to the delegation of authority provided to him by Congress, need only be reasonable, so long as it is also ''consistent with the constitutional language and the constitutional goal of equal representation.'' *Id.* at 19. The Court further recognized, in the context of the Secretary's decision in 1990 not to adjust the census, that the ''Constitution itself provides no real instruction'' on what methods the Secretary should use in performing the Census. *Id.* at 18.

II. Section 195 of the Census Act Requires the Census Bureau To Use Sampling When ''Feasible'' For Calculating the Population For Purposes Other Than Apportionment of Seats in the House of Representatives Among the States

Section 195 of the Census Act states:

> Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as ''sampling'' in carrying out the provisions of this title.

13 U.S.C. 195. Section 195 refers specifically to only one of the many uses of census data. Decennial census data are used not only by the U.S. Congress for apportioning seats in the House of Representatives among the States, but also by the States in drawing the lines for congressional and state and local legislative districts, and by federal and state agencies in allocating funds.

In *Department of Commerce* v. *House of Representatives,* 119 S. Ct. 765 (1999), the Supreme Court held that Section 195 does not permit the use of sampling to produce population counts for the purpose of apportioning seats in the House of Representatives among the States. *Id.* at 777 (''there is only one plausible reading of the amended § 195: It prohibits the use of sampling in calculating the population for purposes of apportionment.''). Here, the question is what standard Section 195 applies with respect to the calculation of population by the Census Bureau for purposes *other than* ''apportionment of Representatives in Congress among the several States.'' The plain language of the provision supplies the answer: Section 195 states that the Secretary ''shall'' authorize the use of statistical sampling for all other purposes ''if he considers it feasible.'' Thus, when calculating population or other information for a purpose other than apportionment, the Secretary (or his designee, the Census Bureau) must first determine whether it is ''feasible'' to use sampling, and—if the use of sampling is feasible—its use must be authorized.

This interpretation of Section 195's plain language is confirmed by Congress's amendment of the provision in 1976. Prior to that amendment, Section 195 stated:

> Except for the determination of population for apportionment purposes, the Secretary may, where he deems it appropriate, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title.

The pre-1976 wording (''may, where he deems it appropriate'') gave the Secretary the option of using sampling. The 1976 amendment eliminated the Secretary's discretion, transforming Section 195 into a mandatory directive —the Secretary ''shall * * * authorize the use of'' sampling for all other purposes ''if he considers it feasible.'' The Census Act therefore unambiguously requires, with respect to non-apportionment calculations, that when sampling is feasible, it must be used.

The Supreme Court's recent decision in *Department of Commerce* v. *House of Representatives* confirms this conclusion. In explaining the purpose of the 1976 amendments, the Court stated, ''[t]hey changed a provision that permitted the use of sampling for purposes other than apportionment into one that required that sampling be used for such purposes if 'feasible.' 119 S.Ct. at 778. The Court explained that

[1] Constitution, Art. I, Sec. 2, Cl. 3.

[2] *Wisconsin* v. *City of New York,* 517 U.S. 1 (1996).

''section [195] now requires the Secretary to use statistical sampling in assembling the myriad demographic data that are collected in connection with the decennial census. But the section maintains its prohibition on the use of statistical sampling in calculating population for purposes of apportionment.'' 119 S.Ct. at 777.

III. The Census Bureau's Calculation of Population for the Purpose of Redistricting is Subject to Section 195's ''Feasib[ility]'' Standard

Section 141(c) of the Census Act permits the ''officers or public bodies having initial responsibility for the legislative apportionment or districting of each State'' to submit to the Secretary ''a plan identifying the geographic areas for which specific tabulations of population are desired.'' The same provision directs the Secretary to report such ''[t]abulations of population,'' as well as the ''basic tabulations of population'' for States that have not submitted a plan, within one year of the decennial census date. It is clear that these population tabulations are not ''the determination of population for purposes of apportionment of Representatives in Congress among the several States'' (Section 195), and therefore are subject to Section 195's directive that the use of sampling ''shall'' be authorized if ''feasible.''

