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WHEN: September 13, 2000, at 9:00 a.m.

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

RESERVATIONS: 202–523–4538

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Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1710, 1717, and 1718

RIN 0572–AB51

Reduction in Minimum TIER Requirements

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) hereby reduces the minimum TIER (Times Interest Earned Ratio) requirement to be met by Distribution Borrowers from 1.50 to 1.25. Reducing TIER to 1.25, while retaining the existing Debt Service Coverage (DSC), Operating Times Interest Earned Ratio (OTIER) and Operating Debt Service Coverage (ODSC) standards, will provide the borrowers with the flexibility to develop new and unique rate structures in an increasingly competitive retail marketplace, yet not jeopardize loan security. Conforming amendments relating to exemptions of RUS operational controls under section 306E of the Rural Electrification Act; consolidations and mergers; sale, lease or transfer of capital assets; advance approval—100 percent private financing of distribution, subtransmission and headquarters facilities, and certain other community infrastructure, and mortgage and loan agreements, are also contained herein.

EFFECTIVE DATE: This rule is effective September 25, 2000.

FOR FURTHER INFORMATION CONTACT: Robert O. Ellinger, Management Analyst, U.S. Department of Agriculture, Rural Utilities Service, Electric Program, Room 4023 South Building, Stop 1560, 1400 Independence Ave., SW., Washington, DC 20250–1560, Telephone: 202–720–0424

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In accordance with the Executive Order and the rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule and (3) in accordance with § 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. § 6912(e)) administrative appeals procedure, if any are required must be exhausted prior to initiating litigation against the Department or its agencies.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that this rule will not have significant impact on a substantial number of small entities defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS loan program provides borrowers with loans at interest rates and terms that are more favorable than those generally available from the private sector. Borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in the rule are approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under control number 0572–0032.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with state and local offices. See the final rule related notice entitled ''Department Programs and Activities Excluded From Executive Order 12372,'' (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

Background

On March 10, 2000, at 65 FR 12952, the Rural Utilities Service (RUS) published a proposed rule, 7 CFR Parts 1710, 1717, and 1718—Reduction in Minimum TIER Requirements, which proposed the agency reduce the minimum TIER (Times Interest Earned Ratio) requirement to be met by distribution borrowers from 1.50 to 1.25. Conforming amendments relating to exemptions of RUS operational controls under section 306E of the Rural Electrification Act; consolidations and mergers; sale, lease or transfer of capital assets; advance approval—100 percent private financing of distribution, subtransmission and headquarters facilities, and certain other community infrastructure, and mortgage and loan agreements, were also contained therein.

Written comments on the proposed rule were received from 11 different sources, including one statewide cooperative organization. All of the comments were taken into consideration in preparing this final rule. The comments are discussed below.

Ten (10) comments strongly supported the proposed reduction in TIER. One (1) borrower submitted a comment questioning why RUS used the TIER ratio as part of its loan security review process. The borrower stated that Debt Service Coverage (DSC) and Operating Debt Service Coverage (ODSC) ratios are more meaningful and are more inline with what other financial institutions review for loan security.

RUS believes it is important to retain TIER and DSC as coverage tests and not rely solely on DSC. Given the fact that the amortization of principal for virtually all debt owed by borrowers is heavily back-end loaded and that depreciation charges substantially exceed principal payments now and the foreseeable future, relying solely on DSC and ODSC would allow many distribution borrowers to operate at a loss and still meet the coverage ratio. TIER, on the other hand, provided that it is set at least at 1.0, requires a borrower to at least break even, either for its overall operations in the case of standard TIER, or its electric utility operations in the case of operating TIER. RUS dos not believe it would be in the best interests of the rural electrification program, either from the standpoint of loan security and financial soundness or public support, to rely on a standard that would allow a large number of borrowers to operate at a loss.

RUS recognizes the importance of establishing appropriate and meaningful financial ratios in an effort to measure a borrower's financial stability. RUS believes that a thorough review of TIER (as reduced), DSC, OTIER and ODSC ratios, combined with an in-depth study of a borrower's Annual Financial and Statistical Report, provides sufficient information to evaluate a borrower's credit worthiness and help insure that the borrower's overall operations are financially sound.

List of Subjects

7 CFR Part 1710

Electric power, Electric utilities, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1717

Administrative practice and procedure, Electric power, Electric power rates, Electric utilities, Intergovernmental relations, Investments, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1718

Administrative practice and procedure, Electric power, Electric utilities, Loan programs—energy, Loan security documents, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, RUS amends 7 CFR Chapter XVII as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1710 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

2. Revise § 1710.7(c)(13)(vi)(B) and § 1710.7(c)(14)(ii) to read as follows:

§ 1710.7 Exemptions of RUS operational controls under section 306E of the RE Act.

* * * * *

(c) * * *

(13) * * *

(vi) * * *

(B) Having a pro forma TIER of not less than 1.25 and a pro forma DSC of not less than 1.25 for each of the two proceeding calendar years; and

* * * * *

(14) * * *

(ii) In the most recent year for which data are available, the borrower achieved a TIER of at least 1.25, DSC of at least 1.25, OTIER of at least 1.1, and ODSC of at least 1.1, in each case based on the average or the best 2 out of the 3 most recent years.

* * * * *

3. Revise § 1710.114(b)(1) to read as follows:

§ 1710.114 TIER, DSC, OTIER and ODSC requirements.

* * * * *

(b) *Coverage ratios.* (1) Distribution borrowers. The minimum coverage ratios required of distribution borrowers whether applied on an annual or average basis, are a TIER of 1.25, DSC of 1.25, OTIER of 1.1, and ODSC of 1.1. OTIER and ODSC shall apply to distribution borrowers that receive a loan approved on or after January 29, 1996.

* * * * *

PART 1717—POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

4. The authority citation for part 1717 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

5. Revise § 1717.615(f)(2) to read as follows:

§ 1717.615 Consolidations and mergers.

* * * * *

(f) * * *

(2) A pro forma TIER of not less than 1.25 and a pro forma DSC of not less than for each of the two preceding calendar years; and

* * * * *

6. Revise § 1717.616(b) to read as follows:

§ 1717.616 Sale, lease, or transfer of capital assets.

* * * * *

(b) In the most recent year for which data are available, the borrower achieved a TIER of at least 1.25, DSC of at least 1.25, OTIER of at least 1.1, and ODSC of at least 1.1 in each case based on the average or the best 2 out of the 3 most recent years;

* * * * *

7. Revise § 1717.854(c)(1) to read as follows:

§ 1717.854 Advance approval—100 percent private financing of distribution, subtransmission and headquarters facilities, and certain other community infrastructure.

* * * * *

(c) * * *

(1) The borrower has achieved a TIER of at least 1.25 and a DSC of at least 1.25 for each of 2 calendar years immediately preceding, or any 2 consecutive 12 month periods ending within 180 days immediately preceding, the issuance of the debt;

* * * * *

PART 1718—LOAN SECURITY DOCUMENTS FOR ELECTRIC BORROWERS

8. The authority citation for part 1718 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

Subpart B—Mortgage for Distribution Borrowers

9. In appendix A to subpart B to part 1718, Article II, section 2.01(a)(1)(i) and Article III, section 3.10(6)(B) are revised to read as follows:

Appendix A to Subpart B to Part 1718—Model Form of Mortgage for Electric Distribution Borrowers

* * * * *

Article II—Additional Notes

* * * * *

Section 2.01 * * *

(a) * * *

(1) * * *

(i) The Mortgagor shall have achieved for each of the two calendar years immediately preceding the issuance of such Additional Notes, a TIER of not less than 1.25 and a DSC of not less than 1.25;

* * * * *

Article III—Particular Covenants of the Mortgagor

* * * * *

Section 3.10 * * *

(6) * * *

(B) having a pro forma TIER of not less than 1.25 and a pro forma DSC of not less than 1.25 for each of the two preceding calendar years, and

* * * * *

Subpart C—Loan Contracts With Distribution Borrowers

10. The definition of ''Coverage Ratios'' in Article I, Definitions, and Article V, section 5.4(b) of Appendix A to subpart C to part 1718, are revised to read as follows:

Appendix A to Subpart C to Part 1718—Model Form of Loan Contract for Electric Distribution Borrowers

* * * * *

Article I—Definitions

* * * * *

''Coverage Ratios'' shall mean, collectively, the following financial ratios: (i) TIER of 1.25; (ii) Operating TIER of 1.1; (iii) DSC of 1.25; and Operating DSC of 1.1.

* * * * *

Article V—Affirmative Covenants

* * * * *

Section 5.4 * * *

(b) The average Coverage Ratios achieved by the Borrower in the 2 best years out of the 3 most recent calendar years must be not less than any of the following:

TIER=1.25

DSC=1.25

OTIER=1.1

ODSC=1.1

* * * * *

Dated: August 17, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–21772 Filed 8–24–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1755

RIN 0572–AB35

RUS Form 397, Special Equipment Contract (Including Installation)

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulation on RUS Telecommunications Standards and Specifications for Material, Equipment and Construction to revise RUS Form 397, Special Equipment Contract (including installation). This contract incorporates amendments currently attached to the RUS Form 397, Special Equipment Contract, and updates contract terms and format.

EFFECTIVE DATE: September 25, 2000.

FOR FURTHER INFORMATION CONTACT: John J. Schell, Chief, Inside Plant Branch, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, STOP 1598, 1400 Independence Ave., SW, Washington, DC 20250–1598, telephone number (202) 720–0671.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require a consultation with State and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In accordance with the Executive Order and the rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effort will be given to this rule; and, (3) in accordance with § 212(c) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(c)), administrative appeal procedures, if any, must be exhausted prior to initiating litigaton against the Department or its agencies.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS telecommunications program provides loans to borrowers at interest rates and terms that are more favorable than those generally available from the private sector. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

This rule contains no new reporting or recordkeeping burdens under OMB control number 0572–0059 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35).

National Environmental Policy Act Certification

RUS has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under number 10.851, Rural Telephone Loans and Loan Guarantees, and number 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402. Telephone: (202) 512–1800.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments for the private sector. Thus, this rule is not

subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Background

The last revision to the RUS Form 397 was December 1967. Since that date, divestiture, competition, legislation and regulation have changed business practices in the telecommunications industry. Contract terms and obligations in RUS Form 397 have been modified and updated to reflect present business practices as well as changes in technology, services and equipment. Notable advances in fiber optics, digital subscriber line (DSL) and radio technology have made many new services available. Consequently, significant changes have been made in the way business is conducted in the telecommunications industry.

The RUS Form 397 incorporates those changes into the Special Equipment Contract. The main changes to the contract include but are not limited to the following: (1) Format for listing bid prices and alternatives; (2) delivery and installation requirements; (3) payments and releases of lien requirements; (4) particular undertakings of the bidder requirements; (5) Equal Employment requirements; (6) payments to the contractor; (7) insurance; (8) liquidated damages; and (9) completion of the project. The above actions will make it possible for RUS telecommunications borrowers to continue to provide their subscribers with the most modern and efficient telecommunications service.

A proposed rule was issued in the **Federal Register** on February 20, 1998, at 63 FR 8582, requesting comments on these changes. The comment period closed April 21, 1998. Public comments were received from Hart Engineers, Martin and Associates, Hicks & Ragland Engineering Company and Associated Communications & Research Services. The comments with responses are presented as follows:

Although not a requirement in the current RUS Form 397, Special Equipment Contract, competitive bidding procedures with sealed bid requirements were added to the proposed contract. All four commenters stated the competitive bidding process would increase the time and costs associated with the purchase of transmission equipment. As part of RUS efforts in governmental streamlining and empowering the recipients of RUS loans, RUS will place more responsibility with the borrowers to ensure a more cost effective review process while maintaining the required loan security. Hence, the procurement of special equipment will follow the procedures outlined in 7 CFR Part 1753, Telecommunication Systems Construction Policies and Procedures, § 1753.68, giving the borrower the option to use the full competitive bidding process.

The proposed contract added the requirement that a contract amendment needed to be prepared and approved by RUS to revise delivery or completion of project scheduled dates. A commenter stated this change would increase the time and engineering costs associated with granting the manufacturer a time extension. RUS will remove the added requirement and continue using the procedure whereby the owner can grant a time extension by letter to the vendor without issuing a contract amendment.

List of Subjects in 7 CFR Part 1755

Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For the reasons set forth in the preamble, Chapter XVII of Title 7 of the Code of Federal Regulations is amended as follows:

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 7941 *et seq.*

2. Section 1755.30(c)(27) is revised to read as follows:

§ 1755.30 List of telecommunications standard contract forms.

* * * * *

(c) * * *

(27) RUS Form 397, issued September 25, 2000, Special Equipment Contract (Including Installation).

* * * * *

Dated: August 17, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–21774 Filed 8–24–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–288–AD; Amendment 39–11878; AD 2000–17–04]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This action requires repetitive inspections to detect discrepancies in the upper and lower skins of the fuselage lap joint, and repair, if necessary. This action is necessary to detect and correct such discrepancies, which could result in sudden fracture and failure of a lap joint and rapid decompression of the airplane fuselage.

DATES: Effective September 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2000.

Comments for inclusion in the Rules Docket must be received on or before October 24, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–288–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–288–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Scott Fung, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1221; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating in-flight rapid decompression of a Boeing Model 737 series airplane. Investigation revealed that the skin above the forward entry door was separated at the stringer S–4R lap joint, with a 28-inch tear running along the lap joint. The skin was bent back at the upper edge of the stringer at S–5R and formed a rectangular opening that progressed from body station (BS) 328 to BS 300. Further investigation revealed that numerous scratches on the skin of the lap joint had initiated fatigue cracks and subsequent tearing of the skin. Fatigue cracking and corrosion in other lap joints were also detected at various locations on the airplane. The airplane had accumulated 78,198 flight cycles and 77,115 flight hours. The FAA also has received reports of similar damage (corrosion and cracking) to certain lap joints on other Model 737 series airplanes. Such discrepancies, if not corrected, could result in sudden fracture and failure of a lap joint and rapid decompression of the airplane fuselage.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–53A1224, dated August 17, 2000, which describes procedures for inspections (initial and repetitive eddy current and detailed visual) to detect discrepancies (i.e., cracks, pillowing, corrosion, delamination, or loose or missing fasteners) in the upper and lower skins of the fuselage lap joint, and repair of any discrepancies.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 737 series airplanes of the same type design, this AD is being issued to detect discrepancies in the upper and lower skins of the fuselage lap joint. This AD requires repetitive inspections to detect discrepancies of the upper and lower skins of the fuselage lap joint, and repair, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously, except as discussed below.

Difference Between Alert Service Bulletin and This AD

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is considering developing a modification that will positively address the unsafe condition addressed by this AD. Should this modification be developed, approved, and available, the FAA may consider additional rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–288–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–17–04 Boeing: Amendment 39–11878. Docket 2000–NM–288–AD.

Applicability: Model 737–100, –200, and –200C series airplanes, line numbers 1 through 291 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct discrepancies in the upper and lower skins of the fuselage lap joint, which could result in sudden fracture and failure of a lap joint and rapid decompression of the airplane fuselage, accomplish the following:

Initial and Repetitive Inspections

(a) Perform the applicable (initial and repetitive) inspections as specified in Figures 1 through 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1224, dated August 17, 2000, to detect discrepancies (i.e., cracks, pillowing, corrosion, delamination, or loose or missing fasteners) in the upper and lower skins of the fuselage lap joint. Perform the inspections at the applicable times specified in Tables 1 and 2 of Section 1.E. ''Compliance'' of the alert service bulletin, in accordance with the alert service bulletin; except that where Table 1 specifies a compliance time of ''airplane flight cycles at time of service bulletin release,'' this AD requires a compliance time of ''airplane flight cycles as of the effective date of this AD.''

Repair

(b) Prior to further flight, repair any discrepancies detected during any inspection required by this AD in accordance with Boeing Alert Service Bulletin 737–53A1224, dated August 17, 2000. If any discrepancies are detected and the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repairs, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD, the inspections and repair shall be done in accordance with Boeing Alert Service Bulletin 737–53A1224, dated August 17, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on September 11, 2000.

Issued in Renton, Washington, on August 18, 2000.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21615 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–277–AD; Amendment 39–11877; AD 2000–17–51]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–200 and –300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2000–17–51 that was sent previously to all known U.S. owners and operators of certain Boeing Model 737–200 and –300 series airplanes by individual notices. This AD supersedes an existing AD to require a one-time inspection to detect cracks of the lower frames and reinforcing angles of the main deck cargo door where the door latch fittings attach between certain fuselage stations and water lines, and replacement of any cracked part with a new part having the same part number. This action is prompted by reports that, during the inspections required by the existing AD, cracks were found in the reinforcing angles of the main deck cargo door frame. The actions specified by this AD are intended to detect and correct cracking of the lower portion of the main deck cargo door frames, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane.

DATES: Effective August 30, 2000, to all persons except those persons to whom it was made immediately effective by emergency AD 2000–17–51, issued on August 14, 2000, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 30, 2000.

Comments for inclusion in the Rules Docket must be received on or before October 24, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–

277–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–277–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The applicable service information may be obtained from Pemco World Air Services, 100 Pemco Drive, Dothan, AL 36303. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rany Azzi, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30337–2748, telephone (770) 703–6083; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: On July 13, 2000, the FAA issued AD 2000–13–51, amendment 39–11826 (65 FR 44977, July 20, 2000), applicable to certain Boeing Model 737–200 and –300 series airplanes. That AD requires repetitive special detailed inspections to detect cracking of the main deck cargo door frames, their existing reinforcing angles (where applicable), and the attach holes of the latch fittings between frame station (FS) 361.87 and FS 498.12, and between water line (WL) 202.35 and WL 213.00, in the area where the main deck cargo door latch fittings attach to the frames; and corrective actions, if necessary. That action was prompted by a report indicating that three of the subject airplanes had multiple cracks in the lower portion of the main deck cargo door frames and, in some cases, the reinforcing angles. The actions required by that AD are intended to detect and correct cracking of the lower portion of the main deck cargo door frames, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of AD 2000–13–51, the FAA has received reports that, during the special detailed inspections (*i.e.*, borescope) required by that AD, cracks were found in the reinforcing angles of the main deck cargo door frame. Subsequent disassembly of the affected structure revealed substantial cracking that was hidden by the layered structure and not detected by the special detailed inspections. These findings are a clear indication of multiple element damage (MED). MED is a source of widespread fatigue damage (WFD), which is characterized by the simultaneous presence of cracks in multiple structural details that are of sufficient size and density, whereby the structure will no longer meet its damage tolerance requirements. Therefore, the FAA has determined that a high frequency eddy current (HFEC) inspection of all affected structural elements of the main deck cargo door, and replacement of any cracked part with a new part having the same part number are necessary to prevent reduced structural integrity of the main deck cargo door, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Pemco Service Bulletin 737–52–0037, including Attachment 1, dated August 10, 2000. The service bulletin describes procedures for an HFEC inspection to detect cracks of the lower frames and reinforcing angles of the main deck cargo door where the door latch fittings attach between FS 361.87 and FS 498.12 and WL 202.35 and WL 213.00, and replacement of any cracked part with a new part having the same part number.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued emergency AD 2000–17–51 to detect and correct cracking of the lower portion of the main deck cargo door frames, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane. The AD supersedes AD 2000–13–51 to require a one-time HFEC inspection to detect cracks of the lower frames and reinforcing angles of the main deck cargo door where the door latch fittings attach between FS 361.87 and FS 498.12 and WL 202.35 and WL 213.00, and replacement of any cracked part with a new part having the same part number. The actions are required to be accomplished in accordance with the service bulletin previously described.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on August 14, 2000, to all known U.S. owners and operators of certain Boeing Model 737–200 and –300 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Interim Action

The FAA is considering further rulemaking action to supersede this AD to require replacement of the main deck cargo door frames and reinforcing angles that have accumulated 7,000 or more total flight cycles with new parts. However, the planned compliance time for these actions is sufficiently long so that prior notice and time for public comment will be practicable.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that

summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–277–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11826 (65 FR 44977, July 20, 2000), and by adding a new airworthiness directive (AD), amendment 39–11877, to read as follows:

2000–17–51 Boeing: Amendment 39–11877. Docket 2000–NM–277–AD. Supersedes AD 2000–13–51, Amendment 39–11826.