To begin with, the population tabulations supplied to the States pursuant to Section 141(c) simply are *not* made or used for purposes of apportioning seats in the House of Representatives among the States. Section 141(c) makes clear that it relates to tabulations for ''legislative apportionment or districting of each State.'' And a separate subsection of Section 141—subsection (b)—governs the ''tabulation of total population by States * * * as required for the apportionment of Representatives in Congress among the several States.'' Indeed, the distinction between these two groups of calculations is confirmed by their different due dates: the latter set of numbers must be completed three months earlier than the redistricting information required by Section 141(c). See also Section 141(e)(2) (distinguishing between use of census data for ''apportionment of Representatives in Congress among the several States'' and for ''prescribing congressional districts'').

Some commentators have suggested that the term ''apportionment'' within Section 195's ''[e]xcept'' clause encompasses population calculation for the purposes of redistricting as well as for the purpose of allocating seats in the House of Representatives among the States. That position is inconsistent with the plain language of the statute. First, it ignores the clear distinction in Section 141 between these two categories of calculations. Second, Congress in 1976 revised the ''[e]xcept'' clause, replacing the word ''apportionment'' with the phrase ''apportionment of Representatives in Congress among the Several States.'' It is difficult to imagine how Congress could have more clearly evidenced its intent to limit Section 195's prohibition against the use of sampling to the calculation of population used to allocate among the States seats in the House of Representatives. And because Section 141(c) specifically refers to tabulations for redistricting purposes, but that reference does not appear in the ''[e]xcept'' clause of Section 195, it is plain that redistricting tabulations are not encompassed within the Section 195 prohibition. [3]

Finally, some commentators have suggested that as a practical matter these two sets of numbers are inextricably linked, asserting—for example—that it would be a plainly improper result if the Section 141(c) population tabulation of a State for redistricting purposes did not equal the Section 141(b) apportionment population tabulation for that State. Nothing in the Census Act requires that result and, moreover, the two totals have not been equal in the past. For example, government personnel stationed overseas are included in a State's Section 141(b) tabulation, but are not included in the data provided to that State under Section 141(c). Congress could have required such equality in either Section 141 or Section 195, but it did not do so. Rather, Congress in Section 141 expressly distinguished between the two categories of calculations.

The Census Act thus clearly directs that statistical sampling ''shall'' be used in tabulating population for the purposes set forth in Section 141(c) if the Secretary considers it ''feasible'' to do so. Even if the plain language of the Act were not clear on this point, we believe that this interpretation is most consistent with the purposes of the Census Act and that adopting such an interpretation is within your discretion. In *Wisconsin* v. *City of New York*, 517 U.S. 1 (1996), the Supreme Court unanimously concluded ''the wide discretion bestowed by the Constitution upon Congress, and by Congress upon the Secretary,'' mandates substantial judicial deference to the Secretary's determinations with respect to the decennial census (517 U.S. at 19). Given the long history of the use of sampling by the Census Bureau, and the importance of obtaining the most accurate population tabulations possible—because of the constitutional significance of the ''one person, one vote'' principle and of the equal protection principles reflected in the Voting Rights Act—interpreting the statute to permit the use of sampling when feasible is the most appropriate approach. The alternative interpretation would bar the use of statistical sampling even if the use of sampling would lead to more accurate results, a construction that conflicts with the basic goal of the decennial census—to obtain an accurate count of the persons within the United States.

IV. The Standard For the Feasibility Determination

Section 195 does not contain a definition of the term ''feasible.'' The dictionary definition of the term ranges from the most common ''capable of being done or carried out'' to ''capable of being used or dealt with successfully, suitable'' or ''reasonable, likely.'' Webster's Ninth New Collegiate Dictionary (1990). The Supreme Court has considered the word ''feasible'' in other contexts and found that the plain meaning of the term generally denotes the first and broadest definition—''capable of being done.'' In *American Textile Mfrs. Institute, Inc.* v. *Donovan,* 452 U.S. 490, 509 (1981), the Court interpreted the term ''to the extent feasible'' to preclude the Secretary of Labor from engaging in a cost-benefit analysis of a public health standard; as the Court explained, Congress itself, by requiring a standard ''to the extent feasible'' had made the policy choice for the Secretary. *See also Citizens to Preserve Overton Park, Inc.* v. *Volpe,* 401 U.S. 402, 411 (1971) (''the requirement that there be no 'feasible