Applicability: Model 737–200 and –300 series airplanes equipped with a main deck cargo door installed in accordance with Supplemental Type Certificate (STC) SA2969SO, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the lower portion of the main deck cargo door frames, which could result in sudden depressurization, loss or opening of the main deck cargo door during flight, and loss of control of the airplane, accomplish the following:

One-Time Inspection and Corrective Action, If Necessary

(a) Within 7 days after the effective date of this AD, perform a one-time high frequency eddy current inspection to detect cracks of the lower frames and reinforcing angles of the main deck cargo door where the door latch fittings attach between fuselage station (FS) 361.87 and FS 498.12 and water line (WL) 202.35 and WL 213.00, in accordance with the inspection procedures specified in paragraph 3.D.(1) of the Accomplishment Instructions of Pemco Service Bulletin 737–52–0037, including Attachment 1, dated August 10, 2000. If any crack is detected, prior to further flight, replace the cracked part with a new part having the same part number, in accordance with paragraph 3.D.(2) of the Accomplishment Instructions of the service bulletin.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Pemco Service Bulletin 737–52–0037, including Attachment 1, dated August 10, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pemco World Air Services, 100 Pemco Drive, Dothan, AL 36303. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on August 30, 2000, to all persons except those persons to whom it was made immediately effective by emergency AD 2000–17–51, issued on August 14, 2000, which contained the requirements of this amendment.

Issued in Renton, Washington, on August 18, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21614 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–289–AD; Amendment 39–11879; AD 2000–17–05]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–200, –300, and –300F series airplanes. This action requires a functional check of the shear rivets in all six elevator power control actuator (PCA) bellcrank assemblies to determine the condition of the shear rivets, and replacement or rework of the bellcrank assemblies, if

necessary. This action is necessary to detect and correct any failed or partially yielded shear rivets of the elevator PCA bellcrank assemblies. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective September 11, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 11, 2000.

Comments for inclusion in the Rules Docket must be received on or before October 24, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000 NM 289–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–289–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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

FOR FURTHER INFORMATION CONTACT: Kenneth Fairhurst, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1118; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received reports that elevator bellcrank assemblies with failed shear rivets have been found on three Boeing Model 767 series airplanes. On one airplane, the failed shear rivets were found in both the left inboard and left center power control actuator (PCA) bellcrank assemblies. Investigation revealed that the left center PCA had been replaced two weeks earlier. The bellcrank shear rivets are designed to shear if a jam occurs and an input of approximately 50 pounds above normal feel forces is applied to the elevator system.

Further testing by the manufacturer revealed that the single system hydraulic test of the elevator, which is mandated by a Certification Maintenance Requirement, may not detect failed shear rivets in an elevator bellcrank assembly. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane.

The FAA has received no factual information that indicates that this incident is related to an accident that occurred off the coast of Massachusetts involving a Boeing Model 767 series airplane. The cause of that accident is still under investigation.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000. That alert service bulletin describes procedures for a functional check of the shear rivets on all six elevator PCA bellcrank assemblies to determine the condition of the shear rivets. (The functional check entails, in part, inserting a pin into the center of the shear rivets and measuring the penetration depth of the pin.) The alert service bulletin also describes eventual replacement of the bellcrank assemblies with new or serviceable bellcrank assemblies if the penetration depth of the pin is 0.35 inch or more, but less than 0.50 inch; and, prior to further flight, rework or replacement of the bellcrank assemblies with new or serviceable bellcrank assemblies if the penetration depth of the pin is less than 0.35 inch. The alert service bulletin specifies repeating the functional check after any installation of a new or serviceable bellcrank assembly to ensure that the reworked or new bellcrank assembly is still in good condition after installation. Additionally, the alert service bulletin specifies that, if one or more bellcrank shear rivets have a penetration depth of the pin of less than 0.50 inch, the operator should send a report (provided in the alert service bulletin) to the manufacturer.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 767 series airplanes of the same type design, this AD is being issued to detect and correct any failed or partially yielded shear rivets of the PCA elevator bellcrank assembly. Failure of two bellcrank assemblies on one side can result in that single elevator surface moving to a hardover position independent of pilot command resulting in a significant pitch upset recoverable by the crew. Failure of three bellcrank assemblies on one side may result in loss of controllability of the airplane, which could result in an elevator hardover and consequent reduced controllability or loss of controllability of the airplane. Except as described below, the actions are required to be accomplished in accordance with the alert service bulletin described previously.

Differences Between Proposed Rule and Service Bulletin

Operator should note that where requirements appear in this final rule that are different from the Boeing alert service bulletin, this AD prevails.

Operators should note that, although the alert service bulletin requests that operators send the completed PCA Elevator Bellcrank Assembly Shear Rivet Inspection Report (provided in the alert service bulletin) to the manufacturer, this AD requires that the report be sent to the FAA.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or

arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (*e.g.,* reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–289–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–17–05 Boeing: Amendment 39–11879. Docket 2000–NM–289–AD.

Applicability: Model 767–200, –300, and –300F series airplanes, with Line Numbers 1 through 800 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct any failed or partially yielded shear rivets of the elevator power control actuator (PCA) bellcrank assembly, which could result in (1) failure of two bellcrank assemblies on one side of the airplane and consequent movement of the single elevator to a hardover position independent of pilot command, resulting in a significant pitch upset recoverable by the crew; or (2) failure of three bellcrank assemblies on one side and consequent loss of controllability of the airplane; accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a functional check of one shear rivet in all six elevator PCA bellcrank assemblies to determine the condition of the shear rivets; in accordance with Paragraph 3, Accomplishment Instructions, of Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000.

(1) If all penetration depths when measured per Figure 2 of the alert service bulletin are 0.50 inch or more, no further action is required by this AD.

(2) If any penetration depth when measured per Figure 2 of the alert service bulletin is 0.35 inch or more, but less than 0.50 inch, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly within 400 flight hours after accomplishing the functional check. After installation of a new or serviceable bellcrank assembly, prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good condition (as specified in the alert service bulletin) after installation, in accordance with Figure 2 of the alert service bulletin.

(3) If any penetration depth when measured per Figure 2 of the alert service bulletin is less than 0.35 inch, prior to further flight, rework or replace the bellcrank assembly with a new or serviceable bellcrank assembly. After installation of a new or serviceable bellcrank assembly, and prior to further flight, repeat the functional check of all the bellcrank assemblies to make sure the rivets are still in good (as specified in the alert service bulletin) condition after installation, in accordance with Figure 2 of the alert service bulletin.

(b) If one or more bellcrank shear rivets have a measured penetration depth of less than 0.50 inch, within 10 days after performing the initial functional check required by paragraph (a) of this AD: Submit a copy of the completed PCA Elevator Bellcrank Shear Rivet Inspection Report, as provided in Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000, to the following address: Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1181.

Alternative Methods of Compliance

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

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

Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197

and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 767–27A0166, dated August 17, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on September 11, 2000.

Issued in Renton, Washington, on August 18, 2000.

John J. Hickey,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21616 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–18]

Modification of Class E Airspace; Frankfort, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Frankfort, MI. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 15, and an RNAV SIAP to Rwy 33, have been developed for Frankfort Dow Memorial Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing these approaches. This action increases the radius of the existing controlled airspace for Frankfort Dow Memorial Airport.

EFFECTIVE DATE: 0901 UTC, November 30, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, June 16, 2000, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Frankfort, MI (65 FR 37727). The proposal was to modify controlled airspace extending upward from 700 feet above the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. 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 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Frankfort, MI, to accommodate aircraft executing instrument flight procedures into and out of Frankfort Dow Memorial Airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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 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).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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.

* * * * *

AGL MI E5 Frankfort, MI [Revised]

Frankfort Dow Memorial Airport, MI
(Lat. 44°37′30″ N., long. 86°12′02″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Frankfort Dow Memorial Airport.

* * * * *

Issued in Des Plaines, Illinois on August 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–21814 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–19]

Establishment of Class E Airspace; Soldiers Grove, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Soldiers Grove, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 11, and a GPS SIAP to Rwy 29, have been developed for Leeward Farm Airport. Controlled airspace extending upward from 700 fee or more above the surface of the earth is needed to contain aircraft executing these approaches. This action creates controlled airspace for Leeward Farm Airport.

EFFECTIVE DATE: 0901 UTC, November 30, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, June 16, 2000, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Soldiers Grove, WI (65 FR 37726). The proposal was to create controlled airspace extending upward from 700 feet above the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. 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 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Soldiers Grove, WI, to accommodate aircraft executing instrument flight procedures into and out of Leeward Farm Airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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 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).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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.

* * * * *

AGL WI E5 Soldiers Grove, WI [New]

Soldiers Grove, Leeward Farm Airport, WI
(Lat. 43°21′10″ N., long. 90°40′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Leeward Farm Airport, excluding that airspace within the Boscobel, WI, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on August 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–21816 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 71, 170, and 171

[Docket No. 95N–0220]

RIN 0910–AA58

Substances Approved for Use in the Preparation of Meat and Poultry Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations on petitions for the use of food ingredients and sources of radiation. This regulatory change will permit an efficient, joint review by both FDA and the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA), of petitions for approval to use a food ingredient or source of radiation in or on meat or poultry products.

DATES: This rule is effective August 25, 2000, except for the amendments to §§ 71.1 and 171.1 (21 CFR 71.1 and 171.1), which contain collection of information provisions subject to review and clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA). The amendments to these sections will be made effective after OMB approval is received, at which time, FDA will announce the effective date in the **Federal Register**. Submit written comments on the collection of information provisions by October 24, 2000.

ADDRESSES: Submit written comments on the information collection provisions of this final rule 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: Arletta M. Beloian, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3082.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 29, 1995 (60 FR 67459), FSIS proposed to amend the Federal meat and poultry products inspection regulations containing the procedures for reviewing the safety and suitability of food and color additives used in meat and poultry products. In that same issue of the **Federal Register** (60 FR 67490), FDA proposed to make changes to its regulations regarding submission of petitions for the use of food ingredients and sources of radiation to accommodate a simultaneous review by the two agencies. Those proposals reflected interagency coordination to ease the burden on regulated industries and consumers. Such a coordinated effort by the two agencies, through streamlining the Government's food ingredient approval process, showed a commitment to achieving goals for the

Reinventing Food Regulations part of the President's National Performance Review.

FDA received seven comments to the proposal during the comment period that closed on March 14, 1996. In response to a request for additional time to submit comments, and for consistency with an FSIS comment period extension, the FDA comment period was reopened for 60 days, closing June 3, 1996. Two comments were received during the extension period. The comments all generally supported FDA's proposal but added specific comments on issues of regulatory authority, policy, and the procedures that both agencies will use to harmonize the review of petitions to authorize the use of substances in meat and poultry products.

Over the years, FDA and FSIS have conferred and cooperatively addressed food ingredient issues on an as needed, substance-specific, case-by-case basis. Nonetheless, because the agencies have different statutory mandates, the regulations of the two agencies that govern the use of food and color additives and generally recognized as safe (GRAS) substances added to meat and poultry products sometimes include conditions, formats, and terms that are not fully consistent with one another. This absence of consistency may cause difficulty and inconvenience people who need to comply with both agencies' laws and regulations on use of substances in meat and poultry products.

Section 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348) requires FDA to evaluate the safety and regulate the use of food additives in or on all foods; section 721 of the act (21 U.S.C. 379e) provides FDA with comparable authority over color additives. The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 601(m)(2) and 21 U.S.C. 453(g)(2)) authorize the administrator of FSIS to determine the suitability and regulate the use of ingredients and sources of radiation in or on meat and poultry products in federally inspected facilities. Under the current process, FDA and FSIS conduct separate, sequential reviews, each agency applying its respective procedures to ascertain that a substance is lawful for the use intended in or on meat or poultry products. Both agencies agree that their respective regulations may be harmonized and simplified.

FDA and FSIS have developed a memorandum of understanding (MOU) for handling submissions on the use of food ingredients in meat and poultry products. Under the terms of the MOU, FDA will be the petitioner's regulatory contact and conduct a safety review, and FSIS will simultaneously conduct a suitability determination. On completion of its determination, FSIS will provide FDA with its review on suitability, describing its conclusions in terms of any restrictions or conditions of use that FSIS determines to be necessary to comply with its various regulations and policies with regard to meat and poultry products. When issuing a new regulation or amending an existing one in title 21 of the Code of Federal Regulations (CFR), FDA will carefully and fully consider the FSIS recommendations and will specify in the regulation whether use of a substance is allowed in meat and poultry products along with any necessary restrictions or conditions of use.

Current FDA regulations provide a petition procedure for interested parties to obtain affirmation by FDA that the use of a substance is GRAS and, thus, exempt from the requirement for premarket approval that applies to food additives. This rule amends those regulations by establishing specific procedures regarding petitions to affirm the use of ingredients in meat or poultry products as GRAS. On April 17, 1997 (62 FR 18938), FDA proposed to replace the GRAS affirmation process with a GRAS notification procedure. This procedure would allow a manufacturer to make a determination that the use of a substance in food is GRAS and to notify FDA of such determination along with a submission of summary information that provides support for that determination. If FDA adopts the GRAS notification proposal as a final rule, the section listed below in 21 CFR 170.35 would be revoked. Under the MOU, if and when GRAS notification becomes FDA's established practice, FDA and FSIS will consult with each other on GRAS notifications for use of an ingredient in meat and poultry products, as necessary and appropriate. The notifier will be informed of any concerns about the suitability of the use of the substance in meat and poultry products and, when applicable, will be informed of any restrictions or conditions of use in meat and poultry products required by the act.

II. Response to Comments

A. Regulatory Authority

(Comment 1) Several comments stated that one agency should have exclusive responsibility for determining whether a substance may or may not be used in meat and poultry products. The comments stated that because FDA has the scientific staff, institutional expertise, and regulatory structure for reviewing the safety of food ingredients, FDA's broad jurisdiction over foods should be extended to cover substances in meat and poultry products. In support of this opinion, one comment argued that if the FSIS conducts their review out of synchronization with FDA's review, the goal of streamlining the approval process would fail. Another argued that requiring concurrent reviews does not necessarily eliminate review time but is really a layering of one agency's approvals on top of the other agency's approvals.

Under the act, FDA is authorized to evaluate the safety of substances added to food, including the addition to meat and poultry, and to approve the safe use of food and color additives. This rule has no effect on that authority. However, the laws that FSIS administers (FMIA and PPIA) may preclude the use of a substance in meat or poultry products for reasons other than safety. In particular, provisions regarding efficacy and suitability of substances for use in meat and poultry products are the province of FSIS. For instance, there are cases where the use of a substance, even if safe, may promote deception when used in a meat or poultry product and, accordingly, such use would be prohibited by FSIS. For example, although paprika is considered GRAS by FDA and is also listed for use as a color additive, FSIS regulations prohibit the use of this spice on fresh, uncooked meat products because such use adds color that may make the meat appear fresher than it actually is.

FDA and FSIS have concluded that a single submission, joint review, and single rulemaking procedure will eliminate duplicate review and reduce the time it takes to authorize a food ingredient for use in meat and poultry products.

B. Reporting Procedures and Requirements

(Comment 2) One comment asserted that when FDA approves a substance for use in food generally, with no limitation other than good manufacturing practice, the general use of the food ingredient should also include the use in meat and poultry components.

The agency agrees with this comment with respect to safety under the act. However, safety is not the only criterion governing the lawful use of an ingredient in foods subject to FMIA or PPIA. Historically, food and color additive petitions generally were reviewed and regulations were written without input from FSIS regarding any

regulatory issues raised under FMIA or PPIA. Thus, the ingredients were subjected to a second review by FSIS after FDA review was completed. To make the review process more efficient, FDA concludes that future petition reviews should address explicitly the concern raised by the comment. Therefore, a new substance to be listed by FDA for general food use would require an explicit request for the use in meat and poultry products, accompanied by appropriate supporting data so both agency reviews can occur concurrently.

(Comment 3) One comment expressed concern that the petition format for FDA food additive petition review is more complicated and extensive than that currently used by FSIS and its completion is expected to be more time consuming. The comment asked what modifications in procedure and reporting requirements would be made for simultaneous review of petitions for use of food and color additives in meat and poultry products. The comment also asked whether FDA's regulations would be modified to reflect the FSIS product classes relevant to the use of substances in meat and poultry products.

First, this rule does not impose any reviews that have not been required previously. Second, the issues in petitions addressed by FDA and FSIS are different, in that FDA primarily addresses safety, while the FSIS addresses efficacy and suitability. Substances whose uses would have required a safety review by FDA in the past would require, under this final rule, the submission of the same safety data. At this time, FDA sees no need to modify its regulations or to impose new requirements for the review of petitions regarding the use of substances in meat and poultry products with one exception. That is, if a petition seeks approval of the use of a substance in meat and poultry products, the petitioner should state that fact explicitly and should submit to FDA appropriate data in support of such use as part of the petition rather than to FSIS separately. This procedure will facilitate a more expeditious review of the petition by both agencies. If, after some experience is gained with this procedure, FDA and FSIS see a need for additional specific information, FDA will revise its guidance documents for petitioners.

C. GRAS Determination

(Comment 4) Several comments pointed out that numerous substances that have been accepted as GRAS by FDA for use in food generally are not listed in Title 21 CFR. One comment urged that a clear allowance for a self-determined GRAS status of substances for use in meat and poultry products be included in the interagency MOU.

FDA acknowledges that not all uses of substances that are GRAS are listed in Title 21 of FDA's regulations. This results from the fact that substances whose use is GRAS are excepted from the definition of a food additive and, therefore, do not require approval by FDA. As noted above, under the interagency MOU, FDA and FSIS are developing operational procedures to review GRAS notices and to identify which agency will be responsible for different aspects of the review.

D. Other Comments

(Comment 5) Some comments objected to FSIS continuing to be responsible for assessing, independently of FDA, a manufacturer's basis for determining that use of a substance is GRAS on the basis that such a procedure would be in conflict with streamlining the approval process and would continue the duplicative review by both agencies.

FDA finds that because these comments relate specifically to FSIS statutory obligations and role regarding food ingredients intended for use in meat and poultry products, they are outside the scope of FDA's proposal. Indeed, FSIS has responded to similar comments in their final rule published in the **Federal Register** of December 23, 1999 (64 FR 72168).

III. Conforming Amendments

Current FDA regulations require that a petition for approval of the use of a food additive or a color additive be submitted in triplicate. This final rule amends §§ 71.1(a) and 171.1(a) of the agency's regulations to require the submission of one additional copy of a petition where the proposed use includes use in meat or poultry; this additional copy will be provided to FSIS so that FDA and FSIS can perform concurrent reviews. This final rule also provides that FDA will list any uses of food and color additives that are suitable for use in meat or poultry and will describe conditions of use under which the substances may be safely used.

In preparing this final rule, FDA became aware that §§ 71.1(a) and 171.1(a) also describe the number of copies of a petition to be submitted to FDA. This final rule also amends §§ 71.1(a) and 171.1(a) to require the submission of petitions in quadruplicate where the proposed use includes use in meat or poultry. Although FDA did not explicitly propose to amend these two provisions of the regulations, the substance of the change was proposed. Therefore, FDA is amending §§ 71.1(a) and 171.1(a) to make them consistent with other provisions of the regulations, as amended.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

A. Requirement of Cost-Benefit Analysis

FDA has examined the impacts of this final rule to amend 21 CFR parts 71, 170, and 171 under Executive Order 12866, the Unfunded Mandates Reform Act of 1995 (UMRA), the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), and the Regulatory Flexibility Act (RFA) (Public Law 96–354).

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). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues.

UMRA (Public Law 104–4) requires certain cost-benefit and other analyses; section 1531(a) defines a significant rule as ''a Federal mandate that may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) in any one year.''

SBREFA (Public Law 104–121) defines a major rule for the purpose of congressional review as having caused or being likely to cause one or more of the following: An annual effect on the economy of $100 million; a major increase in costs or prices; significant effects on competition, employment, productivity, or innovation; or significant effects on the ability of

United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

RFA (5 U.S.C. 601–612) requires agencies to analyze regulatory options that would lessen the economic effect of a rule on small entities if a rule has a significant economic impact on a substantial number of small entities.

Under the guidelines of Executive Order 12866, UMRA, SBREFA, and RFA, FDA finds that this final rule would not have a significant adverse economic impact. However, the Office of Information and Regulatory Affairs (OIRA) of OMB has determined this rule to be a significant regulatory action as defined by section 3(f)(4) of Executive Order 12866 because it raises novel legal or policy issues arising out of the President's priorities, namely the reinvention of Government and regulatory reform initiatives. Therefore, this final rule has been formally reviewed by OIRA in accordance with the provisions of Executive Order 12866.

B. The Costs and Benefits of This Rule

1. Costs

FDA believes that there are no significant new costs associated with this rule.

2. Benefits

This rule will benefit the regulated industry, the Federal Government, and consumers. Administrative costs for both industry and the Federal Government will fall with the elimination of duplicative approval processes. Also, this rule will benefit both industry and consumers by facilitating the more timely introduction of safe food additives, color additives, and other substances lawfully used in food.

One effect of this rule is to eliminate the current duplicative administrative costs of the additive approval process for the Federal Government. Under the current regulatory framework, firms seeking to use food additives or color additives in meat or poultry must sequentially seek the approval of the FDA and then FSIS. This rule simplifies the process by requiring that only one petition be submitted to the FDA for the entire Federal Government.

Industry will also benefit from this rule. As with the Federal Government, the industry's administrative costs will fall with the implementation of this rule. Fewer required petitions translate into lower overall costs. Furthermore, having a more efficient approval process will increase the expected profits from the use and sale of the food and color additives that are the subject of this process. The resulting increase in expected profits could act as an incentive to increase effort in the research and development of new food and color additives with a net result of an increase in the quantity and quality of additives on the market.

Having an increased number of safe additives on the market sooner will also benefit consumers. First, the introduction of new additives will increase consumer choice. Thus, the typical consumer will be better off. Second, the expected cost of a product using an additive of a given quality level will fall. This is because greater innovation will lead to more low cost alternatives and a competitive industry will use its lowest cost alternative.

3. Summary

FDA believes that this rule is economically justified because this rule has no costs and has positive benefits. In fact, consumers, industry, and government will all benefit from this rule.

VI. Paperwork Reduction Act of 1995

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

Title: Petition for Approval of Substances for Use in the Preparation of Meat and Poultry Products.

Description: The act (sections 409 and 721) requires FDA to evaluate the safety and regulate the use of food and color additives used as ingredients in or on all foods. These sections also authorize FDA to accept petitions for approval of food and color additives. FMIA and PPIA (21 U.S.C. 601(m)(2) and 21 U.S.C. 453(g)(2)) authorize the administrator of FSIS, USDA, to determine the suitability of the use of a substance in meat and poultry products. Regulations of the two agencies at times include conditions, formats, and terms that are not fully consistent with one another because of the different statutory mandates. Under the current process FDA and FSIS conduct separate, sequential reviews, each agency applying its respective procedures to ascertain that a substance is lawful for the use intended in or on products containing meat or poultry.

This final rule requires applicants that petition for approval for the use of substances in meat and poultry products to provide four copies of the petition to FDA, rather than the three copies as currently specified in §§ 71.1 and 171.1. FDA will then forward a copy of the petition or relevant portions of the petition to FSIS so that both agencies can perform the necessary reviews simultaneously, thus reducing the time it takes to authorize an ingredient for use in meat and poultry products. The rule does not require petitioners to submit any new information to either FDA or FSIS.

This final rule results from a coordinated effort by the two agencies to ease the paperwork burden on regulated industries through streamlining the Government's food ingredient approval process for substances used in meat and poultry products.

Description of Respondents: Businesses or other for profit.

TABLE 1.—ESTIMATED ANNUAL INCREASE IN REPORTING HOUR BURDEN [1]

21 CFR Section	Number of Respondents	Annual Frequency of Response	Total Annual Responses	Increase in Hours per Response	Total Increase in Hours
71.1 and 171.1	10	1	10	2	20

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

Based on FDA's past experience with food and color additive petitions and on discussions with FSIS about its past experience, it will receive 10 petitions annually that request approval for use of a substance in meat and poultry products. Submission of a petition for the use of a substance in meat and poultry products is a one-time event.

FDA estimates that the respondent would expend 2 hours to make a fourth photocopy of the petition, necessary for FDA to send to FSIS to conduct a simultaneous review. FDA, therefore, estimates that the total burden of data collection under §§ 71.1 and 171.1 will increase by 20 hours per year because of the requirement to submit a fourth copy of petitions for use of a substance in meat or poultry products.

The December 29, 1995 (60 FR 67490), proposed rule provided a general comment period that closed on March 14, 1996, and reopened for another 60 days ending June 3, 1996. However, because of an oversight, FDA did not specifically solicit comments on the information collection provisions of the proposed rule, as required by the PRA. Therefore, FDA is providing an opportunity for public comment under the PRA at this time. FDA now 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. Individuals and organizations may submit comments on the information collection provisions of this final rule by October 24, 2000. Comments should be sent to the Dockets Management Branch (address above).

At the close of the 60-day comment period, FDA will review the comments received, revise the information collection provisions as necessary, and submit these provisions to OMB for review. FDA will publish a notice in the **Federal Register** when the information collection provisions are submitted to OMB, and an opportunity for public comment to OMB will be provided at that time. Prior to the effective date of this final rule, FDA will publish in the **Federal Register** a notice of OMB's decision to approve, modify, or disapprove the information collection provisions. 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.

VII. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VIII. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the information collection provisions of this final rule by October 24, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 71

Administrative practice and procedure, Color additives, Confidential business information, Cosmetics, Drugs, Reporting and recordkeeping requirements.

21 CFR Part 170

Administrative practice and procedure, Food additives, Reporting and recordkeeping requirements.

21 CFR Part 171

Administrative practice and procedure, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 71, 170, and 171 are amended as follows:

PART 71—COLOR ADDITIVE PETITIONS

1. The authority citation for 21 CFR part 71 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 351, 355, 360, 360b–360f, 360h–360j, 361, 371, 379e, 381; 42 U.S.C. 216, 262.

2. Section 71.1 is amended in paragraph (a) by revising the third sentence, in paragraph (c) in the petition by revising the introductory paragraph preceding paragraph A., and by adding paragraph (j) to read as follows:

§ 71.1 Petitions.

(a) * * * The petition shall be submitted in triplicate (quadruplicate, if intended uses include uses in meat, meat food product, or poultry product). * * *

* * * * *

(c) * * *

Attached hereto, in triplicate (quadruplicate, if intended uses include uses in meat, meat food product, or poultry product), and constituting a part of this petition are the following:

* * * * *

(j)(1) If intended uses of the color additive include uses in meat, meat food product, or poultry product subject to regulation by the U.S. Department of Agriculture (USDA) under the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) or the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), FDA shall, upon filing of the petition, forward a copy of the petition or relevant portions thereof to the Food Safety and Inspection Service, USDA, for simultaneous review under the PPIA and FMIA.

(2) FDA will ask USDA to advise whether the proposed meat and poultry uses comply with the FMIA and PPIA or, if not, whether use of the substance would be permitted in products under USDA jurisdiction under specified conditions or restrictions.

3. Section 71.20 is amended by adding paragraph (a)(3) to read as follows:

§ 71.20 Publication of regulation.

* * * * *

(a) * * *

(3) The regulation shall list any use or uses in meat, meat food product, or poultry product subject to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) or the Poultry Products Inspection (PPIA) (21 U.S.C. 451 *et seq.*) for which the color additive has been found suitable and for which it may safely be employed.

* * * * *

PART 170—FOOD ADDITIVES

4. The authority citation for 21 CFR part 170 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 346a, 348, 371.

5. Section 170.35 is amended by redesignating paragraphs (c)(3) through (c)(6) as paragraphs (c)(4) through (c)(7), respectively, and by adding new paragraph (c)(3) to read as follows:

§ 170.35 Affirmation of generally recognized as safe (GRAS) status.

* * * * *

(c) * * *

(3)(i) If intended uses of the substance include uses in meat, meat food product, or poultry product subject to regulation by the U.S. Department of Agriculture (USDA) under the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) or Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), FDA shall, upon filing of the petition, forward a copy of the petition or relevant portions thereof to the Food Safety and Inspection Service, USDA, for simultaneous review under the PPIA and FMIA.

(ii) FDA will ask USDA to advise whether the proposed meat and poultry uses comply with the FMIA and PPIA or, if not, whether use of the substance would be permitted in products under USDA jurisdiction under specified conditions or restrictions.

* * * * *

PART 171—FOOD ADDITIVE PETITIONS

6. The authority citation for 21 CFR part 171 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371.

7. Section 171.1 is amended in paragraph (a) by revising the first sentence, in paragraph (c) in the petition by revising the introductory paragraph preceding paragraph A., and by adding paragraph (n) to read as follows:

§ 171.1 Petitions.

(a) Petitions to be filed with the Commissioner under the provisions of section 409(b) of the Federal Food, Drug, and Cosmetic Act (the act) shall be submitted in triplicate (quadruplicate, if intended uses include use in meat, meat food product, or poultry product). * * *

* * * * *

(c) * * *

Attached hereto, in triplicate (quadruplicate, if intended uses include use in meat, meat food product, or poultry product), and constituting a part of this petition are the following:

* * * * *

(n)(1) If intended uses of the food additive include uses in meat, meat food product, or poultry product subject to regulation by the U.S. Department of Agriculture (USDA) under the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) or the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), FDA shall, upon filing of the petition, forward a copy of the petition or relevant portions thereof to the Food Safety and Inspection Service, USDA, for simultaneous review under the PPIA and FMIA.

(2) FDA will ask USDA to advise whether the proposed meat and poultry uses comply with the FMIA and PPIA, or if not, whether use of the substance would be permitted in products under USDA jurisdiction under specified conditions or restrictions.

8. Section 171.100 is amended by redesignating paragraph (b) as paragraph (c) and by adding new paragraph (b) to read as follows:

§ 171.100 Regulation based on petition.

* * * * *

(b) The regulation shall describe the conditions under which the substance may be safely used in any meat product, meat food product, or poultry product subject to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) or the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*).

* * * * *

Dated: August 18, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–21693 Filed 8–24–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI74

Veterans Training: Vocational Rehabilitation Subsistence Allowance Rates

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: By statute, VA must determine each fiscal year what increase, if any, VA will pay in the monthly rates of basic subsistence allowance payable under 38 U.S.C. chapter 31. The statute provides a formula for this increase. We are changing the regulations governing the rates of basic subsistence allowance VA will pay under 38 U.S.C. chapter 31 to show the increases in these rates for fiscal years 1996 through 2000. To reflect a statutory change, we are also changing the regulations to include rates for fiscal years 1995 through 2000 for certain training or work experience in a facility of an agency of a federally recognized Indian tribe. In addition, we are correcting a typographical error in the fiscal year 1995 rates, making changes to conform to statutory language, and making nonsubstantive changes to improve clarity.

DATES: *Effective Date:* This final rule is effective August 25, 2000.

Applicability Dates: To conform to statutory requirements, the changes to rate provisions apply retroactively to the dates shown in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Charles Graffam, Vocational Rehabilitation and Employment Service, Veterans Benefits Administration, (202) 273–7410.

SUPPLEMENTARY INFORMATION: VA must annually determine what increase, if any VA will pay in the rates of subsistence allowance under 38 U.S.C. chapter 31 for programs of education under a formula in 38 U.S.C. 3108. The formula specifies the base subsistence allowance rates that were effective for the fiscal year beginning October 1, 1993. Under the formula, the effective date of any later annual increase is October 1, beginning October 1, 1994. Each October 1, subsistence allowance rates have increased by a percentage. To find this percentage increase for a particular fiscal year, look at the total of the monthly Consumer Price Index—W (CPI–W) for the 12-month periods that ended on the preceding June 30 and on the June 30 before that. If the CPI–W for the later year exceeds the earlier year, subtract the earlier year's CPI–W from the later year's CPI–W. The result is the allowable percentage increase in subsistence allowance for that fiscal year.

Under that formula, we are changing the regulations in 38 CFR 21.260 governing monthly rates to reflect increases for fiscal years 1996 through 2000, the fiscal years beginning on October 1 of 1995, 1996, 1997, 1998, and 1999, respectively:

Percentage increase	Effective date
2.9	October 1, 1995.
2.7	October 1, 1996.
2.8	October 1, 1997.
1.6	October 1, 1998.
1.6	October 1, 1999.

Also, we are adding language to the regulations governing monthly rates to reflect a statutory change by Public Law 103–446, effective November 2, 1994. This change adds rates for subsistence allowance for nonpay or nominal pay on-job training or work experience in a facility of a federally recognized Indian tribal agency.

In addition, in 38 CFR 21.260(b) the table concerning rates effective October 1, 1994 (but not the information used in making actual payments) had a typographical error. The table should have shown $465.08 instead of $465.88. We are correcting that error.

Further, we are making changes to conform to statutory language and nonsubstantive changes to improve clarity.

The changes for fiscal year 1995 payable after September 30, 1994, and before November 2, 1994, are applied retroactively from October 1, 1994, as set out in the regulations, under the provisions of 38 U.S.C. 3108. The changes for fiscal year 1995 that include language reflecting a statutory change by Public Law 103–446 are applied retroactively from November 2, 1994, as set out in the regulations, under 38 U.S.C. 3108 and Public Law 103–446. The changes for fiscal years 1996 through 2000 are applied retroactively from October 1, 1995, October 1, 1996, October 1, 1997, October 1, 1998, or October 1, 1999, as respectively set out in the regulations, under 38 U.S.C. 3108 and Public Law 103–446.

Administrative Procedure Act

Changes that this final rule makes merely reflect statutory requirements and adjustments under a statutorily mandated formula; correct a typographical error; and make nonsubstantive changes to improve clarity. Accordingly, there is a basis for dispensing with notice-and-comment and a delayed effective date under 5 U.S.C. 552 and 553.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any given year. This final rule will have no consequential effect on State, local, or tribal governments.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only individuals and does not directly affect small entities. Therefore, under 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.116.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 14, 2000.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

For the reasons set out above, 38 CFR part 21 (subpart A) is amended as set forth below:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. The authority citation for part 21, subpart A is revised to read as follows:

Authority: 38 U.S.C. 501(a), 3100–3121, unless otherwise noted.

2. In § 21.260, paragraphs (a), (b), and (c) are revised to read as follows:

§ 21.260 Subsistence allowance.

(a) *General.* A veteran participating in a rehabilitation program under 38 U.S.C. Chapter 31 will receive a monthly subsistence allowance at the rates in paragraph (b) of this section, unless the veteran elects to receive payment at the rate of monthly educational assistance allowance payable under 38 U.S.C. Chapter 30 for the veteran's type of training. See § 21.264 for election of payment at the Chapter 30 rate and §§ 21.7136, 21.7137, and 21.7138 to determine the applicable Chapter 30 rate.

(Authority: 38 U.S.C. 3108(a), 3108(f))

(b) *Rate of payment.* VA pays subsistence allowance at the rates stated in the following tables:

(1) Subsistence allowance is paid at the following rates effective October 1, 1994, and before November 2, 1994:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$374.93	$465.08	$548.05	$39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
Nonpay or nominal pay on-job training in a Federal, State, or local agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	374.93	465.08	548.05	39.95
Nonpay or nominal pay work experience in a Federal, State, or local agency:				
Full-time	374.93	465.08	548.05	39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
Farm cooperative, apprenticeship, or other on-job training: [2]				
Full-time only	327.81	396.44	456.88	29.71
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	374.93	465.08	548.05	39.45
OJT greater than ½ time	327.81	396.44	456.88	29.71
Non-farm cooperative (Full-time only):				
Institutional	374.93	465.08	548.05	39.95
On-job	327.81	396.44	456.88	29.71
Improvement of rehabilitation potential:				

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Full-time only	374.93	465.08	548.05	39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
¼ time [3]	94.24	116.78	137.27	10.24

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(2) Subsistence allowance is paid at the following rates effective November 2, 1994, and before October 1, 1995:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$374.93	$465.08	$548.05	$39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	374.93	465.08	548.05	39.95
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time	374.93	465.08	548.05	39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
Farm cooperative, apprenticeship, or other on-job training: [2]				
Full-time only	327.81	396.44	456.88	29.71
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	374.93	465.08	548.05	39.45
OJT greater than ½ time	327.81	396.44	456.88	29.71
Non-farm cooperative (Full-time only):				
Institutional	374.93	465.08	548.05	39.95
On-job	327.81	396.44	456.88	29.71
Improvement of rehabilitation potential:				
Full-time only	374.93	465.08	548.05	39.95
¾ time	281.71	349.32	409.76	30.73
½ time	188.49	233.56	274.54	20.49
¼ time [3]	94.24	116.78	137.27	10.24

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(3) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1995, and before October 1, 1996:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$385.80	$478.57	$563.94	$41.11
¾ time	289.88	359.45	421.64	31.62
½ time	193.96	240.33	282.50	21.08
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	385.80	478.57	563.94	41.11
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or Indian tribe agency:				
Full-time	385.80	478.57	563.94	41.11
¾ time	289.88	359.45	421.64	31.62
½ time	193.96	240.33	282.50	21.08
Farm cooperative, apprenticeship, or other on-job training (OJT): [2]				

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Full-time only	337.32	407.94	470.13	30.57
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	385.80	478.57	563.94	41.11
OJT greater than ½ time [2]	337.32	407.94	470.13	30.57
Non-farm cooperative (Full-time only):				
Institutional	385.80	478.57	563.94	41.11
On-job [2]	337.32	407.94	470.13	30.57
Improvement of rehabilitation potential:				
Full-time only	385.80	478.57	563.94	41.11
¾ time	289.88	359.45	421.64	31.62
½ time	193.96	240.33	282.50	21.08
¼ time [3] SU, 96.97	120.17	141.25	10.54	

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(4) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1996, and before October 1, 1997:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$396.22	$491.49	$579.17	$42.22
¾time	297.71	369.16	433.02	32.47
½ time	199.20	246.82	290.13	21.65
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	396.22	491.49	579.17	42.22
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time	396.22	491.49	579.17	42.22
¾ time	297.71	369.16	433.02	32.47
½ time	199.20	246.82	290.13	21.65
Farm cooperative, apprenticeship, or other on-job training (OJT) [2]				
Full-time only	346.43	418.95	482.82	31.40
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	396.22	491.49	579.17	42.22
OJT greater than ½ time [2]	346.43	418.95	482.82	31.40
Non-farm cooperative (Full-time only):				
Institutional	396.22	491.49	579.17	42.22
On-job [2]	346.43	418.95	482.82	31.40
Improvement of rehabilitation potential:				
Full-time only	396.22	491.49	579.17	42.22
¾ time	297.71	369.16	433.02	32.47
½ time	199.20	246.82	290.13	21.65
¼ time [3]	99.59	123.41	145.06	10.82

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(5) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1997, and before November 1, 1998:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$407.31	$505.25	$595.39	$43.40
¾ time	306.05	379.50	445.14	33.38
½ time	204.78	253.73	298.25	22.26

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	407.31	505.25	595.39	43.40
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time	407.31	505.25	595.39	43.40
¾	306.05	379.50	445.14	33.38
½ time	204.78	253.73	298.25	22.26
Farm cooperative, apprenticeship, or other on-job training (OJT): [2]				
Full-time only	356.13	430.68	496.34	32.28
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	407.31	505.25	595.39	43.40
OJT greater than ½ time [2]	356.13	430.68	496.34	32.28
Non-farm cooperative (Full-time only):				
Institutional	407.31	505.25	595.39	43.40
On-job [2]	356.13	430.68	496.34	32.28
Improvement of rehabilitation potential:				
Full-time only	407.31	505.25	595.39	43.40
¾ time	306.05	379.50	445.14	33.38
½ time	204.78	253.73	298.25	22.26
¼ time [3]	102.38	126.87	148.09	11.12

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(6) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1998, and before October 1, 1999:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$413.83	$513.33	$604.92	$44.09
¾ time	310.95	385.57	452.26	33.91
½ time	208.06	257.79	303.02	22.62
Nonpay or nominal pay on-job training in a facility of a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor:				
Full-time only	413.83	513.33	604.92	44.09
Nonpay or nominal pay work experience in a facility of a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time	413.83	513.33	604.92	44.09
¾ time	310.95	385.57	452.26	33.91
½ time	208.06	257.79	303.02	22.62
Farm cooperative, apprenticeship, or other on-job training (OJT): [2]				
Full-time only	361.83	437.57	504.28	32.80
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	413.83	513.33	604.92	44.09
OJT greater than ½ time [2]	361.83	437.57	504.28	32.80
Non-farm cooperative (Full-time only):				
Institutional	413.83	513.33	604.92	44.09
On-job [2]	361.83	437.57	504.28	32.80
Improvement of rehabilitation potential:				
Full-time only	413.83	513.33	604.92	44.09
¾ time	310.95	385.57	452.26	33.91
½ time	208.06	257.79	303.02	22.62
¼ time [3]	104.02	128.90	151.51	11.30

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.

[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation.