[3] Some commentators have argued that the Supreme Court reached a different conclusion in Department of Commerce because it found standing ''on the basis of the expected effects of the use of sampling in the 2000 census on intrastate redistricting'' (119 S. Ct. at 774). The Court's standing decision, however, simply reflects a conclusion that an individual claiming injury by the use of that data for redistricting had alleged sufficient Article III injury in fact to challenge the plan. But the Census plan before the Court provided for the collection and production of a single set of sampling-adjusted data for use in both the apportionment tabulation and the redistricting tabulation. Because the Court invalidated the plan, there was no need for the Court to apply Section 195 to the use of sampling for redistricting purposes in order to redress these plaintiffs' purported injury. This conclusion is confirmed by the Court's careful limitation of its holding: ''The District Court below * * * concluded that the proposed use of statistical sampling to determine population for purposes of apportioning congressional seats among the States violates the Act. We agree.'' 119 S. Ct. at 765.

alternative' route admits of little administrative discretion.'').

We understand the term ''feasible'' in accordance with its ordinary meaning and the overall purposes of the Census Act. It also must be understood in terms of the uses to which non-apportionment census data are put, including, among other things, redistricting and allocation of federal funds. While in other contexts it might be appropriate to understand ''feasible'' to mean ''possible,'' given the obvious importance of obtaining the most accurate population (and other) tabulations possible, it would seem most appropriate to construe that term in a manner that focuses upon promoting accurate census results. [4] Thus, with respect to the proposed use of statistical sampling for data to be released to the States under Section 141(c), such use is ''feasible'' within the meaning of Section 195 if (1) the proposed use of sampling is compatible with the other aspects of the census plan, and with any statutory, timing, and funding constraints; and (2) the proposed use of statistical sampling would improve the overall accuracy of the census data.

The two components of ''feasibility '' can be termed ''operational feasibility'' and ''technical feasibility.'' These are matters that are properly within the expert judgment of the Census Bureau. The Census Bureau's extensive experience in the conduct of the census, the use of statistical sampling techniques, and the measurement of accuracy should be the basis for these essentially technical judgments.

V. The Decisionmaking Process

The determination whether the use of sampling is ''feasible'' under Section 195 should be based upon the information before the decisionmaker at the time the determination is made. Public Law No. 94–171 requires the Census Bureau to deliver official census data to the states for redistricting purposes by April 1, 2001. 13 U.S.C. 141(c). As with every decennial census, the Census Bureau will conduct extensive analyses on the census data in the ensuing years. In order to make a final decision on whether to deliver statistically corrected data for redistricting purposes, the Census Bureau need only consider the evidence available to it at the time of its decision to determine whether the statistically corrected numbers are more accurate and therefore that the use of sampling is ''feasible'' as that term is defined herein. *See, e.g., Vermont Yankee Nuclear Power Corp.* v *Natural Resources Defense Council,* 435 U.S. 519, 552–54 (1978) (review of agency decision must be made based on information available at the time the decision was made); *ICC* v. *New Jersey,* 322 U.S. 503, 514 (1970).

The Census Bureau is in the process of completing a document which will provide information concerning its assessment of whether using statistically sampling is feasible with respect to the release of P.L. 94–171 data. Although, as the document will indicate, the Census Bureau has determined that the use of statistical sampling is operationally feasible and should improve the accuracy of the census, no final decision will be made with respect to the release of data until after the Bureau has had the opportunity to review whether census operations were conducted in a way that met expectations. This document will be published in the **Federal Register**, along with a proposed regulation that would delegate to the Director of the Census the Secretary of Commerce's authority to make the final, technical decision on what numbers to release and would set forth a process for the Census Bureau's consideration of what numbers to release.

Robert J. Shapiro,

Under Secretary for Economic Affairs.

[FR Doc. 00–15348 Filed 6–14–00; 8:45 am]

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[4] Of course, in other contexts where there is no independent requirement that the population court be conducted without the use of sampling (unlike the decennial census, where the statue as construed by the Supreme Court prohibits the use of sampling for apportionment of seat in the House of Representatives), the analysis might also take greater account of the efficiencies that could be gained by substituting sampling for those other methods.

Federal Register

Tuesday,
June 20, 2000

Part VI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AG08

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 2000–01 hunting season. This supplement to the proposed rule provides the regulatory schedule; announces the Service Migratory Bird Regulations Committee and Flyway Council meetings; and describes the proposed regulatory alternatives for the 2000–01 duck hunting seasons and other proposed changes from the 1999–2000 hunting regulations.