(7) The following table states the monthly rates of subsistence allowance payable for participation in a rehabilitation program under 38 U.S.C. Chapter 31 that occurs after September 30, 1999, and before October 1, 2000:

Type of program	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional:[1]				
Full-time	$420.45	$521.54	$614.60	$44.80
¾ time	315.93	391.74	459.50	34.45
½ time	211.39	261.91	307.87	22.98
Nonpay or nominal pay on-job training in a Federal, State, local, or federally recognized Indian tribe agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor; institutional non-farm cooperative:				
Full-time only	420.45	521.54	614.60	44.80
Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency:				
Full-time only	420.45	521.54	614.60	44.80
¾ time	315.93	391.74	459.50	34.45
½ time	211.39	261.91	307.87	22.98
Farm cooperative, apprenticeship, or other on-job training (OJT):[2]				
Full-time only	367.62	444.57	512.35	33.32
Combination of institutional and OJT (Full-time only):				
Institutional greater than ½ time	420.45	521.54	614.60	44.80
OJT greater than ½ time[2]	367.62	444.57	512.35	33.32
Non-farm cooperative (Full-time only):				
Institutional	420.45	521.54	614.60	44.80
On-job[2]	367.62	444.57	512.35	33.32
Improvement of rehabilitation potential:				
Full-time	420.45	521.54	$614.60	$44.80
¾ time	315.93	391.74	459.50	34.45
½ time	211.39	261.91	307.87	22.98
¼ time[3]	105.98	130.96	153.93	11.48

[1] For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.
[3] The quarter-time rate may be paid only during extended evaluation. (Authority: 38 U.S.C. 3108, 3115(a)(1); Pub. L. 103–446)

(c) *Subsistence allowance precluded.* A veteran may not receive a subsistence allowance when VA is providing the veteran only the following services:

(1) Initial evaluation;

(2) Placement and post-placement services under 38 U.S.C. 3105(b); or

(3) Counseling.

(Authority: 38 U.S.C. 3108 (a)(1) and (a)(3))

* * * * *

[FR Doc. 00–21722 Filed 8–24–00; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL COMUNICATIONS COMMISSION

47 CFR Part 1

[IB Docket No. 98–118; FCC 99–51]

Cable Landing Licenses, Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the biennial review of international common carrier regulations (IB Docket No. 98–118, FCC 99–51), which were published in the **Federal Register** of April 19, 1999 (64 FR 19057). The regulations related to filing applications for common and non-common carrier cable landing licenses and the relevant fees applicable contained in § 1.767(e) of the Federal Communications Commission rules.

DATES: Effective August 25, 2000.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, International Bureau, Telecommunications Division, Federal Communications Commission, and (202) 418–1499.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections superseded 47 CFR 1.767(e) on the effective date and affect persons requiring common carrier cable landing licenses and also for the assignment and transfer of control of cable landing licenses.

Need for Correction

As published, the final regulations contain errors, by way of omission, which may prove to be misleading and need to be clarified.

List of Subjects in 47 CFR Part 1

Communications common carriers.

Accordingly, 47 CFR 1.767(e) is corrected by making the following correcting amendments:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*

2. Section 1.767(e) is corrected to read as follows:

§ 1.767(e) [Corrected]

* * * * *

(e) A separate application shall be filed with respect to each individual cable system for which a license is required, or for which modification or amendment of a previous license is requested. The application fee for a non common-carrier cable landing license is payment type code BJT. Applicants for common carrier cable landing licenses shall pay the fees for both a common carrier cable landing license (payment type code CXT) and overseas cable construction (payment type code BIT). There is no application fee for modification of a cable landing license, except that the fee for assignment or transfer of control of a cable landing license is payment type code CUT. See § 1.1107(2) of this chapter.

* * * * *

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–21625 Filed 8–24–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–1740; MM Docket No. 98–89; RM–9279, RM–9670]

Radio Broadcasting Services; Hanna and Baggs, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountain Tower Broadcasting, allots Channel 271C to Hanna, Wyoming, as the community's first local aural service, and, at the request of Mount Rushmore Broadcasting, Inc., allots Channel 277A at Hanna and Channel 277A to Baggs, Wyoming, as the community's first local aural service. *See* 63 FR 34620 (June 25, 1998). Channel 271C can be allotted at Hanna in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 55.7 kilometers (34.6 miles) west of the community at coordinates 42–00–54 and 107–12–32. Channel 277A can be allotted at Hanna in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments without a site restriction at coordinates 41–52–06 and 106–34–00 and Channel 277A can be allotted at Baggs in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments without a site restriction at coordinates 41–02–12 and 107–39–24. Filing windows for Channels 271C and 277A at Hanna and 277A at Baggs will not be opened at this time. Instead, the issue of opening a filing window for each channel will be addressed by the Commission in a subsequent *Order.*

DATES: Effective September 18, 2000.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–89, adopted July 26, 2000, and released August 4, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Hanna, Channel 271C, 277A and Baggs, Channel 277A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–21401 Filed 8–24–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4807]

RIN 2127–AH72

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule, correcting amendment; Response to Petitions for Reconsideration.

SUMMARY: On December 3, 1998, we published a final rule that deleted the material and manufacturing process requirements in the Federal motor vehicle safety standard on compressed natural gas fuel containers. As part of this final rule, we amended the provisions relating to the hydrostatic burst test to remove any reference to the deleted requirements. Those amendments also inadvertently amended the hydrostatic burst test requirement to require the stress ratio to be applied as a pressure ratio. This document corrects that error, and thereby moots requests related to that amendment in several petitions for reconsideration of the 1998 final rule.

This document also denies the request in a petition for reconsideration from Lincoln Composites, Inc., to link the deletion of the material and manufacturing process requirements with the addition of new performance tests to the standard.

DATES: This final rule is effective August 25, 2000. Petitions for reconsideration must be received by October 10, 2000.

ADDRESSES: Petitions should refer to the docket number of this rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Charles Hott, NPS–12, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh

Street, SW., Washington, DC 20590 (Telephone 202–366–0247) (FAX 202–366–4329).

For legal issues: Mr. Stephen P. Wood, NCC–20, Assistant Chief Counsel for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (Telephone 202–366–2992) (FAX 202–366–3820).

SUPPLEMENTARY INFORMATION:

I. Background

In a final rule published on December 3, 1998, we deleted the material and manufacturing process requirements from Federal Motor Vehicle Safety Standard No. 304, Compressed Natural Gas Fuel Container Integrity, and amended S7.2.1 and S7.2.2 of the Standard to eliminate any reference to the deleted requirements. We explained that we believed that deleting these requirements would facilitate technological innovation without having an adverse affect on safety.

In addition, we noted that we were not replacing the deleted requirements with other requirements, as had been suggested by some commenters on the Notice of Proposed Rulemaking (NPRM). We gave several reasons for that decision.

First, we determined that the current testing requirements in Standard No. 304 for pressure cycling, burst, and bonfire were sufficient to ensure an appropriate level of safety for CNG fuel containers. These tests indirectly ensure that the containers are manufactured using appropriate materials and wall thicknesses. We concluded, therefore, that the Standard's design and material requirement unnecessarily restricted the ability of manufacturers to use the latest technology in manufacturing CNG fuel containers.

Second, we explained that we had no evidence indicating the existence of a safety problem that would be addressed by adding additional tests to the Standard. We explained that we knew of six CNG fuel container ruptures that had occurred since 1993. Mishandling, misuse, and improper placement and maintenance of the CNG fuel containers caused the failures. We determined that all six ruptures could have been prevented if appropriate precautions had been taken (e.g., proper placement and shielding of the CNG fuel containers along with a periodic inspection of the container, as directed by the labels on the CNG fuel containers). We also found that none of the additional testing provisions [1] in the new American National Standards Institute (ANSI) industry standard (ANSI/NGV2) would have prevented these cylinder failures. We concluded, therefore, that addition of those tests was unnecessary.

Third, we concluded that testing for such time-related failures as corrosion, stress rupture, viscoelastic yielding, and aging may be impracticable due to the small sample size and short time period involved with testing. Thus, we explained that even if there were a safety problem that could not be addressed by the standard's current testing requirements, we believed it would be inappropriate to require these particular tests given the current uncertainty about their effectiveness.

Fourth, we explained that we did not believe that manufacturers would fail to exercise care in selecting appropriate materials to manufacture CNG containers and stressed that any CNG fuel containers that might be found in the future to have an unanticipated safety related failure would be subject to recall. Fifth, we stated that we would continue to monitor the performance of CNG fuel containers closely and said that should a safety problem arise, we would take the appropriate regulatory or enforcement action.

II. Petitions for Reconsideration and Technical Amendment of the Final Rule

Lincoln Composites (Lincoln) and Pressed Steel Tank Co. (PST) each submitted a petition for reconsideration of the final rule. In addition, General Motors (GM) petitioned for a technical amendment to that final rule.

A. Hydrostatic Burst Test Requirements in S7.2.2

Lincoln, PST, and GM all objected to the revision of S7.2.2, which specifies requirements for the hydrostatic burst test. Both PST and Lincoln argued that no notice was given in the NPRM that we were considering amending those requirements. PST stated that the revision to S7.2.2 altered the burst test performance requirement for composite reinforced CNG containers by requiring the stress ratio in Table 1 of the Standard to be applied as a pressure ratio. PST explained that this regulatory change reversed a prior amendment to S7.2.2 that had been made in a July 24, 1995 final rule.

GM stated that the changes to the regulatory language of S7.2.2 not only removed a reference to S5.5.1, but altered the burst performance requirement. GM stated that it believed this change was inadvertent and requested that we issue a technical correction to correct the problem.

Lincoln stated that the removal of Sections 5.5, 5.5.1, and 5.5.2 along with the revision of Sections 7.2.1 and 7.2.2, modified the intent of the stress ratios and amended the hydrostatic burst test requirement. To address this problem, Lincoln stated that we should reinstate Sections 5.5, 5.5.1, and 5.5.2 and return Sections 7.2.1 and 7.2.2 to their original wording. Lincoln also stated that, if we failed to do this, we should withdraw the rule in its entirety or stay the rule pending reconsideration and court review of its merits.

As part of the December 3 final rule, we amended the requirement in S7.2.2 for the hydrostatic burst test to remove any reference to the deleted material and manufacturing requirements. Our intent in amending S7.2.2 was simply to remove any reference to the deleted requirements—not to alter the burst performance requirement. However, the regulatory language of the final rule inadvertently amended the hydrostatic burst test requirement to require the values in Table 1 to be applied as pressure ratios.

This document corrects that error. We are amending S4 to remove the definition of ''stress ratio.'' We are revising S7.2.2 to remove the reference to stress ratio and to state that burst pressure shall not be less than the 2.25 times the service pressure as suggested by PST. Finally, we are removing Table 1 from the standard because it will no longer be needed.

We are not reinstating S5.5, S5.5.1, and S5.5.2 and returning S7.2.1 and S7.2.2 to their original wording, as requested by Lincoln, nor are we withdrawing the rule in its entirety. As stated above, we are making a technical correction that essentially returns S7.2.2 to the burst test performance requirement that existed prior to the December 3 final rule. We believe that this technical correction adequately addresses Lincoln's concern that we had altered the hydrostatic burst test requirement and the intent of the stress ratios.

B. Additional Performance Tests

In its petition, Lincoln also reiterated the concerns that it raised in its comments on the NPRM and asked the agency to reconsider its decision to remove the material and manufacturing requirements without adding new

[1] ANSI/NGV2 includes the following three enhanced material performance test requirements:

1. Sulfide stress cracking resistance of high strength steels using the methods of NACE Standard TM0177–90;

2. Sustained load cracking for aluminum alloys in accordance with Annex D of ISO/DIS 7866; and

3. Intercrystalline corrosion and stress corrosion tests for aluminum alloys in accordance with Annex A of ISO/DIS 7866.

performance tests to the standard. Lincoln argued that the following performance tests were necessary to ensure safety:

1. Sulfide stress cracking resistance of high strength steels using the methods of NACE Standard TM0177–90;
2. Sustained load cracking for aluminum alloys in accordance with Annex D of ISO/DIS 7866;
3. Intercrystalline corrosion and stress corrosion tests for aluminum alloys in accordance with Annex A of ISO/DIS 7866; and
4. Cycling tests to determine leak before rupture failure modes or high cyclic fatigue safety margins.

Lincoln stated that ANSI, the Canadian Standards Association (CSA), and the International Standards Organization (ISO) included such tests in their individual CNG container standards (ANSI NGV2, CSA B51 Part 2, and ISO/FDIS 11439). Lincoln explained that these tests were based on extensive testing and an examination of field events that caused damage but not rupture and were included in response to safety failures. Lincoln cited one instance of a safety failure: the rupture of a steel cylinder after a small number of fills. This incident was discussed at a November 28, 1990, NHTSA public meeting. Lincoln argued that the lack of additional field ruptures was due, in part, to the fact that most of the NGV fuel containers sold in the United States were qualified to NGV2 in addition to Standard No. 304. Lincoln argued that new manufacturers could make and sell unsafe fuel containers if additional tests were not included in Standard No. 304.

We are denying Lincoln's request and affirming our earlier decision to not replace the deleted requirements with other requirements for several reasons. First, we continue to believe that Standard No. 304's current testing requirements—pressure cycling, burst, and bonfire—are sufficient to ensure an appropriate level of safety for CNG fuel containers.

Second, we still have no evidence indicating the existence of a safety problem that would be addressed by including additional tests in the Standard.[2] As stated in the December 3, 1998 final rule, we know of six CNG fuel container ruptures that have occurred since 1993. According to a safety bulletin published by the Gas Research Institute in October 1996, all six ruptures could have been prevented if appropriate precautions had been taken. Mishandling, misuse, and improper placement and maintenance of the CNG fuel containers caused the failures. In four of the cases, the CNG fuel container did not have a shield to protect it from impact damage. A vehicle design change would address this problem. In the other two cases, the CNG fuel containers ruptured after prolonged exposure to acidic fluids. In those two cases, the shielding surrounding the CNG fuel containers lacked adequate drainage. Consequently, acidic fluids accumulated in the area beneath the containers and damaged the CNG fuel containers. We believe that the proper placement and shielding of the CNG fuel containers along with a periodic inspection of the container, as directed by the CNG fuel containers label, could have prevented these failures.

Third, none of the additional testing provisions in ANSI/NGV2, CSA B51 Part 2, or ISO/FDIS 11439 would have prevented these cylinder failures. The only failure cited by Lincoln occurred prior to 1990, before Standard No. 304 was issued. We believe that Standard No. 304's current testing requirements—pressure cycling, burst, and bonfire—would have prevented such a failure. In addition, while Lincoln stated that ANSI, CSA, and ISO included additional tests in their standards in response to safety failures, it did not provide any evidence of these failures. Further, although it stated that these additional tests were based on extensive testing and examination of field events that caused damage but not rupture, they did not provide any data.

Fourth, we do not believe that manufacturers will fail to exercise care in selecting appropriate materials to manufacture CNG containers. We will continue to monitor the performance of CNG fuel containers closely. Should a safety problem arise, we will take the appropriate regulatory or enforcement action.

Finally, Lincoln also argued that our decision not to include additional performance tests, such as those included in ANSI NGV2, CSA B51 Part 2, and ISO/FDIS 11439 disrupts international harmonization efforts. We disagree. While we do not require manufacturers to certify their CNG containers to these additional tests, nothing prohibits them from doing so.

III. Effective Date

We find good cause for making this final rule effective immediately. The stated purpose of the final rule was to delete the material and manufacturing requirements for CNG containers and to remove any references to those requirements in S7.2.1 and S7.2.2, not to amend the hydrostatic burst test requirements. This rule corrects an error which resulted unintentionally amending the hydrostatic burst test requirement. We have, therefore, determined that there is good cause for this final rule to be effective immediately upon publication.

VI. Rulemaking Analyses

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule was reviewed under E.O. 12866. We have analyzed this rule and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. This rule does not impose any new requirements on manufacturers. It simply corrects an error.

B. Regulatory Flexibility Act

We have considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I hereby certify that the final rule would not have a significant economic impact on a substantial number of small entities.

The following is our statement providing the factual basis for the certification (5 U.S.C. 605(b)). The final rule primarily affects manufacturers of CNG containers. The Small Business Administration's size standards (13 CFR part 121) are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3714 ''Motor Vehicle Parts and Accessories'' has a small business size standard of 750 employees or fewer.

This rule does not impose any new requirements on manufacturers. It simply corrects an error. Thus, we believe that this final rule will not have a significant economic impact on a substantial number of small businesses.

C. Paperwork Reduction Act

We have analyzed this rule under the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and determined that it will not impose any information collection requirements as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320.

D. National Environmental Policy Act

We have considered the environmental implications of this final rule in accordance with the National Environmental Policy Act of 1969 and

[2] We note that while several of the commenters to the NPRM stated that NHTSA should amend Standard No. 304 to require additional tests to prevent in-service failures of CNG containers, none provided evidence indicating the existence of a safety problem with in-service failures that was not addressed by the Standard's current tests and would be addressed by the inclusion of additional tests.

determined that it will not significantly affect the human environment.

E. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Annual expenditures from this final rule will not exceed the $100 million threshold.

F. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule has no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

G. Civil Justice Reform

This rule has no retroactive effect. We are not aware of any state law that would be preempted by this rule. This rule does not repeal any existing Federal law or regulation. This rule does not impose any new requirements on manufacturers. It simply corrects an error. This rule does not require submission of a petition for reconsideration or the initiation of other administrative proceedings before a party may file suit in court.

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Reporting and record keeping requirements, Tires.

In consideration of the foregoing, the agency is amending part 571 of Title 49 of the Code of Federal Regulations as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50

2. Section 571.304 is amended by removing the definition of ''stress ratio'' from S4, republishing S7.2, and revising S7.2.2 to read as follows:

§ 571.304 Standard No. 304; Compressed natural gas fuel container integrity.

* * * * *

S7.2 *Hydrostatic burst test.*

* * * * *

S7.2.2 Each Type 2, Type 3, or Type 4 CNG fuel container shall not leak when subjected to burst pressure and tested in accordance with S8.2. Burst pressure shall be not less than 2.25 times the service pressure.

Issued on: August 22, 2000.

L. Robert Shelton,

Executive Director.

[FR Doc. 00–21778 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211039-0039-01; I.D. 082200A]

Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the third seasonal apportionment of the 2000 Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 23, 2000, until 1200 hrs, A.l.t., October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut bycatch allowance for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 2000 Harvest Specifications for Groundfish for the GOA (65 FR 8298, February 18, 2000) for the third season, the period July 4, 2000, through September 30, 2000, as 400 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the third seasonal apportionment of the 2000 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus,* deep-water flatfish, rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the third seasonal apportionment of the 2000 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: August 22, 2000.

Bruce C. Morehead

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

[FR Doc. 00–21789 Filed 8–22–00; 3:50 pm]

Billing Code: 3510–22–S

Proposed Rules

Federal Register
Vol. 65, No. 166
Friday, August 25, 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

Rural Utilities Service

7 CFR Part 1755

RIN 0572–AB41

Telecommunications System Construction Contract and Specifications

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) proposes to amend its regulations on Telecommunications Standards and Specifications for Materials, Equipment and Construction, by revising RUS Contract Form 515, Telephone System Construction Contract, and revising and renumbering RUS Bulletin 345–150, Specifications and Drawings for Construction of Direct Buried Plant (Form 515a); RUS Bulletin 345–151, Specifications and Drawings for Conduit and Manhole Construction (Form 515c); RUS Bulletin 345–152, Specifications and Drawings for Underground Cable Installation (Form 515d); RUS Bulletin 345–153, Specifications and Drawings for Construction of Pole Lines, Aerial Cables and Wires (Form 515f); and RUS Bulletin 345–154, Specifications and Drawings for Service Entrance and Station Protector Installation (Form 515g). The revised contract and specifications will incorporate the latest technology, remove redundant or outdated requirements, and simplify the specification format.

DATES: Written comments must be received by RUS or be postmarked no later than December 26, 2000.

ADDRESSES: Comments should be mailed to Gerald F. Nugent, Jr., Director, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 1598, Washington, DC 2050–1598. RUS requests an original and three copies of all comments (7 CFR part 1700.4). All comments received will be made available for public inspection at room 2870, South Building, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 1598, Washington, DC 20250–1598, between 8 a.m. and 4 p.m. (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Charlie I. Harper, Jr., Chief, Outside Plant Branch, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Stop 1598, Washington, DC 20250–1598, telephone (202) 720–0667.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Section 3 of the Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effort will be given to this rule, and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

RUS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS telecommunications program provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector. RUS borrowers, as result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

The form and bulletins which are Incorporated by Reference in this rule were previously approved under OMB control number 0572–0059. OMB approval of the information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) of OMB control number 0572–0059 have expired. RUS will publish a separate Notice in the **Federal Register** regarding the collection of information previously covered by OMB control number 0572–0059 and provide an opportunity for public comment. RUS will publish a separate Notice in the **Federal Register** upon receipt of OMB approval of the collection of information. No person is required to respond to the collection of information required by this rule until such Notice is published.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance program under No. 10.851, Rural Telephone Loans and Loan Guarantees, and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the U.S. Government Printing Office, Washington, DC 20402–9325. Telephone: (202) 512–1800.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) exempts RUS and RTB loans and loan guarantees, and RTB bank loans, from coverage under this Order.

Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. Thus this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

Background

An advance notice of proposed rulemaking (ANPR) was published September 16, 1998, in the **Federal Register** at 63 FR 49504. This ANPR summarized that RUS proposed to amend 7 CFR part 1755, Telecommunications Standards and Specifications for Materials, Equipment and Construction, by revising RUS Contract Form 515, Telecommunications System Construction Contract (Labor and Materials), to incorporate the latest technology, remove redundant and outdated requirements, and simplify the specification format. The comment period closed December 15, 1998, and no comments were received.

RUS issues contracts, standards and specification for construction of telecommunications facilities financed with RUS loan funds. RUS is proposing to revise RUS Contract Form 515, Telephone System Construction Contract, and revise and renumber the associated supplemental specifications from RUS Bulletin 345–150 (RUS Form 515a) to RUS Bulletin 1753F–150 (RUS Form 515a), Specifications and Drawings for Construction of Direct Buried Plant; RUS Bulletins 345–151 (RUS Form 515c) and 345–152 (RUS Form 515d) combined into RUS Bulletin 1753F–151 (RUS Form 515b), Specifications and Drawings for Construction of Underground Plant; RUS Bulletin 345–153 (RUS Form 515f) to RUS Bulletin 1753F–152 (RUS Form 515c) Specifications and Drawings for Construction of Aerial Plant; and, RUS Bulletin 345–154 (RUS Form 515g) to RUS Bulletin 1753F–153 (RUS Form 515d), Specifications and Drawings for Service Installations at Customer Access Locations. The renumbering efforts is to conform to the existing numbering system maintained by the agency.

The current RUS Contract Form 515, Telephone System Construction Contract, and the associated supplemental specifications are used by borrowers to secure the services of a contractor for the construction of telecommunications facilities. Because of advancements made in construction installation methods and materials, the present form of the contract and the associated specifications have become outdated. To allow borrowers and contractors to take advantage of these improved construction installation methods and materials, the current contract form and associated specification will be revised.

The documents contain revisions and changes including the ability of the borrower to optionally include the borrower and engineer as co-insured under the contractor's insurance policy.

List of Subjects in 7 CFR Part 1755

Incorporation by reference, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set out in the preamble, RUS proposes to amend chapter XVII of title 7 of the Code of Federal Regulations as follows:

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

2. Section 1755.30 is amended by revising paragraph (c)(34) to read as follows:

§ 1755.30 List of telecommunications standard contract forms.

* * * * *

(c) List of telecommunications standard contract forms.

(34) RUS Form 515, issued [Effective date of final rule], Telecommunications System Construction contract (Labor and Materials).

* * * * *

3. Section 1755.97 is amended by revising the introductory text and removing the entries RUS Bulletins 345–150, 345–151, 345–152, 345–153, and 345–154 from the table and adding, in their place, new entries 1753F–150, 1753F–151, 1753F–152, and 1753F–153 to read as follows:

§ 1755.97 Incorporation by reference of telecommunications standards and specifications.

The following telecommunications bulletins are pending approval for incorporation by reference by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These bulletins contain construction standards and specifications for materials and equipment and may be obtained from the Rural Utilities Service, Program Development and Regulatory Analysis, 1400 Independence Ave., Stop 1522, Room 4028 South Building, Washington, DC 20250–1522. The bulletins are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. These materials will be incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **Federal Register**. The terms ''RUS form'', ''RUS standard form'', ''RUS specification'', and ''RUS bulletin'' have the same meaning as the terms ''REA form'', ''REA standards form'', ''REA specification'', and ''REA bulletin'', respectively, unless otherwise indicated.

RUS Bulletin No.	Specification No.	Date last issued	Title of standard or specification
*	*	*	* * * *
1753F–150	Form 515a	[Effective date of final rule].	Specifications and Drawings for Construction of Direct Buried Plant.
1753F–151	Form 515b	[Effective date of final rule].	Specifications and Drawings for Construction of Underground Plant.
1753F–152	Form 515c	[Effective date of final rule].	Specifications and Drawings for Construction of Aerial Plant.
1753F–153	Form 515d	[Effective date of final rule].	Specifications and Drawings for Service Installations at Customer Access Locations.

Date: August 17, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–21773 Filed 8–24–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–114–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 and A300–600 series airplanes. This proposal would require replacement of the flight control computers (FCC) with new, improved FCC's having updated software installed. This proposal also would require, for some airplanes, modification of the wiring of the FCC's. This action is necessary to prevent autopilot reversions in certain flight conditions, which could result in misunderstanding by the flight crew and consequent reduced ability to take appropriate action. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by September 25, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–114–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–114–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–114–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–114–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A310 and A300–600 series airplanes. The existing design of the automatic flight system allows for automatic reversion to ''SPD'' (MACH) mode in certain flight phases when the airplane speed is not maintainable. The DGAC advises that, in some cases, flight crews may not immediately understand these reversions. For example, on approach, a reversion from ''V/S descent'' to ''SPD climb'' could occur in certain flight conditions, and result in the airplane climbing instead of descending. Such reversions, if not corrected, could result in misunderstanding by the flight crew and consequent reduced ability to take appropriate action.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletins A310–22–2048, Revision 01, and A310–22–2049, Revision 02, each dated March 6, 2000 (for Airbus Model A310 series airplanes) and A300–22–6038, dated August 24, 1999 (for Airbus Model A300–600 series airplanes). These service bulletins describe procedures for replacement of the flight control computers (FCC) with new, improved FCC's having updated software installed. The new software includes a number of design improvements to the automatic flight system, including changes to remove the automatic reversions.

The manufacturer also has issued Airbus Service Bulletins A310–22–2051, Revision 02, dated March 8, 2000 (for Airbus Model A310 series airplanes) and A300–22–6040, Revision 02, dated March 6, 2000 (for Airbus Model A300–600 series airplanes). These service bulletins describe procedures for modifying the wiring in the left-hand electronics rack 80VU to allow the new FCC's to distinguish between an Airbus Model A310 and an Airbus Model A300–600 series airplane.

Accomplishment of the actions specified in the Airbus service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2000–137–305(B), dated March 22, 2000, in order to assure the continued airworthiness of these airplanes in France.

The Airbus service bulletins reference SEXTANT Service Bulletins B350AAM–22–008, B470AAM–22–013, and B470ABM–22–012, each dated September 29, 1999, as additional sources of service information for accomplishing the replacement proposed by this AD.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 116 airplanes of U.S. registry would be affected by this proposed AD.

It would take as much as 17 work hours per airplane to accomplish the proposed replacements, at an average labor rate of $60 per work hour. Required parts would cost as much as $5,064 per airplane. Based on these figures, the cost impact of the proposed replacements on U.S. operators is estimated to be as much as $705,744, or $6,084 per airplane.

It would take approximately 1 work hour per airplane to accomplish the proposed modification of the wiring, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $6,960, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–114–AD.

Applicability: Model A310 series airplanes equipped with flight control computers (FCC) having part number (P/N) B350AAM4 or B470ABM2, and Model A300–600 series airplanes equipped with FCC's having P/N B470AAM2; certificated in any category; except those airplanes on which Airbus Modification 11899 or 11900 (Airbus Service Bulletin A310–22–2048 or A310–22–2049 or A300–22–6038) has been accomplished.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent autopilot reversions in certain flight conditions, which could result in misunderstanding by the flight crew and consequent reduced ability to take appropriate action, accomplish the following:

Replacement of FCC's and Modification of Wiring

(a) Within 26 months after the effective date of this AD, replace the FCC's with new, improved FCC's having updated software installed; and modify the wiring, as applicable; in accordance with paragraph (a)(1), (a)(2), or (a)(3), as applicable.

(1) For Airbus Model A310 series airplanes equipped with FCC's having P/N B350AAM4: Replace the FCC's in accordance with Airbus Service Bulletin A310–22–2048, Revision 01, dated March 6, 2000.

(2) For Airbus Model A310 series airplanes equipped with FCC's having P/N B470ABM2: Replace the FCC's in accordance with Airbus Service Bulletin A310–22–2049, Revision 02, dated March 6, 2000. Prior to or concurrent with the replacement, modify the wiring in accordance with Airbus Service Bulletin A310–22–2051, Revision 02, dated March 8, 2000.

(3) For Airbus Model A300–600 series airplanes equipped with FCC's having P/N B470AAM2: Replace the FCC's in accordance with Airbus Service Bulletin A300–22–6038, dated August 24, 1999. Prior to or concurrent with the replacement, modify the wiring in accordance with Airbus Service Bulletin A300–22–6040, Revision 02, dated March 6, 2000.

Note 2: Accomplishment of the actions required by paragraph (a) of this AD prior to the effective date of this AD in accordance with Airbus Service BulletinA310–22–2048, dated December 13, 1999; A310–22–2049, dated August 24, 1999, or Revision 01, dated December 13, 1999; A310–22–2051, dated August 26, 1999, or Revision 01, dated December 13, 1999; or A300–22–6040, dated August 26, 1999, or Revision 01, dated December 13, 1999; is acceptable for compliance with the applicable actions specified in that paragraph.

Note 3: The Airbus service bulletins reference SEXTANT Service Bulletins

B350AAM–22–008, B470AAM–22–013, and B470ABM–22–012, each dated September 29, 1999, as additional sources of service information for accomplishing the replacement required by this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

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

Note 5: The subject of this AD is addressed in French airworthiness directive 2000–137–305(B), dated March 22, 2000.

Issued in Renton, Washington, on August 21, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–21716 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 656

RIN 1205–AB

Labor Certification Process for the Permanent Employment of Aliens in the United States

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of guidelines.

SUMMARY: The Employment and Training Administration (ETA) is in the process of reengineering the permanent alien labor certification process. ETA's goals are to make fundamental changes and refinements that will: Streamline the process; save resources; improve the effectiveness of the program; and better serve the Department of Labor's (Department's) customers. This document will set forth the general principles which will guide the development of proposed regulations to effectuate the redesign.

FOR FURTHER INFORMATION CONTACT: Dale M. Ziegler, Chief Division of Foreign Labor Certifications, Office of Workforce Security, Employment and Training Administration, Department of Labor, Room C–4318, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693–3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

A. Permanent Alien Labor Certification Process

Generally, an individual labor certification from the Department of Labor (Department) is required for employers wishing to employ an alien on a permanent basis in the U.S. Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the U.S., the Secretary of Labor must first certify to the Secretary of State and the Attorney General that:

(a) There are not sufficient U.S. workers who are able, willing, qualified and available at the time of the application for a visa and admission into the U.S. and at the place where the alien is to perform the work; and

(b) The employment of such aliens will not adversely affect the wages and working conditions of similarly employed U.S. workers. 8 U.S.C. 1182(a)(5)(A).

In brief, the current process for obtaining a labor certification requires employers to actively recruit U.S. workers in good faith for a period of at least thirty days for the job openings for which aliens are sought. The employer's job requirements must conform to the regulatory standards (*e.g.*, those truly necessary), and employers must offer prevailing wages and working conditions for the occupation in the area in which the job is located. Further, employers may not favor aliens or tailor the job requirements to any particular alien's qualifications.

During the thirty-day recruitment period, employers are required to place a three-day help-wanted advertisement in a newspaper of general circulation, or a one-day advertisement in a professional, trade, or business journal, or in an appropriate ethnic publication. Employers are also required to place a thirty-day job order with the local office of the state employment service in the state in which the employer seeks to employ the alien. Alternatively, if employers believe they have already conducted adequate recruitment efforts seeking qualified U.S. workers at prevailing wages and working conditions through sources normal to the occupation and industry, they may request the Department to waive the otherwise mandatory thirty-day recruitment efforts as prescribed by the Department's regulations governing the program. This waiver process is generally referred to as involving ''Reduction in Recruitment'' (RIR) applications. If the employer does not request RIR processing or if the request is denied, the help-wanted advertisements which are placed in conjunction with the mandatory thirty-day recruitment effort direct job applicants to either report in person to the employment service office or to submit resumes to the employment service.

Job applicants are either referred directly to the employer or their resumes are sent to the employer. The employer then has forty-five days to report to the employment service the lawful, job-related reasons for not hiring any U.S. worker referred. If the employer hires a U.S. worker for the job opening, the process stops at that point, unless the employer has more than one opening, in which case the application may continue to be processed. If, however, the employer believes that able, willing and qualified U.S. workers are not available to take the job, the application together with the documentation of the recruitment results and prevailing wage information are sent to one of ten regional offices of the Department. There, it is reviewed and a determination is made as to whether or not to issue the labor certification based upon the employer's compliance with the Department's regulations governing the program. If the Department determines that there are no able, willing, qualified and available U.S. workers, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers, the Department so certifies to the INS and the DOS, by issuing a permanent labor certification. See 30 CFR part 656; see also section 212(a)(5)(A) of the Immigration and Nationality Act, as amended (INA)

B. Problems With the Current System

The labor certification process described above has been criticized as being complicated, costly and time consuming. Due to increases in the volume of applications received and a lack of adequate resources, it can take up to two years or more to complete the process for applications that are filed under the basic process and do not utilize the more streamlined RIR

process. The process also requires substantial state and federal resources to administer and is reportedly costly and burdensome to employers as well. Cuts in federal funding for both this immigration program and for the Employment Service have made it difficult for state and federal administrators to keep up with the process. ETA, therefore, is taking steps to improve the effectiveness of the various regulatory requirements and the application processing procedures, with a view to achieving considerable savings in resources both for the government and employers, without diminishing significant protections now afforded U.S. workers by the current regulatory and administrative requirements.

C. Developing a Streamlined Process

The permanent foreign labor certification process for employment-based immigration in the U.S. has been a two-tiered system involving both State Employment Security Agencies (SESA) and the U.S. Department of Labor for more than 30 years. By its very nature there is an element of redundancy in case processing under this system. As previously noted, the current system has been criticized for being costly, burdensome, and inefficient. The redesigned process envisioned by the Department will require employers to submit their applications directly to ETA processing centers. The new process will take full advantage of state-of-the-art technology and the use of policy-driven standards to minimize manual intervention, and to increase the speed of case processing at a reduced cost to employers and the government alike. It is important to note that the description of the redesigned process in this notice represents the Department's current thinking. This process may be subject to modifications in response to comments received on future rulemaking efforts.

The new process under consideration for processing permanent applications will streamline the role of SESAs in the labor certification process to include only the prevailing wage determinations. Employers will no longer be required to conduct a 30-day job recruitment through the Employment Service. In the current system, prevailing wage determinations are made by SESAs as part of the normal process of reviewing an application and informing the employer of any deficiencies therein. In the new process, the employer will still be required to obtain a prevailing wage determination from the SESA. Although the timing of the prevailing wage determination request will change from a post-filing action to a pre-filing action, this step is vital in order for the Department to meet its responsibility to make the statutorily required certification that the employment of the alien will not have an adverse effect on the wages and working conditions of similarly employed U.S. workers.

We envision that the new system for processing permanent alien labor certification applications will be considerably streamlined but will not materially diminish any of the protections now afforded U.S. workers by the current regulatory and administrative requirements. The employer will be required to contact the SESA to obtain the prevailing wage determination for the occupation in the area of intended employment. It is envisioned that this procedure will operate in much the same manner as the one currently being utilized for processing prevailing wage requests under the H–1B program for nonimmigrant professionals in specialty occupations. See 20 CFR part 655, subpart H; see also section 212(n) of the INA. As part of our efforts to take advantage of technological innovations that will increase efficiencies in the program, however, we are proposing that the form upon which such a request is made will be standardized and will be machine-readable to eliminate the need for data entry by the ETA processing centers when an application is first received.

Upon receipt of a request for a prevailing wage determination under the new system, the SESA will evaluate the particulars of the employer's job offer, such as the job duties and requirements for the position, and the geographic area in which the job is located. If the job opportunity is unionized, the wage rate set forth in the collective bargaining agreement that applies to the position shall be considered to be the applicable prevailing wage. If the job opportunity is not unionized, however, as is most often the case, then the SESA will determine the occupational classification for the job using an appropriate occupational classification taxonomy such as the Department's O'Net occupational classification structure. The SESA will also then determine the area of intended employment for the job opportunity. As a result of this analysis, the SESA will normally assign the prevailing wage rate and appropriate skill level for the job opportunity from the wage component of the Occupational Employment Statistics (OES) survey, unless a wage determination has been issued pursuant to the Davis-Bacon Act, 40 U.S.C. 276a *et seq.* (DBA), or the McNamara-O'Hara Service Contract Act, 41 U.S.C. 351 *et seq.* (SCA), in which case that determination shall form the basis for the prevailing wage for that job opportunity.

In the absence of a prevailing wage rate derived from the SCA, the DBA, or an applicable wage rate from a collective bargaining agreement covering the position, the employer also has the option of submitting an alternative source of prevailing wage information such as a published wage survey or other wage data obtained from a survey that has been conducted or funded by the employer. If the employer chooses to submit an alternative source of wage data, the SESA will evaluate such other information (*e.g.,* a published wage survey) and will determine if it is in compliance with the Department's standards governing the acceptability of employer-provided wage data such as the validity of the statistical methodology employed. If the employer-provided wage data is found to be acceptable, the specific wage rate derived from that source that applies to the employer's job opportunity, taking into consideration such factors as the appropriate occupational classification, geographic area, and level of skill, will be considered to be the prevailing wage rate for purposes of that particular job opportunity. If the employer-provided wage data is not accepted, the SESA will inform the employer of the reasons why the survey is unacceptable. The Department is contemplating the establishment of a process to review employer appeals of determinations made by SESAs, such as a determination that an employer-provided wage survey is unacceptable.

The SESA's response to the employer's request will be in writing on the same standardized form through which the request was initially made. The response will indicate the prevailing wage rate for the job opportunity, the source of such information, and the appropriate occupational classification and level of skill applied in the determination to arrive at that rate.

The employer will also be required to conduct an adequate test of the labor market for qualified U.S. applicants at prevailing wages and working conditions through sources normal to the occupation and industry during the 6-month period preceding the filing of the application. We currently foresee that the recruitment efforts will consist of both mandatory steps and alternative steps chosen by the employer from a listing of additional recruitment steps that will be specifically prescribed by

the regulations. We intend to outline the specific recruitment steps required, including those that will be considered acceptable as alternative steps. The required recruiting efforts will be similar to the RIR process under the existing system in that all recruitment will be conducted prior to the employer filing the application. This up-front recruitment system will be required of all applicants under the new system. Regardless of the steps chosen by the employer to fulfill its obligation to conduct an adequate test of the labor market, the employer will be required to maintain documentation of the recruitment efforts it has undertaken and the results thereof, such as the lawful, job-related reasons for not hiring U.S. applicants for the position.

After the recruitment period has ended and the employer has assembled the requisite documentation in support of the application, the employer then submits the application directly to an ETA processing center. In developing the application form to be used in the new system, as with the proposed prevailing wage request form, we intend to take every advantage of technological innovations that will increase efficiencies in the program. Therefore, it is expected that the labor certification application will also be machine-readable or directly completed in a web-based environment to eliminate the need for time-consuming data entry by ETA processing centers. Applications will be received by facsimile transmission, by mail, or via internet and will be subject to an initial acceptability check to ensure that the application can be processed. The purpose of this test is to ensure that the form can be recognized by an automatic scanning/data selection process. The acceptability test will consist of ensuring that a completed application form has been received, including the prevailing wage determination form issued by a SESA. Further, this initial test will determine whether the application is readable or scannable depending on the method of submission. For instance, if the application is submitted by mail it will not be acceptable if it is too crumpled, stained or damaged to be scanned into the system. The application will also be unacceptable if it cannot be read by the computer system due to transmission errors on facsimile transmissions or other reasons such as illegible writing. As noted above, the Department is also contemplating the future use of advanced technologies to allow applications to be submitted and processed under a web-based system.