DATES: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early-season migratory bird hunting on June 21 and 22, and for late-season migratory bird hunting on August 2 and 3. All meetings will commence at approximately 8:30 a.m.

You must submit comments on the proposed regulatory alternatives for the 2000–01 duck hunting seasons by July 7, 2000. You must submit comments on the proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons by July 28, 2000; and for proposed late-season frameworks by September 8, 2000.

ADDRESSES: The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Send your comments on the proposals to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Jonathan Andrew, Chief, or Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2000

On April 25, 2000, we published in the **Federal Register** (65 FR 24260) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under § 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. We will publish proposed early-season frameworks and final regulatory alternatives for the 2000–01 duck hunting seasons in mid-July and late-season frameworks in mid-August. We will publish final regulatory frameworks for early seasons on or about August 18, 2000, and those for late seasons on or about September 25, 2000.

Service Migratory Bird Regulations Committee Meetings

The Service Migratory Bird Regulations Committee will meet June 21–22 to review information on the current status of migratory shore and upland game birds and develop 2000–01 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands. The Committee will also develop regulations recommendations for special September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, the Committee review and discuss preliminary information on the status of waterfowl.

At the August 2–3 meetings, the Committee will review information on the current status of waterfowl and develop 2000–01 migratory game bird regulations recommendations for regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings.

In accordance with Departmental policy, these meetings are open to public observation. You may submit written comments to the Director on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the joint and individual meetings of the four Flyway Councils, July 27 and 28, at the Peabody Hotel in Memphis, Tennessee. Although agendas are not yet available, these meetings usually commence at 8:00 a.m. on the days indicated.

Review of Public Comments

This supplemental rulemaking contains the proposed regulatory alternatives for the 2000–01 duck hunting seasons. We have included and addressed all comments and recommendations received through May 12, 2000, relating to the development of these alternatives.

This supplemental rulemaking also describes other recommended changes based on the preliminary proposals published in the April 25, 2000, **Federal Register**. We have included only those recommendations requiring either new proposals or substantial modification of the preliminary proposals. This supplement does not include recommendations or comments that simply support or oppose preliminary proposals and provide no recommended alternatives. We will consider these comments later in the regulations-development process. We will publish responses to all proposals and written comments when we develop final frameworks.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 25, 2000, proposed rule.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) Harvest Strategy Considerations, (B) Regulatory Alternatives, including specification of framework dates, season length, and bag limits, (C) Zones and Split Seasons, and (D) Special Seasons/Species Management. Only those categories for which we received public comment are discussed below.

A. Harvest Strategy Considerations

Council Recommendations: The Atlantic Flyway Council recommended that duck hunting regulations in the Atlantic Flyway for the 2000–01 season be based on the optimal harvest strategy for eastern mallards.

Service Response: In the April 25, 2000, proposed rule (65 FR 24260), we proposed to continue use of Adaptive Harvest Management (AHM) to guide the establishment of duck hunting regulations. This year, we also propose to modify the existing AHM protocol to account for the status of mallards

breeding in eastern North America. Modification of the AHM protocol involves: (1) Augmentation of the criteria for regulatory decisions to include population and environmental variables relevant to eastern mallards; (2) development of a combined harvest-management objective for midcontinent and eastern mallards; and (3) modification of the decision rules to allow a regulatory choice in the Atlantic Flyway that may differ from the remainder of the country. Recently, the Service, in cooperation with the Atlantic Flyway Council, completed a technical assessment regarding modification of AHM to account for eastern mallards. The principal finding of this assessment was that the status of midcontinent mallards appears to have little or no influence on the most appropriate choice of regulatory alternative in the Atlantic Flyway. However, the status of eastern mallards can influence the most appropriate regulatory choice in the western three Flyways, particularly when the status of midcontinent and eastern mallards is disparate. We note that this assessment considers only the large-scale status of mallard breeding populations, and not the status of sub-populations that may have affinities for certain wintering areas. We also note that the assessment did not explicitly consider the status of species other than mallards in the development of regulatory strategies. The assessment report is available on the Internet at www.migratorybirds.fws.gov/reports/reports.html. We will consider the implications for mallard harvest and status discussed in this assessment report, as well as potential impacts on species other than mallards, in proposing a regulatory alternative for the Atlantic Flyway for the 2000–2001 hunting season. We will accept public comment on this issue until September 8, 2000. Comments should be sent to the address under the caption **ADDRESSES**.