After an application has been determined to be acceptable for filing, a computer system will review it based upon various selection criteria or ''flags'' that will allow more problematic applications to be identified for an in-depth review or audit. In addition, it is anticipated that some applications will be randomly selected for an audit without regard to the results of the computer analysis as a quality control measure. If no request for an audit has been triggered by the information provided on the application nor via random selection, the application will be immediately certified and returned to the employer, who may then submit the certified application to the INS in support of an employment-based I–140 petition. It is anticipated that if an application is not selected for an audit, an employer will have a computer-generated certification decision within seven to twenty-one working days of the date the application was initially submitted.

If an application has been flagged for an audit, the employer will be notified and required to submit in a timely manner documentation verifying the information stated in or attested to on the application. Upon timely receipt of an employer's audit documentation, the scanned application would be electronically distributed to an ETA regional office where a case analyst would conduct an audit, as determined by the regional certifying officer.

After an audit has been completed, we currently envision three potential actions the certifying officer can take on the application: Certification; denial; or supervised recruitment. If the audit documentation is complete and consistent with the employer's statements and attestations contained in the application, the application will be certified and returned to the employer. If the audit documentation is not complete, is inconsistent with the employer's statements and/or attestations contained in the application, or is otherwise deficient in some material respect, the application will be denied and a notification of denial with the reasons therefor will be issued to the employer. We anticipate that if an application is denied by the regional certifying officer, the employer will have an opportunity for an administrative review of the decision. Lastly, on any application selected for an audit regardless of the reason for such selection, the regional certifying officer will have the authority to conduct supervised recruitment for the employer's job opportunity in any case where serious questions arise regarding the adequacy of the employer's test of the labor market.

Where supervised recruitment is required by the regional certifying officer, we expect that the procedure will operate much like the current non-RIR regulatory recruitment scheme under the basic process, except that the recruitment efforts would be directed by the regional certifying officer and would not be directed by the SESA, as is the case under the current system. See § 656.24(g) for detailed information concerning the recruitment efforts required under the existing basic alien labor certification process. At the completion of the supervised recruitment efforts, the employer will be required to document that such efforts were unsuccessful, including the lawful, job-related reasons for not hiring any U.S. workers who applied for the position. After a review of the employer's documentation, the regional certifying officer will either certify or deny the application. In all instances in which an application is denied, the denial notification will set forth the deficiencies upon which the denial is based.

Upon the implementation of the new system outlined in this document and subject to public comment in future rulemaking, the Department believes that a number of key criticisms of the current program, such as its cost, timeliness, and complexity, will have been resolved or mitigated to the extent practicable. The Department is continuing to monitor operating procedures at all levels to determine whether further efficiencies can be made that would improve the balance between meeting employers' legitimate needs for foreign workers with our obligation to both protect jobs for U.S. workers and protect against adverse effects on the U.S. labor force.

Signed at Washington, DC, this 17th day of August, 2000.

Ray Bramucci,

Assistant Secretary for Employment and Training.

[FR Doc. 00–21733 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 341

[Docket No. 76N–052H]

RIN 0910–AA01

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Reopening of the Administrative Record for Antihistamine Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Reopening of the administrative record.

SUMMARY: The Food and Drug Administration (FDA) is reopening the administrative record for over-the-counter (OTC) antihistamine drug products to accept comments on recommendations concerning the use of these products to relieve symptoms of sneezing and runny nose associated with the common cold made at a joint advisory committee meeting on November 16, 1995. The agency is inviting comments on its tentative position that there is sufficient basis to include the use of OTC antihistamines for these symptoms in the final monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products. This reopening is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Submit written comments by November 24, 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: Cazemiro R. Martin, Center for Drug Evaluation and Research (HFD–560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–2222.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of September 9, l976 (41 FR 38312), FDA published, under 21 CFR 330.10(a)(6), an advance notice of proposed rulemaking to establish a monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products, together with the recommendations of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. The Panel recommended that antihistamines be Category III (available data are insufficient to classify as safe and effective, and further testing is required) for treating symptoms associated with the common cold (41 FR 38312 at 38380 and 38381).

In response to the Panel's Category III recommendation, two manufacturers submitted data to support the use of chlorpheniramine maleate for the relief of cold symptoms. Based on these data, the agency proposed an indication for the temporary relief of runny nose and sneezing associated with the common cold in § 341.72(b) (21 CFR 341.72(b)) of the tentative final monograph for OTC antihistamine drug products (50 FR 2200 at 2203, 2204, 2216, and 2217, January 15, 1985). The agency stated in the tentative final monograph that the pharmacologic actions of the various Category I antihistamines are similar; thus, the indications stated in § 341.72 were proposed for all antihistamines included in 21 CFR 341.12 of the tentative final monograph. An amendment to the tentative final monograph was published in 1987 that included doxylamine succinate and chlorcyclizine hydrochloride as Category I ingredients for the same claims as all Category I antihistamine ingredients (52 FR 31892, August 24, 1987).

Subsequent to the tentative final monograph, the agency evaluated supplemental new drug applications requesting a prescription-to-OTC switch for drug products containing a nonmonograph antihistamine. Some applications requested labeling for treating symptoms associated with the common cold based on similarity of pharmacologic action to the antihistamines included in the tentative final monograph without direct support from clinical studies. In considering these applications, the agency questioned whether the pharmacologic effects of these newer antihistamines are sufficiently similar to the pharmacologic actions of older, monograph antihistamines.

At that time, the agency was aware that the scientific community was divided over the effectiveness of antihistamine ingredients for symptoms of the common cold. In the final rule for OTC antihistamine drug products (57 FR 58356, December 9, 1992), the agency deferred its final action on labeling for common cold symptoms for OTC antihistamines in order to evaluate data that had become available after publication of the tentative final monograph. The agency stated its intention to further evaluate whether data on chlorpheniramine maleate to relieve sneezing and runny nose associated with the common cold could be extrapolated to other antihistamines included in the final monograph or to other antihistamines that may be switched from prescription to OTC status. The agency further stated its intention to evaluate more recent clinical studies as well as the older data concerning the effectiveness of antihistamines in treating symptoms of the common cold. The agency solicited all studies, negative as well as positive, from drug manufacturers and the Consumer Healthcare Products Association (formerly the Nonprescription Drug Manufacturers Association), and searched its own files and the published literature. In 1992, the agency formed a task force that consisted of agency staff, FDA Staff Fellows, and outside consultants, to assess the available data on OTC antihistamines that would help resolve these issues.

In order to be included in the agency's evaluation, a study had to meet certain inclusion criteria developed by the task force, as follows: (1) The study must be double-blind, randomized, and placebo controlled; (2) the antihistamine in the common cold medication must be a single ingredient; (3) the common cold had to exist for no more than 2 days before the first application of study medication; (4) subjects needed to have runny nose of at least moderate intensity at baseline before any medication; and (5) the severity of the runny nose had to be evaluated at baseline and at least once after administration of medication during both the first and second days of medication (Ref. 1).

The task force evaluated all of the submitted studies and determined that nine generally met these requirements (three using chlorpheniramine maleate and six using doxylamine succinate). The task force then did a meta-analysis on these studies, comparing the active ingredients to placebo for both increment scores (change from baseline) and goal of therapy (50 percent reduction or complete cessation of symptom). The symptoms evaluated by the task force were runny nose and sneezing on each of 2-study days. Using these parameters and analyses, the task force found that the antihistamines studied had an effect on runny nose and sneezing in the early phases of the common cold (Ref. 2).

The task force presented the results of its meta-analysis to a joint meeting of the Nonprescription Drugs Advisory Committee and the Pulmonary-Allergy Drugs Advisory Committee (the Committees) held on November 15, 1994 (Ref. 2). The Committees were not asked for a recommendation at that time. The following year, on November 16, 1995, the Committees met again and discussed the analysis (Ref. 3). At this meeting, the Committees concluded that the meta-analysis supports the use of chlorpheniramine maleate and doxylamine succinate to relieve the symptoms of runny nose and sneezing associated with the common cold. However, the Committees voted against extrapolating the data on these two ingredients to all Category I antihistamines because they had insufficient data regarding the active mechanism of these drugs in relief of symptoms of the common cold. Some members raised the issue of comparative potency relative to anticholinergic and/or antihistaminic effects of other Category I antihistamines.

II. The Agency's Discussion of the Committees' Recommendations

The agency believes that sufficient basis currently exists for all Category I antihistamine ingredients to have the indication of relief of sneezing and runny nose due to the common cold. Studies published after the task force's meta-analysis suggest that other antihistamines, brompheniramine maleate (Ref. 4) and clemastine fumarate (Ref. 5), are effective for relief of sneezing and runny nose associated with the common cold. Both studies reported therapeutic effects against cold symptoms similar to those seen against allergic rhinitis symptoms, which is their currently approved indication. Data from the brompheniramine study were submitted to the agency (Ref. 6). However, because the administrative record is currently closed, the study and supporting documentation will not be discussed here but will be discussed in the final rule along with any new information that comes to the agency's attention.

Ingredients in this class have pharmacologic actions and therapeutic applications in common and are generally discussed together (Ref. 7). These ingredients are known to be effective H_1 antagonists, and some studies have demonstrated the release of histamine following rhinovirus challenge in allergic individuals (Refs. 8 and 9). Further, the monograph antihistamines exert mild to moderate anticholinergic effects and are effective in drying nasal secretions (Refs. 2 and 10 through 15). Therefore, the agency believes that populations of consumers exist who would benefit from either of these effects (antihistaminic or anticholinergic) on cold symptoms.

Additionally, the agency believes that some of the controversy over the use of antihistamines for the common cold may have originated from their early promotion as ''cures'' or ''preventatives'' (Ref. 16). It is now known that Category I antihistamine ingredients do not cure or prevent the common cold, but rather are palliative agents that are useful for reducing nasal discharge (runny nose) and sneezing (Refs. 4, 5, 12, and 17). Suppression of sneezing and other cold symptoms may help reduce the spread of the cold virus and thus have a public health impact (Ref. 4). The literature and the meta-analysis of data conducted by the agency's task force support these uses for OTC common cold symptom relief.

The agency believes that OTC antihistamine ingredients effectively relieve cold symptoms in populations of consumers and should remain available for that use. Unless the agency receives convincing data to refute its tentative position, it intends to publish a final monograph for OTC antihistamine drug products that includes the indication for relief of sneezing and runny nose associated with the common cold proposed in § 341.72(b)(2) (50 FR 2200 at 2216). Therefore, the agency is reopening the administrative record for the rulemaking for OTC antihistamine drug products to accept comments concerning the use of these products to relieve symptoms of sneezing and runny nose associated with the common cold.

III. References

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

1. D'Agostino, R. B., and M. Weintraub, ''Meta-Analysis: A Method for Synthesizing Research,'' *Clinical Pharmacology and Therapeutics*, vol. 58, pp. 605–616, 1995.
2. Transcript of the Joint Meeting of the Nonprescription Drugs Advisory Committee and the Pulmonary-Allergy Drugs Advisory Committee, November 15, 1994, pp. 11–113, in OTC vol. 04HFMA2, Docket No. 76N–052H, Dockets Management Branch.
3. Transcript of the Joint Meeting of the Nonprescription Drugs and Pulmonary-Allergy Drugs Advisory Committees, November 16, 1995, pp. 191–333, in OTC vol. 04HFMA2, Docket No. 76N–052H, Dockets Management Branch.
4. Gwaltney, J. M., and H. M. Druce, ''Efficacy of Brompheniramine Maleate for the Treatment of Rhinovirus Colds,'' *Clinical Infectious Diseases*, vol. 25, pp. 1188–1194, 1997.
5. Turner, R. B. et al., ''Effectiveness of Clemastine Fumarate for Treatment of Rhinorrhea and Sneezing Associated with the Common Cold,'' *Clinical Infectious Diseases*, vol. 25, pp. 824–830, 1997.
6. Comment No. C229, Docket No. 76N–052H, Dockets Management Branch.
7. Douglas, W. W., ''Antihistamines,'' in *The Pharmacological Basis of Therapeutics*, 4th Ed., edited by L. S. Goodman and A. Gilman, The MacMillan Co., New York, pp. 635–645, 1970.
8. Thomas, L. H. et al., ''Leukocyte Responses to Experimental Infection with Human Rhinovirus,'' *The Journal of Allergy and Clinical Immunology*, vol. 94, pp. 1255–1262, 1994.
9. Calhoun, W. J. et al., ''A Common Cold Virus, Rhinovirus 16, Potentiates Airway Inflammation after Segmental Antigen Bronchoprovocation in Allergic Subjects,'' *The Journal of Clinical Investigation*, vol. 94, pp. 2200–2208, 1994.
10. Pearlman, D. S., ''Antihistamines: Pharmacology and Clinical Use,'' *Drugs*, vol. 12, pp. 258–273, 1976.
11. Loew, E. R., ''Pharmacology of Antihistamine Compounds,'' *Physiological Reviews*, vol. 27, pp. 542–573, 1947.
12. Cooper, J. W., ''H–1 Blockers—Classical Antihistamines,'' *New England and Regional Allergy Proceedings*, vol. 7, pp. 356–361, 1986.
13. Darling, C. M., ''Chapter 16 —Histamine and Antihistaminic Agents,'' in *Wilson and Gisvold's Textbook of Organic Medicinal and Pharmaceutical Chemistry*, 8th Ed., edited by R. F. Doerge, J. B. Lippincott Co., Philadelphia, pp. 583–606, 1982.
14. The United States Pharmacopeial Convention, Inc., ''Antihistamines-Systemic,'' in *USP DI, Drug Information for the Health Care Professional*, Rand McNally, Taunton, MA, pp. 302–309, 1995.
15. Berkow, R., editor, *The Merck Manual*, 14th Ed., Merck & Co., Inc., Rahway, NJ, pp. 2397–2403, 1982.
16. Feller, A. E. et al., ''The Failure of Antihistaminic Drugs to Prevent or Cure the Common Cold and Undifferentiated Respiratory Diseases,'' *The New England Journal of Medicine*, vol. 242, pp. 737–744, 1950.
17. Roth, F. E., and I. I. A. Tabachnick, ''Chapter 48—Histamine and Antihistamines,'' in *Drill's Pharmacology in Medicine*, 4th Ed., edited by J. R. DiPalma, McGraw-Hill Book Co., New York, pp. 995–1020, 1971.

IV. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments by November 24, 2000. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received

comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 15, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–21758 Filed 8–24–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 514

[Docket No. 00N–1399]

Presubmission Conferences

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its new animal drug regulations to describe the procedures to be followed for requesting, conducting, and documenting presubmission conferences. Under the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Animal Drug Availability Act of 1996 (ADAA), any person intending to file a new animal drug application (NADA) or supplemental (NADA) or to investigate a new animal drug is entitled to one or more conferences with FDA to reach an agreement establishing a submission or investigational requirement. This proposed regulation describes how a person would request a presubmission conference and describes the procedures for the conduct of the presubmission conference.

DATES: Submit written comments on the proposed rule by November 8, 2000. Submit written comments on the information collection provisions by September 25, 2000.

ADDRESSES: Submit written comments on the proposed rule to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection requirements to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Gail L. Schmerfeld, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1620.

SUPPLEMENTARY INFORMATION:

I. Background

The ADAA (Public Law 104–250) was enacted on October 9, 1996. Section 512(b)(3) of the act (21 U.S.C. 360b(b)(3)), as amended by section 2(d) of the ADAA, provides that any person intending to file an NADA or supplemental NADA or to investigate a new animal drug is entitled to one or more conferences with FDA prior to such submission or during the investigation of a new animal drug. The purpose of such a conference is to reach an agreement establishing a submission or investigational requirement. A decision establishing a submission or investigational requirement can be changed only if: (1) FDA and the potential applicant mutually agree to modify the requirement, or (2) FDA by written order determines that a substantiated scientific requirement essential to the determination of safety or effectiveness of the animal drug involved has appeared after the conference. If FDA determines that more than one field study is required to establish by substantial evidence that an intended use of a new animal drug is effective, FDA will provide written scientific justification for that decision within 25 calendar days of the conference. While section 512(b)(3) of the act does not entitle persons who intend to file an abbreviated new animal drug application (ANADA) to request a presubmission conference, such potential applicants are entitled to request presubmission conferences under this proposed rule.

Although the ADAA added a statutory entitlement to a presubmission conference, FDA's Center for Veterinary Medicine (CVM) had already been encouraging sponsors of NADA's to participate in conferences with FDA to discuss in detail what studies are necessary to demonstrate the safety and effectiveness of a new animal drug. In its experience with these presubmission conferences, FDA found that, as a result of this direct and detailed communication during the development and review of new animal drugs, fewer unusable studies were conducted and there were fewer delays in the review process. Consequently, companies saved resources and the marketing of new animal drugs became more expeditious. FDA's success with the use of presubmission conferences to establish submission requirements for new animal drugs was also reflected in its commitment to implement broad use of presubmission conferences as part of the President's reinventing government initiatives (e.g., ''Reinventing the Regulation of Animal Drugs,'' May 1996). The ADAA codifies FDA's use of presubmission conferences.

II. Description of Proposed Rule

The regulations being proposed by FDA would establish the procedures for requesting, conducting, and documenting presubmission conferences. Presubmission conferences will continue to be like those that were held between applicants and FDA prior to the enactment of the ADAA. The purpose of presubmission conferences is to allow FDA and a potential applicant, i.e., a person intending to investigate a new animal drug or to file an NADA, supplemental NADA, or ANADA, to discuss and reach agreement regarding a submission or investigational requirement. A submission or investigational requirement includes, among other things, identification of the number and types of studies that are necessary to demonstrate the safety and effectiveness of a new animal drug for the intended uses and conditions of use prescribed, recommended, or suggested in the proposed labeling for the new animal drug. Presubmission conferences give FDA and a potential applicant a means to identify the least burdensome appropriate requirements that have a reasonable likelihood of resulting in approval.

Meetings other than presubmission conferences may be necessary during the development and review of new animal drugs. Meetings in which the focus is other than to establish the safety and effectiveness data requirements for new animal drugs (e.g., meetings relating to administrative processes, protocol development, or label development) are not specifically covered by this proposed rule.

A. Definitions (Proposed § 514.3)

Proposed § 514.3 defines the terms ''potential applicant,'' ''presubmission conference,'' and ''presubmission conference agreement'' as those terms are used in 21 CFR part 514. ''Potential applicant'' means any person intending to investigate a new animal drug, file an NADA or supplement, or file an ANADA. One or more ''presubmission conferences'' may be needed to establish agreement regarding part or all of a submission or investigational requirement. Agreement on a submission or investigational requirement reached by a potential applicant and FDA in a presubmission conference(s) will be recorded in the ''presubmission conference agreement'' section of the memorandum of conference prepared by FDA and will be

binding upon both FDA and the potential applicant.

B. Presubmission Conferences (Proposed § 514.4)

Proposed § 514.4 describes procedures for requesting, conducting, and documenting a presubmission conference.

1. Requesting a Presubmission Conference

Under the proposed rule, a potential applicant could request a presubmission conference any time prior to filing an NADA, supplemental NADA, or ANADA, including before a potential applicant submits a notice of claimed investigational exemption for a new animal drug. In order to request a presubmission conference, a potential applicant would be required to submit to FDA a letter requesting a presubmission conference. FDA would have to receive the request for a presubmission conference at least 30 calendar days prior to the requested conference date. The potential applicant would identify the request as a request for a presubmission conference and would have to include a proposed agenda and a list of the expected attendees. FDA would, to the extent agency resources permit, make every effort to schedule the presubmission conference at the earliest time agreeable to both FDA and the potential applicant. In order to ensure a productive exchange of views and efficient use of FDA resources, a potential applicant would also be required to forward to FDA, at least 30 calendar days in advance of the scheduled conference date the following: A copy of any materials to be presented at the conference; a list of proposed indications for the new animal drug or, if available, a copy of the proposed labeling; and a copy of any relevant background material that provides the scientific rationale to support the potential applicant's position on an issue to be discussed during the conference. If such materials are not provided or are not sufficient to provide the basis for a meaningful discussion, FDA may elect to postpone the meeting until it receives sufficient materials.

2. Conducting a Presubmission Conference

A presubmission conference (or series of such conferences) would be directed primarily at establishing agreement between FDA and the potential applicant regarding part or all of a submission or investigational requirement. The potential applicant and FDA could each bring consultants to the presubmission conference.