B. Regulatory Alternatives

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the regulations alternatives from 1999 be used in 2000, except that the framework opening and closing dates in all alternatives should be the Saturday nearest September 23 to the Sunday nearest January 28, with appropriate offsets (*e.g.,* reduction in season length) as determined by the Service.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the framework opening and closing dates in all regulatory alternatives should be the Saturday nearest September 23 to the Sunday nearest January 28, with no penalties in season length.

The Central Flyway Council recommended the continued use of the 1999 regulatory alternatives for the 2000–2001 season, but with modifications. The Council recommended a framework opening date of the Saturday closest to September 24 in the ''liberal'' and ''moderate'' regulatory alternatives with no offsets, and a framework closing date of the Sunday closest to January 25. Additionally, the Council recommended that no additional changes be allowed to the alternatives for a 5-year period.

The Pacific Flyway Council recommended that the set of regulatory alternatives for the 2000–2001 hunting season remain unchanged from those adopted in 1999.

Service Response: We believe that tacit disagreement over the objectives of modifying framework dates continues to undermine the biological and administrative foundations of the regulatory process for setting duck hunting seasons. Therefore, we believe that the continuing debate over framework-date extensions could benefit from further dialogue, in which Flyway Councils explore the sociological issues of fairness and equity underlying the framework-date issue. We acknowledge the difficulties associated with such a dialogue, but broad-based agreement on a regulatory approach to framework dates is unlikely in its absence.

Due to the continuing absence of agreement among States and Flyways about how best to modify framework dates, we are proposing no changes to the set of regulatory alternatives from those considered last year (*i.e.,* the 1999–2000 hunting season) (64 FR 39460). We reiterate that our desire is to maintain current framework-date specifications through the 2002–03 hunting season, or until such time that the Flyway Councils can develop an approach that adequately addresses the concerns of the Service and a majority of States.

In evaluating proposals for modification of framework dates, we will continue to focus on several key issues, including: (1) The potential for biological impacts on the waterfowl resource, particularly on those species currently at depressed levels; (2) the technical difficulties associated with predicting harvest impacts; (3) our desire to maintain framework dates as a viable tool, along with season length and bag limit, for regulating duck harvests; and (4) the acceptability of proposals to a broad range of stakeholders. In addition, we are particularly concerned about any modification to framework dates that would disrupt the functioning of AHM, which is intended to reduce long-standing uncertainties about the impacts of hunting regulations on waterfowl populations. An essential feature of the AHM process is a set of regulatory alternatives (including framework dates, season lengths, and bag limits) that is sufficiently stable over time to permit a reliable investigation of the relationships between regulations and harvest, and between harvest and subsequent duck population size.

Therefore, we propose the four regulatory alternatives described in the accompanying table for consideration during the 2000–2001 duck hunting season. Alternatives are specified for each Flyway and are designated as ''VERY RES'' for the very restrictive, ''RES'' for the restrictive, ''MOD'' for the moderate, and ''LIB'' for the liberal alternative. We will announce final regulatory alternatives in early July following the early-season regulations meetings in late June. Public comments will be accepted until July 7, 2000, and should be sent to the address under the caption **ADDRESSES**.

C. Zones and Split Seasons

Council Recommendations: The Central Flyway Council recommended that the guidelines for regular duck season zone/split configurations be modified to allow States to select up to three zones with a two-way split season in each zone.

D. Special Seasons/Species Management

iii. September Teal Seasons

Council Recommendations: The Central Flyway Council recommended that Nebraska be allowed to have an experimental 9-day teal season in the non-production area of the State.

iv. September Teal/Wood Duck Seasons

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council requested that the Service and the Council's Wood Duck Technical Committee move forward during the current year (2000) to allow for implementation of a wood duck Flyway harvest management strategy by the year 2001 as scheduled. The Committee further recommended that September seasons remain an option for delineated wood duck reference areas (population units), provided that specified data-collection requirements are met.

v. Youth Hunt

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended a special 2-day youth waterfowl hunt for the 2000–01 season.

The Central Flyway Council recommended expansion of the special youth waterfowl hunt to 2 days.