3. Documenting a Presubmission Conference

Under the proposed rule, FDA would prepare a memorandum of conference summarizing the substance of each presubmission conference, including all key discussion points, decisions, recommendations, agreements reached regarding all or part of a submission or investigational requirement, disagreements, and action items. That portion of the memorandum of conference that documents any agreements reached regarding all or part of a submission or investigational requirement would be the ''presubmission conference agreement'' and would be denoted as such by a heading as such. FDA would provide a copy of this memorandum to the potential applicant and give the potential applicant 30 calendar days to request changes to or seek clarification of the substance of the memorandum. The potential applicant could elect to have the copy of the memorandum provided by mail, by facsimile, and/or by some electronic media. For purposes of calculating the 30 days, FDA would use the date the memorandum is mailed, facsimiled, or electronically transmitted from the Documents Control Unit, whichever is earlier. If a potential applicant were to request changes or clarification, such a request should be directed to the appropriate Division Director in CVM. A copy of FDA's original memorandum of conference and a copy of the memorandum with changes or clarification, as appropriate, would be made part of the administrative file. If a memorandum is silent on an issue, including one that was discussed during the conference or addressed by materials provided by the potential applicant for the conference, such silence cannot be construed as agreement between FDA and the potential applicant on the issue. A copy of the final memorandum would be provided to the potential applicant. FDA would file in the administrative record, but not review or consider binding in any way, a memorandum of conference prepared by a potential applicant.

If FDA determines that more than one field study is necessary to demonstrate effectiveness, in accordance with section 512(b)(3) of the act, it would provide, either separately or as part of a memorandum of conference, written scientific justification for its decision within 25 calendar days of the date such decision is made. FDA would not, however, provide such written scientific justification if the potential applicant voluntarily proposes to conduct more than one field study but FDA does not believe multiple studies are necessary. The potential applicant's proposal to conduct more than one field study would be documented in the memorandum of conference.

One study can be a study at a single location or a study in which data are collected from multiple locations. Results obtained in a single location study may be dependent on site specific factors (e.g., disease definition, concomitant treatment, diet, management practices, climate, field conditions, etc.). In such cases, the results, although significant with respect to that site, may not permit inferences to be made to the intended target animal population. If FDA requires one field study to be conducted at multiple locations, at the request of the potential applicant, FDA would provide verbal or written justification for requiring multiple locations. Written justification could be provided separately or as part of a memorandum of conference. FDA intends to issue guidance to industry regarding the use of field studies to provide substantial evidence of effectiveness.

Presubmission conference agreements would generally include timeframes for completion. The agreements would assume that the potential applicant would use due diligence to complete the drug development process within those timeframes and FDA would use due diligence to complete its reviews within reasonable timeframes. If a potential applicant were to fail to meet the terms of an agreement, the agreement would have no precedential value for subsequent agreements relating to the same new animal drug because standards may change over time. Similarly, agreements relating to one new animal drug would have no precedential value with respect to other new animal drugs because requirements may vary from drug to drug or intended use to intended use.

Agreements reached through a presubmission conference could be modified under the limited circumstances described in proposed § 514.4(g). Proposed § 514.4(h) describes how a potential applicant may breach an agreement. The act provides that FDA breaches an agreement if it unilaterally modifies the agreement without a written order determining that a substantiated scientific requirement essential to the determination of safety or effectiveness appeared after the conference. Proposed § 514.4(i) describes procedures for resolving disputes that may arise between a

potential applicant and FDA during the presubmission conference process.

FDA encourages potential applicants to meet with FDA at any time to discuss submission requirements.

III. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities unless the rule is not expected to have a significant economic impact on a substantial number of small entities. As this proposed rule will not impose significant new costs on any firms, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the agency certifies that the proposed rule will not have a significant impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Under section 512(b)(3) of the act, as amended by the ADAA, any person intending to file an NADA or supplemental NADA or to investigate a new animal drug is entitled to one or more conferences prior to such submission to reach an agreement establishing a submission or investigational requirement. The purpose of a presubmission conference is to allow a potential applicant and FDA to discuss and to reach agreement regarding a submission or investigational requirement, including the number and types of studies that are necessary to demonstrate that a new animal drug is safe and effective for its intended uses.

Prior to the enactment of the ADAA, CVM had already been encouraging sponsors of NADA's to participate in conferences with FDA to discuss in detail what studies are necessary to demonstrate the safety and effectiveness of the particular new animal drug being investigated. FDA found that, as a result of this direct communication during the development and review of new animal drugs, both the drug development and review processes became more efficient. This proposed rule would implement the statutory entitlement to a presubmission conference and, thus, ensure that this benefit will continue where applicants request a presubmission conference. To the extent that this proposed rule would educate those in the industry that were not familiar with presubmission conferences, there will be further benefits as additional potential applicants realize efficiencies gained in the animal drug development and application process if they request a presubmission conference.

FDA is not able to make a precise estimate of the savings that industry has realized through the presubmission conferences up to this point, or of any increase in the number of presubmission conferences that may be requested as a result of this rule. There are many factors that determine the type and number of studies necessary to demonstrate the safety and effectiveness of new animal drugs. This proposed rule seeks to secure an avenue of communication between the agency and potential applicants through which both can agree on the studies needed for a certain drug, thereby reducing unnecessary studies and review periods.

It is possible, however, to forecast a range of savings that may be expected to result from any decrease in approval time resulting from the use of a presubmission conference. For this purpose, FDA estimated a straight-line increase of a prospective drug's sales revenues from the application's approval up to $5 million in the 10th year and then decreasing again to zero in the 20th year. Since many drugs attain sales much greater than $5 million, the agency estimate results in a rather conservative benefit. Assuming a pretax profit of 20 percent of sales revenue, FDA estimates the present value of the profits from a 1- to 6-month decrease in approval time at $20,000 to $120,000 using a 7 percent discount rate. Research costs saved by the firm from not conducting unnecessary studies would be added to this amount. Regardless of the exact reduction in the drug review period, since the presubmission conferences are voluntary, applicants would only be expected to request a conference if they expected the net benefit of the conference to be positive. The proposed rule would not impose any mandatory compliance costs.

V. Unfunded Mandates Reform Act of 1995

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

The Unfunded Mandates Reform Act does not require FDA to prepare a statement of costs and benefits for the proposed rule, because the proposed rule is not expected to result in any 1-year expenditure that would exceed $100 million adjusted for inflation. The current inflation-adjusted statutory threshold is $110 million.

VI. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the proposed rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VII. Paperwork Reduction Act of 1995

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

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

Title: Presubmission Conferences

Description: The proposed regulation is intended to implement section 512(b)(3) of the act which entitles any person intending to file an NADA or supplemental NADA or to investigate a new animal drug to request one or more conferences with FDA to reach an agreement establishing a submission or investigational requirement. Prior to the enactment of section 512(b)(3) of the act, FDA encouraged sponsors to meet with FDA to discuss the number and types of studies necessary to demonstrate that a new animal drug is safe and effective. FDA found that these informal presubmission conferences increased the efficiency of the drug development and drug review processes. FDA is publishing this proposed regulation to describe how to request, conduct, and document a presubmission conference.

Proposed section 514.4(b) describes the information that must be included in a letter submitted by a potential applicant requesting a presubmission conference, including a proposed agenda and a list of expected participants. Proposed section 514.4(d) lists the information that must be provided by the potential applicant to FDA prior to a presubmission conference. This information includes a copy of any materials to be presented at the conference, a list of proposed indications or a copy of the proposed labeling for the product under consideration, and any background material that provides an adequate scientific rationale to support the potential applicant's position on issues listed on the proposed agenda for the conference. Proposed section 514.4(f) discusses the content of the memorandum of meeting that will be prepared by FDA and proposes to allow the potential applicant to seek clarification or correction of the memorandum.

Table 1 of this document provides, by relevant section, the estimated burden of requesting, preparing for, and participating in presubmission conferences. The numbers in the chart are based on recent consultation with several of the major research and development firms that are responsible for the development of new animal drugs. While FDA estimates that the proposed regulation would increase the annual paperwork burden associated with the submission of NADA's, supplemental NADA's, and abbreviated NADA's, and requests for guidance on investigational requirements, FDA believes this increase will be offset by the resulting efficiencies (e.g., eliminating the conduct of studies that are not needed to demonstrate safety and effectiveness, decreasing the requests from reviewers for additional or clarifying information during the review process).

Description of Respondents: Potential applicants

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
514.4(b)	190	1	190	7	1,330
514.4(d)	190	1	190	123	23,370
514.4(f)	190	1	190	16	3,040
Total					27,740

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

In compliance with section 3507(d) of the PRA, the agency has submitted the information collection provisions of this proposed rule to OMB for review. Interested persons may submit to OMB (address above) written comments regarding the information collection by September 25, 2000.

Lists of Subjects in 21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 514 be amended as follows:

PART 514—NEW ANIMAL DRUG APPLICATIONS

1. The authority citation for 21 CFR part 514 continues to read as follows:

Authority: 21 U.S.C. 351, 352, 360b, 371, 379e, 381.

2. Section 514.2 is added to subpart A to read as follows:

§ 514.2 Definitions.

(a) *Potential applicant* means any person intending to:

(1) Investigate a new animal drug under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the act),

(2) File a new animal drug application (NADA) or supplemental NADA under 512(b)(1) of the act, or

(3) File an abbreviated new animal drug application (ANADA) under section 512(b)(2) of the act.

(b) *Presubmission conference* means one or more conferences between a potential applicant and FDA, requested by the potential applicant, to reach a binding agreement establishing a submission or investigational requirement.

(c) *Presubmission conference agreement* means that section of the memorandum of conference headed ''Presubmission Conference Agreement'' that records any agreement on the submission or investigational requirement reached by a potential applicant and FDA during the presubmission conference. The presubmission conference agreement will be binding on the potential applicant and FDA unless it is modified as described in § 514.5(g).

3. Section 514.5 is added to subpart A to read as follows:

§ 514.5 Presubmission conferences.

(a) *General.* Presubmission conferences provide a forum for a

potential applicant and FDA to reach agreement regarding the overall plan for conducting investigations of new animal drugs or obtaining approval of a new animal drug, including to discuss what studies are required to support approval of a new animal drug application (NADA), a supplemental NADA, or an abbreviated new animal drug application (ANADA), and to discuss the objectives and general design of particular studies. Presubmission conferences, as a project management tool, can enhance the animal drug development and evaluation process. The general principle underlying the conduct of any such conference is that there must be candid, full, and open communication about scientific or medical issues pertaining to the safety and effectiveness of an investigational new animal drug.

(b) *Requesting a presubmission conference*. A potential applicant is entitled to one or more conferences prior to the submission of an NADA, supplemental NADA, or an ANADA to reach an agreement establishing part or all of a submission or investigational requirement. Potential applicants must request a presubmission conference by submitting their request to the appropriate Center for Veterinary Medicine (CVM) Division Director in a signed letter. The letter must include a proposed agenda that clearly outlines the scope, purpose, and objectives of the presubmission conference and must list the names and positions of the representatives who are expected to attend the presubmission conference on behalf of the potential applicant.

(c) *Timing*. A potential applicant may request one or more presubmission conferences at any time prior to the filing of a NADA, supplemental NADA, or an ANADA. A request for a presubmission conference must be received by FDA at least 30 calendar days in advance of the requested conference date. FDA will schedule the presubmission conference at a time agreeable to both FDA and the potential applicant.

(d) *Advance information*. The potential applicant must provide to FDA, at least 30 calendar days in advance of a scheduled presubmission conference, a copy of any materials to be presented at the conference, a list of proposed indications or a copy of the proposed labeling for the product under consideration, and any background material that provides an adequate scientific rationale to support the potential applicant's position on issues listed on the proposed agenda for the conference. If the materials are not provided or are not sufficient to provide the basis for meaningful discussion, FDA may elect to postpone the meeting until sufficient materials are provided to FDA.

(e) *Conduct of a presubmission conference*. The potential applicant and FDA may each bring consultants to the presubmission conference. The presubmission conference(s) will be directed primarily at establishing agreement between FDA and the potential applicant regarding a submission or investigational requirement. The submission or investigational requirement will include the number and types of studies that are necessary to demonstrate the safety and effectiveness of a new animal drug for the intended uses and conditions of use prescribed, recommended, or suggested in the proposed labeling for the new animal drug.

(f) *Documentation of a presubmission conference*—(1) *Memorandum of conference*. FDA will prepare a memorandum of each conference summarizing the substance of the conference: Key discussion points, decisions, recommendations, agreements reached regarding all or part of a submission or investigational requirement, disagreements, and action items. That portion of the memorandum of conference that documents any agreements reached regarding all or part of a submission or investigational requirement will be included under the heading ''Presubmission Conference Agreement.'' FDA will provide a copy of the memorandum to the potential applicant for review. The potential applicant will have 30 calendar days from the date a copy of the final draft of the memorandum is provided to the applicant to request changes to or clarification of the substance of the memorandum. For purposes of calculating the 30 days, FDA will use the date the memorandum is mailed, facsimiled, or electronically transmitted to the potential applicant from the Document Control Unit, whichever is earlier. If a potential applicant requests changes or clarification, such request should be directed to the appropriate CVM Division Director. A copy of FDA's original memorandum of conference and a copy of the memorandum with changes or clarification, as appropriate, will be made part of the administrative file. If a memorandum is silent on an issue, including one that was discussed in the conference or addressed by materials provided for the conference, such silence cannot be construed as agreement between FDA and the potential applicant on the issue. FDA will provide the potential applicant with a copy of the final memorandum.

(2) *Field studies*. If FDA requires more than one field study to establish by substantial evidence that the new animal drug is effective for its intended uses under the conditions of use prescribed, recommended, or suggested in the proposed labeling, FDA will provide written scientific justification for requiring more than one field study. Such justification must be provided no later than 25 calendar days after the date of the conference at which the requirement for more than one field study is established. If FDA does not believe more than one field study is required but the potential applicant voluntarily proposes to conduct more than one field study, FDA will not provide such written justification. If FDA requires one field study to be conducted at multiple locations, FDA will, at the request of the potential applicant, provide written or verbal justification for requiring multiple locations.

(g) *Modification of presubmission conference agreements*. An agreement made under a presubmission conference requested under section 512(b)(3) of the Federal Food, Drug, and Cosmetic Act and documented in a memorandum of conference is binding on the potential applicant and FDA and may only be modified if:

(1) FDA and the potential applicant mutually agree to modify, in part or in whole, the agreement and such modification is documented and provided to the potential applicant as described in paragraph (f)(1) of this section; or

(2) FDA by written order determines that a substantiated scientific requirement essential to the determination of safety or effectiveness of the new animal drug appeared after the conference.

(h) *When the terms of a presubmission conference agreement are no longer binding*. (1) A presubmission conference agreement will no longer be binding if:

(i) The potential applicant makes to FDA, before, during, or after the presubmission conference, any untrue statement of material fact; or

(ii) The potential applicant fails to follow any term of the agreement; and

(2) A presubmission conference agreement may no longer be binding if the potential applicant submits false or misleading data relating to a new animal drug to FDA.

(i) *Dispute resolution*. FDA is committed to resolving differences between a potential applicant and FDA reviewing divisions with respect to requirements for the investigation of new animal drugs and for NADA's,

supplemental NADA's, and ANADA's as quickly and amicably as possible through a cooperative exchange of information and views. When administrative or procedural disputes arise, a potential applicant should first attempt to resolve the matter within the appropriate review division beginning with the individual(s) most directly assigned to review of the application or investigational exemption. If the dispute cannot be resolved after such attempts, the dispute shall be evaluated and administered in accordance with applicable regulations (21 CFR 10.75). Dispute resolution procedures may be further explained by guidance available from CVM.

Dated: August 17, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–21692 Filed 8–24–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–00–006]

RIN 2115–AE 47

Drawbridge Operation Regulations; Longboat Pass and New Pass, Longboat Key, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a request from Manatee County and after reviewing opening data for the bridges, the Coast Guard proposes to change the regulations governing the operation of the State Road 789 drawbridge across Longboat Pass, Manatee County and New Pass, Sarasota County, in Longboat Key, Florida. The changes would provide continuous drawtender attendance at Longboat Pass Bridge and remove the existing timed opening schedule for the New Pass Bridge. This action should accommodate the needs of vehicle traffic and better provide for the reasonable needs of navigation.

DATES: Comments and related material must be received by October 24, 2000.

ADDRESSES: You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131–3050, or may be delivered to room 406 at the above address between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The Commander, Seventh Coast Guard District, 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 and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District 909 SE 1st Avenue, room 406, Miami, FL 33131, between 8 a.m. and 4 p.m. Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, at (305) 415–6730.

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, [CGD7–00–006], and 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 8½ by 11 inches, suitable for copying. If you would like to know they reached us please enclose a stamped, self-addressed postcard or envelope. We will consider all comments received during the comment period. We may change this proposal in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to us at Seventh Coast Guard District (obr), 909 SE 1st Avenue, Room 406, Miami, FL 33133–3050 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

Existing regulations in 33 CFR 117.299 require the Longboat Pass Bridge to open on signal from 6 a.m. to 6 p.m.. From 6 p.m. to 6 a.m. the bridge is not tended and requires 3 hours advance notice to open. The number of openings has increased at the bridge from 3,825 in 1997 to 4,499 in 1999. In addition, some boaters have reported difficulties obtaining openings at night when the bridge is not tended. Manatee County asked that the bridge be required to open on signal at all times.

Existing regulations in 33 CFR 117.311 require the New Pass Bridge to be attended at all times and provide for timed openings from 7 a.m. to 6 p.m. on the hour, 20 minutes past the hour, and forty minutes past the hour. Continual shoaling of New Pass has rendered it not navigable except for shallowest draft vessels. Consequently, the number of openings has continually decreased from 6942 in 1975, to 3847 in 1982 to 1367 in 1998. Manatee County asks that the bridge no longer operate on timed openings and that the bridge not be tended from 6 p.m. to 6 a.m.

Discussion of Rule

This proposal would amend 33 CFR 117.299 to require constant, on signal bridgetender service. The proposal would amend 33 CFR 117.311 to require on signal openings between 6 a.m. and 6 p.m. with 3 hours advance notice required between 6 p.m. and 6 a.m. These changes meet the increased need for openings at the Longboat Pass bridge because of the increased vessel traffic there, while allowing for less openings and untended periods at the New Pass bridge because of the significant decrease in vessel traffic there. The telephone number to call for an after-hours opening would be (941–359–5666).

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 has not reviewed it under that order. It is not significant under the regulatory polices and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). We expect the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. We conclude this because there are no economic impacts in this proposal.

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. 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 proposed rule will not have a significant economic impact on a substantial number of small

entities. Operators of small to medium sized recreational and commercial craft will benefit from the proposal by having easier access through the drawbridges. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see addresses) explaining why you think it qualities and how to what degree this proposed rule would economically affected it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. 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. 3501–3520).

Federalism

We have analyzed this proposed rule under Executive Order 12612, and have determined that this rule does not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

Unfunded Mandates Reform Act

The unfunded Mandates Reform Act of 1995 (2 U.S.C.) (1531–1538) and Executive Order 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093, October 28, 1993) govern 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 proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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 proposed rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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.

§ 117.299 [Removed]

2. Section 117.299 is removed.

3. Revise § 117.311 to read as follows:

§ 117.311 New Pass

The draw of the State Road 789 bridge, mile 0.5 at Sarasota, shall open on signal; except that, from 6 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given.

Dated: August 10, 2000.

Thad W. Allen,

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

[FR Doc. 00–21823 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 96–86; FCC 00–271]

Public Safety 700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Fourth Notice of Proposed Rulemaking* (*4thNPRM*), the Commission proposes rules concerning various technical and operational issues regarding the use of interoperability frequencies in the 764–776 MHz and 794–806 MHz frequency bands (the 700 MHz band). Previously, the Commission charged the Public Safety National Coordination Committee (NCC) with preparing a report on the technical and operational standards for interoperability frequencies in the 700 MHz band. The NCC issued its report to the Commission on February 25, 2000. The Commission seeks comment on the rules proposed in response to recommendations contained in the NCC's report.

DATES: Comments are due September 25, 2000. Reply comments are due Ocotber 10, 2000.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room 4–C207, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bertram Weintraub or Nancy Zaczek, Wireless Telecommunications Bureau, Public Safety & Private Wireless Division, Policy and Rules Branch, (202) 418–0680, or via E-mail to ''*bweintraub@fcc.gov*'' or ''*nzaczek@fcc.gov*''.