The Pacific Flyway Council recommended that the Service allow States the opportunity to select up to 2 consecutive days for a youth waterfowl hunt outside the general season and frameworks in 2000.

3. Mergansers

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that, for those States that include mergansers in their duck bag limit, the merganser limit be the same as the duck bag limit, except that the hooded merganser limit would remain at one.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the three counties near Saginaw Bay in Michigan (Huron, Saginaw, and Tuscola), which previously have been closed in the special early Canada goose season, be allowed an experimental special early season with a two-bird daily bag limit.

The Lower-Region Regulations Committee of the Mississippi Flyway Council urged the Service to use caution in changing or expanding special goose seasons.

The Central Flyway Council recommended that the framework closing date for operational September Canada goose seasons in the Central Flyway be extended to September 30 with no additional evaluation required.

The Pacific Flyway Council recommended that Wyoming's daily bag and season limits be increased from 2 and 4, to 3 and 6 birds, respectively, and that the bag and possession limits for Washington's September season increase from 3 and 6, to 5 and 10, respectively.

B. Regular Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the 1999 regular goose season opening date be as early as September 16 in Michigan and Wisconsin. The Committee further recommended that the framework opening date for regular goose seasons in the Mississippi Flyway be September 16.

The Central Flyway Council recommended that the framework opening date for regular dark goose seasons in the East and West Tiers be fixed at September 1, rather than the current opening date of the Saturday nearest October 1.

5. White-fronted Geese

Council Recommendations: The Central Flyway Council recommended that the framework closing date for Mid-Continent white-fronted geese be changed to the Sunday closest to February 15. They further recommended that the season length be 95 days, except for the Eastern Goose Zone of Texas, where it would be unchanged (86 days).

8. Swans

Council Recommendations: The Central Flyway Council recommended that States with Eastern Population tundra swan hunting seasons (North Dakota, South Dakota, and Montana) be allowed to issue a second swan permit to interested hunters from permits remaining after the initial drawing.

9. Sandhill Cranes

Council Recommendations: The Central Flyway Council recommended a 95-day season with the option for a two-way split season for the hunting of Mid-Continent sandhill cranes. This change would result in a 37-day season length increase in North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, and Colorado and a 2-day season length increase in Oklahoma, Texas, and New Mexico.

The Council further recommended that the open area for the hunting of Mid-Continent sandhill cranes be extended eastward to the Mississippi Flyway. The Council recommends a season length of 37 days with outside framework dates of September 1 and February 28, and a daily bag/possession limit of 3 and 9, respectively, for this expanded area.

The Pacific Flyway Council recommended a boundary modification in Box Elder County, Utah to exclude that portion of the County known to be used by greater sandhill cranes affiliated with the Lower Colorado River Population.

12. Rails

Council Recommendations: The Pacific Flyway Council recommended that those States divided between the Central and Pacific Flyways be allowed to select rail season frameworks, on a statewide basis, that conform with the Central Management Unit frameworks.

13. Snipe

Council Recommendations: The Pacific Flyway Council recommended that those States divided between the Central and Pacific Flyways be allowed to select snipe season frameworks, on a statewide basis, that conform with the Central Management Unit frameworks.

15. Band-tailed Pigeons

Council Recommendations: The Pacific Flyway Council recommended a change in frameworks for Pacific Coast band-tailed pigeons from 1999 to increase the possession limit from 2 to 4 birds.

16. Mourning Doves

Council Recommendations: The Pacific Flyway Council recommended that those States divided between the Central and Pacific Flyways be allowed to select dove season frameworks, on a statewide basis, that conform with the Central Management Unit frameworks.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended a reduction in sandhill crane bag limits from three to two in that portion of the State associated with the Pacific Flyway Population of lesser sandhill cranes.

Public Comment Invited

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. We intend that adopted final rules be as responsive as possible to all concerned interests and, therefore, seek the comments and suggestions of the public, other concerned governmental agencies, non-governmental organizations, and other private interests on these proposals. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations to the address indicated under the caption **ADDRESSES.**

Special circumstances involved in the establishment of these regulations limit the amount of time that we can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) The need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory

shore and upland game bird populations. Therefore, we believe that to allow comment periods past the dates specified is contrary to the public interest.

Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

You may inspect comments received on the proposed annual regulations during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Copies are available from the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

Prior to issuance of the 2000–01 migratory game bird hunting regulations, we will consider provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and that the proposed action is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental proposed rulemaking documents.

Executive Order (E.O.) 12866

While this individual supplemental rule was not reviewed by the Office of Management and Budget (OMB), the migratory bird hunting regulations are economically significant and are annually reviewed by OMB under E.O. 12866.

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the rule? What else could the Service do to make the rule easier to understand?

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail, and a Small Entity Flexibility Analysis (Analysis) was issued by the Service in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 million and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request from the Office of Migratory Bird Management.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned clearance number 1018–0023 (expires 09/30/2000). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of harvest, and the portion it constitutes of the total population. 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.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that these regulations meet the applicable standards found in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2000–01 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: June 14, 2000.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

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PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 2000-01 SEASON

	ATLANTIC FLYWAY				MISSISSIPPI FLYWAY (a)				CENTRAL FLYWAY (b)				PACIFIC FLYWAY (c)(d)			
	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB
Begining Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1
Closing Date	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20
Season Length	20	30	45	60	20	30	45	60	25	39	60	74	38	60	86	107
Daily Bag/ Possession	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	4 8	4 8	7 14	7 14
Species/Sex Limits within the Overall Daily Bag Limit																
Mallard (Total/Female)	3/1	3/1	4/2	4/2	2/1	2/1	4/1	4/2	3/1	3/1	5/1	5/2	3/1	3/1	5/2	7/2
Pintail	<---ACCORDING TO THE PINTAIL INTERIM HARVEST STRATEGY--->															
Black Duck	1	1	1	1	1	1	1	1	-	-	-	-	-	-	-	-
Scaup (e)	<---TO BE DETERMINED BASED ON CURRENT SCAUP STATUS INFORMATION--->															
Canvasback	<---0 OR 1, ACCORDING TO THE CANVASBACK HARVEST STRATEGY--->															
Redhead	2	2	2	2	1	1	2	2	1	1	2	2	2	2	2	2
Wood Duck	2	2	2	2	2	2	2	2	2	2	2	2	-	-	-	-
Whistling Ducks	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Harlequin	Closed	Closed	Closed	Closed	-	-	-	-	-	-	-	-	-	-	-	-
Mottled Duck	1	1	1	1	3	3	3	3	1	1	1	1	-	-	-	-

(a) In the States of Alabama, Mississippi, and Tennessee, the season length will be 51 days in the liberal alternative and 38 days in the moderate alternative with a framework closing date in both alternatives of January 31.

(b) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway with the exception of season length. Additional days would be allowed under the various alternatives as follows: very restrictive - 8, restrictive - 12, moderate and liberal - 23. Under all alternatives, additional days must be on or after the Saturday nearest December 10.

(c) In the Columbia Basin Mallard Mangement Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all alternatives except the liberal alternative, an additional 7 days would be allowed.

(d) In Alaska, framework dates, bag limits, and season length would be different than the remainder of the Pacific Flyway. The bag limit would be 5-7 under the very restrictive and restrictive alternatives, and 8-10 under the moderate and liberal alternatives. There would be no restrictions on pintails, and canvasback limits would follow those for the remainder of the Pacific Flyway. Under all alternatives, season length would be 107 days and framework dates would be Sep 1 - Jan 26.

(e) Scaup daily bag limits will be based on current scaup status information until an agreed upon harvest strategy is completed and implemented.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Animal and Plant Health Inspection Service

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Gypsy moth host material from Canada; published 6-20-00

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Air programs; approval and promulgation; State plans for designated facilities and pollutants:

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Idaho; published 4-21-00

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Air quality implementation plans; approval and promulgation; various States:

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Interconnection—

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Michigan; published 3-22-00

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Federal Aviation Administration

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REVO, Inc.; published 5-26-00

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Alcohol, Tobacco and Firearms Bureau

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Plant-related quarantine, foreign:

Fuji variety apples from Korea; comments due by 6-26-00; published 4-26-00

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 3293/P.L. 106–214

To amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service. (June 15, 2000; 114 Stat. 335)

H.R. 4489/P.L. 106–215

Immigration and Naturalization Service Data Management Improvement Act of 2000 (June 15, 2000; 114 Stat. 337)

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