SUPPLEMENTARY INFORMATION:

1. This document summarizes the Commission's *4thNPRM* in WT Docket No. 96–86, FCC 00–271, adopted on July 25, 2000 and released on August 2, 2000. The full text of the *4thNPRM* is available for inspection and duplication

during regular business hours in the FCC Reference Center, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. The full text of the *4thNPRM* may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. The full text of the *4thNPRM* may also be downloaded at *www.fcc.gov*. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

Summary of the Fourth Notice

2. The Commission directed the NCC to make a timely recommendation concerning whether the Commission should require trunking on nationwide interoperability spectrum. After considering the advantages and disadvantages of requiring the use of trunking on the interoperability channels, the NCC recommends that the Commission not mandate trunking. Accordingly, the Commission proposes to allow trunking only on ten of the interoperability channel sets on a strict secondary basis. Additionally, the Commission proposes the discontinuance of trunked operation whenever any channel sets are needed for interoperability communications or whenever a trunked system interferes with any interoperability communication, *e.g.,* communications conducted on a unit-to-unit basis or using conventional repeaters. The Commission invites comment on these proposals.

3. Additionally, the Commission seeks comment on accommodating 25 kHz operations on the interoperability channels. Specifically, the Commission requests comment on allocating the temporary guard channels pursuant to the NCC's recommendations. The options for allocating the temporary guard channels include: (a) Moving the interoperability channels so that they are adjacent to each other, thereby eliminating the need for temporary guard channels, or (b) designating those channels immediately where trunking is permitted for interoperability use, thus permitting the aggregation of 25 kHz bandwidths on some interoperability channels, or (c) allocating all of the channels for interoperability use, thereby doubling the total number of interoperability channels.

4. The Commission solicits comment, pursuant to the NCC's recommendation, on the states administering the interoperability channels with oversight of the interoperability infrastructure by the Regional Planning Committees (RPCs). In addition, the Commission requests comment on (a) the formation of State Interoperability Executive Committees (SIECs) to handle the administration of interoperability channels for the states; (b) Commission licensing of ''subscriber equipment'' (mobile and portable units) operating on interoperability channels; and (c) the adoption of standardized templates for Memoranda of Understanding between SIECs and sharing agreements between jurisdictions.

5. The Commission also invites comment on the NCC's recommendations concerning channel designations, display labeling and access priority. Specifically, the Commission seeks comment on the NCC's proposed table and assignments. The proposed table assigns a particular purpose and name to each interoperability channel set. The Commission also seeks comment on the NCC's proposal that mobile units certificated for use under part 90 of the Commission's Rules must be capable of displaying interoperability channel labels alphanumerically if the radios are equipped with alphanumeric displays. In addition, the Commission seeks comment on the NCC's proposed priority access scheme. Furthermore, the Commission seeks comment on the NCC's recommendation to designate two interoperability channels as calling channels to use as gateways to other channels.

6. In anticipation of the development of spectrum-efficient equipment that would require only a 6.25 kHz bandwidth for one voice channel, previously, the Commission declined to adopt the Project 25 Phase I standard. However, since that time, the NCC recommended adoption of the Project 25 Phase I standard as the digital voice standard for interoperability channels. The Project 25 Phase I standard requires a 12.5 kHz bandwidth instead of the spectrum efficient 6.25 kHz bandwidth. The Commission tentatively concludes that it should adopt the NCC's recommendation of the Project 25 Phase I standard at this time and that it should develop and implement a ''migration path'' to 6.25 kHz technology. The Commission invites comment on the appropriate digital voice standard, and an appropriate migration path to spectrum efficient 6.25 kHz technology in the future. The Commission also declined to include a requirement for narrowband channels that transmitters for voice communications in the narrowband segment of the 700 MHz band meet a spectrum efficiency standard of one voice channel per 6.25 kHz of channel bandwidth, regardless of the data rate supplied.

7. The NCC recommends that the Commission adopt the data interoperability standard that is incorporated in the Project 25 suite of standards and is defined by one ANSI standard and four TIA/EIA standards. This data interoperability standard requires the use of a 12.5 kHz channel. The Commission solicits comment on the appropriate standard for narrowband data transmissions on interoperability channels.

8. The NCC recommends that the Commission adopt the latest Federal government encryption standard. The Commission requests comment on whether it should adopt the current Federal standard, and if so, the best method for updating the encryption standard in the future.

9. With regards to interference standards, the Commission invites comment on two related issues. First, the Commission invites comment on whether the interests of public safety and commercial licensees in the 700 MHz band would be served by establishing interference standards for receivers operating on public safety frequencies. Second, the Commission solicits comment on whether it should mandate receiver standards to address interference issues raised by public safety radio operators.

10. The Commission tentatively concludes that two recommendations by the NCC are unnecessary. First, the NCC requests sufficient flexibility to allow state and local authorities to enter contractual agreements with Federal authorities. However, the Commission tentatively concludes that an additional rule is not necessary to facilitate Federal sharing of the interoperability spectrum. Second, the NCC recommends requiring RPCs to use a regional planning ''pre-coordination database,'' to choose interoperability channels in order to avoid co-channel and adjacent channel interference. However, the Commission tentatively concludes that it is not necessary to require by rule the use of a pre-coordination database The Commission invites comment on its tentative conclusions.

Initial Regulatory Flexibility Analysis

11. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this *4thNPRM*. Written public comments are requested regarding this IRFA. Comments must be identified as responses to the IRFA and

must be filed by the deadlines for comments on the *4thNPRM* provided in the item. The Commission will send a copy of the *4thNPRM* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *4thNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

I. Need for, and Objectives of, the Proposed Rules

12. In the *4thNPRM*, we continue our evaluation of rules applicable to the use of public safety spectrum in the frequencies at 764–776 MHz and 794–806 MHz (the 700 MHz band). Specifically, the *4thNPRM* summarizes and seeks comment on the recommendations of the NCC concerning technical and operational standards for public safety interoperability frequencies in the 700 MHz band. We seek comment on a number of issues including: Primary and secondary trunking on the interoperability channels; establishment and role of RPCs and SIECs; administration of the interoperability channels by state or local entities; licensing of end-users; standardized display labeling for interoperability units; access priority scheme for the interoperability channels; designation and use of calling channels; use of encryption on the interoperability channels; digital voice standards and efficiency standards for the interoperability channels; digital data standards and channel reservation for the interoperability channels; federal use of the interoperability spectrum; and use of a pre-coordination database to assign the interoperability channels. The proposed rules and actions should help achieve our goal of seamless interoperability on a nationwide basis, thereby improving critical public safety communications.

II. Legal Basis

13. Authority for issuance of this item is contained in sections 1, 4(i), 7, 301, 302, 303, and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 301, 302, 303, 337.

III. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

14. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under Section 3 of the Small Business Act. A small business concern is one that: (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. Nationwide, as of 1992, there were approximately 275,801 small organizations. ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or ninety-six percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (ninety-one percent) are small entities. Below, we further describe and estimate the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

15. *Public Safety Radio Pool Licensees.* As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services. Spectrum in the 700 MHz band for public safety services is governed by 47 U.S.C. 337. Non-Federal governmental entities, as well as private businesses, are licensees for these services. As indicated above, all governmental entities with populations of less than 50,000 fall within the definition of a small entity. Neither the Commission nor the SBA has developed a definition of small businesses directed specifically toward public service licensees. Therefore, the applicable definition of small business is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small business is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were public safety licensees, nearly all would be small businesses under the SBA's definition, if independently owned and operated.

16. *Radio and Television Equipment Manufacturers.* We anticipate that at least six radio equipment manufacturers will be affected by our decisions in this proceeding. According to the Small Business Administration's regulations, a radio and television broadcasting and communications equipment manufacturer must have 750 or fewer employees in order to qualify as a small business concern. Census Bureau data indicate that there are 858 U.S. firms that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would therefore be classified as small entities. We do not have information that indicates how many of the six radio equipment manufacturers associated with this proceeding are among these 778 firms. Motorola and Ericsson, however, are major, nationwide radio equipment manufacturers, and thus, we conclude that they would not qualify as small businesses.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

17. The *4thNPRM* proposes a number of rules and solicits comments that will entail reporting, recordkeeping, and/or third-party consultation. The Commission believes, however, that these requirements are the minimum needed. The licensing methods under consideration in the *4thNPRM* include the possibility of imposing recordkeeping and reporting requirements on applicants for public safety licenses that may be required to make submissions to planning committees justifying their request for spectrum. These entities will be required to submit applications for spectrum licenses on Form 601.

18. The *4thNPRM* also seeks comment on recommendations to MOUs and model sharing agreements to govern use of interoperability channels. Entities would be responsible for gathering the information necessary to complete an MOU or sharing agreement.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

19. The RFA requires an agency to describe any significant alternatives that it has considered reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design,

standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603.

20. The NCC, comprised of representatives from government, the public safety community, and the communications equipment manufacturing industry, was chartered by the FCC as a Federal Advisory Committee, effective February 25, 1999. The NCC made recommendations concerning various issues addressed in this *4thNPRM*. We note that in several instances, to benefit all entities, including small entities, we did not propose a particular recommendation. For instance, see the discussion in paragraphs 25–28 and 60–62, in the *4thNPRM*.

21. In formulating the proposals in the *4thNPRM*, we have reduced economic burdens wherever possible. The regulatory burdens that we have proposed are necessary to ensure that the public receives the pubic safety benefits of innovative new services in a prompt and efficient manner. For example, we have proposed technical and operational rules that should promote competition in the equipment market. We believe that the rules we adopt must be as competitively and technologically neutral as possible, in order to allow for competing equipment designs and to avoid hindering future innovative technological developments. We note that tighter technical specifications generally allow more intense spectrum use, but may result in higher equipment costs. Conversely, although wider tolerances may allow manufacturers to use less costly component parts in transmitting equipment, they also may result in less efficient spectrum use. With these considerations in mind, we believe that the technical regulations we propose herein provide a reasonable balance of these concerns.

22. Under the regional planning process, frequency coordination is competitive. Frequency coordination is the process by which a private organization recommends to the Commission the most appropriate frequencies for private land mobile radio service applicants. Frequency coordinators provide a valuable service to the Commission by eliminating common application errors, thereby improving the quality of the applications and resolving potential interference problems at the source. We continue to believe that the encouragement of competition among coordinators promotes cost-based pricing of coordination services and provides incentives for enhancing service quality. Therefore, we will continue to allow any of the certified public safety coordinators to provide coordination in the 700 MHz band.

23. Recognizing the budgetary constraints that public safety entities face as a matter of course, we have proposed rules that encourage broad-based efforts, such as projects on the state and regional level, to coordinate and consolidate operations that are critical to meeting the needs of public safety with cost effective, spectrally-efficient radio systems. For example, we have proposed trunking on certain public safety channels in the 700 MHz band. Trunked systems would provide service to many governmental entities in a specific geographic area and offer a higher degree of efficiency than some smaller, non-trunked systems. A difficulty in establishing these types of shared systems is that they require individual agencies to surrender some autonomy in return for the efficiencies and better coverage of a larger system. In addition, the funding required to develop the infrastructure necessary to support some of the newer technologies is often too great to permit small public safety agencies to participate in new, sophisticated, spectrum efficient, wireless radio systems. These same agencies, however, might be able to participate in a county-wide or state-wide system. For these, and other, reasons, we encourage the use of shared systems in the public safety community.

24. We believe that flexible licensing policies are necessary to encourage the use of the most spectrally efficient technology to meet user-defined needs. Recognizing the budgetary constraints that small public safety entities face, the *4thNPRM* seeks comment on a variety of proposals regarding the interoperability spectrum in the 700 MHz public safety band. Any significant alternatives presented in comments will be considered.

VI. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

25. None.

List of Subjects in 47 CFR Part 90

Advisory committees, Communications equipment, Radio.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 is revised to read as follows:

Authority: Secs. 4, 251–52, 303, 309, 332 and 337 of the Communications Act of 1934, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 251–52, 303, 309, 332 and 337, unless otherwise noted.

2. A new § 90.524 is added to read as follows:

§ 90.524 Administration of interoperability channels.

(a) States are responsible for administration of the interoperability channels in the 764–776 MHz and 794–806 MHz frequency bands. Base and control stations must be licensed individually. A public safety entity may operate mobile or portable units on the interoperability channels in the 764–776 MHz and 794–806 MHz frequency bands without an individual license if: the entity is eligible to hold a license in the 764–776 MHz and 794–806 MHz frequency bands; or the entity otherwise is licensed under part 90 of these Rules. All persons operating mobile or portable units are responsible for compliance with part 90 of these Rules and other applicable federal laws.

(b) License applications for interoperability channels in the 764–776 MHz and 794–806 MHz frequency bands must be approved by a state-level agency or organization responsible for administering state emergency communications. States may hold the licenses for interoperability channels or approve other qualified entities to hold such licenses. States may delegate the approval process for interoperability channels to another entity, such as regional planning committees.

3. Section 90.531 is amended by adding paragraphs (b)(1)(i) through (b)(1)(iv) to read as follows:

§ 90.531 Band plan.

* * * * *

(b) * * *

(1) * * *

(i) *Primary narrowband interoperability channels.* The following channels are designated as primary narrowband interoperability channels. [Note: channels dependent upon guard band decision].

(ii) *Narrowband data interoperability channels.* The following channels are dedicated for the express purpose of nationwide data transmission only. [Note: channels dependent upon guard band decision].

(iii) *Narrowband calling interoperability channels.* The following channels are dedicated for the express

purpose of nationwide interoperability calling only [Note: channels dependent upon guard band decision]. Trunking and encryption are prohibited on the two designated calling channel sets.

(iv) *Narrowband trunking interoperability channels.* The following channels are available for nationwide interoperability trunking purposes. [Note: channels dependent upon guard band decision].

* * * * *

4. Section 90.537 is revised to read as follows:

§ 90.537 Trunking requirement.

(a) *General use channels.* All systems using six or more narrowband channels in the 764–776 MHz and 794–806 MHz frequency bands must be trunked systems, except for those described in paragraph (b) of this section.

(b) *Interoperability channels.* Trunking is permitted on ten of the channels designated for nationwide interoperability use, as designated in § 90.531(b)(1)(iv). The following requirements apply to interoperability channels where trunking is permitted, but not required: Trunked use must be conducted on a strict secondary, non-interference basis; 6.25 kHz, 12.5 kHz, and 25 kHz trunked operations are permitted; and routine (day-to-day) communications are permitted if the channel(s) are not needed for emergency communications. Trunking is prohibited on the remainder of the interoperability channels, including any channels reserved as calling channels, because such channels are reserved for conventional operations.

5. Section 90.547 is revised to read as follows:

§ 90.547 Interoperability channel capability requirement.

(a) Mobile and portable transmitters designed pursuant to standards adopted by the National Coordination Committee to operate in the 764–776 MHz and 794–806 MHz frequency bands must be capable of operating on any of the designated nationwide narrowband interoperability channels, approved by the Commission. Subscriber units designed for data-only applications are not required to have voice capability. Subscriber units designed for voice-only applications are not required to have data transmission capability.

(b) Transmitters operating on those narrowband channels in the 764–776 and 794–806 MHz band designated for interoperability (*See* § 90.531 shall conform to the following technical standards):

(1) Transmitters designed for voice operation within a 12.5 kHz or 6.25 kHz bandwidth shall conform to the following standards: ANSI/TIA/EIA102.BAAA–1 (common air interface); ANSI/TIA/EIA102.BABA (vocoder).

(2) Transmitters designed for data transmission within a 12.5 kHz or 6.25 kHz bandwidth shall conform to the following standards, as applicable: ANSI/TIA/EIA 102.BAEA (data overview); ANSI/TIA/EIA 102.BAEB (packet data specification); ANSI/TIA/EIA102.BAEC (circuit data description); ANSI/TIA/EIA 102.BAEA (radio control protocol); and ANSI/TIA/EIA 102.BABA (vocoder).

(c) Copies of the standards listed in this § 90.547 that are incorporated by reference can be purchased from the American National Standards Institute, Washington, DC Headquarters, 1819 L Street, NW., 6th Floor, Washington, DC 20036.

(d) Copies of the standards listed in this § 90.547 that are incorporated by reference may be inspected at the Federal Communications Commission, 445 12th Street, SW., Washington, DC (Reference Information Center) or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington.

[FR Doc. 00–21579 Filed 8–24–00; 8:45 am]

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Notices

Federal Register

Vol. 65, No. 166

Friday, August 25, 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

Forest Service

Bridger-Teton National Forest Oil and Gas Leasing EIS Authorizing BLM To Offer Oil and Gas Leases in Management Areas 21,45,71,72. Bridger-Teton National Forest, Teton, Sublette and Fremont Counties, WY

AGENCY: Forest Service, USDA—Lead Agency; Bureau of Land Management (BLM) Cooperating Agency.

ACTION: Revised and updated Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: This **Federal Register** notice revises the Notice of Intent published in the January 15, 1998 **Federal Register** Volume 63, Number 10. The Bridger-Teton National Forest expects to file the draft EIS with the Environmental Protection Agency and make it available for public comment in October 2000. In addition to making the leasing decision for these four management areas as stated in the January 1998 Notice of Intent, the Bridger-Teton National Forest will now also re-visit the availability decision of these management areas that was made in the 1990 Land and Resource Management Plan (Forest Plan). The Bridger-Teton National Forest will consider and analyze the environmental effects of leasing and of amending the 1990 Forest Plan to remove all or portions of these management areas from availability. The analysis will also consider adding restrictions (stipulations) or changing current stipulations in the Forest Plan which would require a Forest Plan amendment.

The 1990 Bridger-Teton National Forest and Resource Management Plan identified all of Management Areas 21, 45, 71, and 72 as available for oil and gas leasing. The Forest Plan did not make the site-specific leasing decision for these lands, therefore, the Forest Plan did not make an irreversible commitment of resources. The next step in the leasing process is to complete a site-specific analysis of the Management Areas. The current oil and gas leasing analysis is tiered to the oil and gas analysis contained within the Bridger-Teton National Forest and Resource Management Plan Final Environmental Impact Statement and analyzes resource issues at a smaller scale and incorporates any new resource information. The purpose of offering Management Areas 21, 45, 71, and 72 is to provide opportunities for exploration and development of leasable minerals. A specific objective of the 1990 Forest Plan is to ''Provide leasable, locatable, and salable mineral exploration and development opportunities'' (see Objective 1.1(d), page 113, Bridger-Teton National Forest and Resource Management Plan). Additionally, the Federal government's policy for minerals resource management is expressed in the Mining and Minerals Policy Act of 1970. The Act directs the Forest Service to ''foster and encourage private enterprise in the development of economically sound and stable industries and in the orderly and economic development of domestic resources * * *''

The Responsible Official is Carole 'Kniffy' Hamilton, Forest Supervisor, Bridger-Teton National Forest, Jackson, Wyoming. The decision to be made is whether or not to authorize the BLM to offer specific lands for lease, subject to the Forest Service ensuring that correct stipulations are attached to the leases issued by the BLM (36CFR228.102(e)) and to consider amending the Bridger-Teton National Forest and Resource Management Plan by adding additional stipulations and/or changing the availability decision made in the Plan for these four management areas or parts thereof. The draft EIS is expected to be available for public review in October 2000, with a final EIS estimated to be completed in March 2001. The comment period on the draft EIS will be 60 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Questions concering the proposed action and EIS should be directed to Rick Anderson at the Forest Supervisor's Office, Bridger-Teton National Forest, P.O. Box 1888, Jackson, WY 83001, phone (307) 739–5558.

SUPPLEMENTARY INFORMATION: When the Bridger-Teton National Forest and Resource Management Plan was approved in 1990, it identified, at a programmatic level, the lands available for oil and gas leasing. The next step in the leasing process is for the Forest Service to perform a site-specific leasing analysis tiered to the Forest Plan. The purpose of this analysis is to implement the authority granted to the Forest Service by the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and the implementing regulations (36 CFR 228 E), and to make the leasing decision for the specific lands for which interest in leasing has been expressed.

Conducting this analysis and making the necessary determinations will include the following steps or determinations:

(a) Verify that the leasing of these lands is consistent with the Forest Plan.

(b) Determine that the leasing has been adequately addressed in a National Environmental Policy Act (NEPA) document.

(c) Determine if further analysis is needed resulting from new circumstances or new information.

(d) Determine which specific lands and under what conditions the Forest Service will consent to authorize the Bureau of Land Management (BLM) to offer for lease.

Conducting an environmental analysis on a proposed leasing action is triggered when the BLM receives an Expression of Interest in leasing a specific area. This Expression of Interest means an entity has identified a block of land that it wants to be offered for leasing. In cases where no site-specific analysis has been completed, this action requires the Forest Service to complete an analysis of the area to determine which of the nominated lands it will consent to be leased and to identify under what conditions the oil and gas activities will be permitted. The Bridger-Teton National Forest will analyze the entire management area for each of the 3 management areas where the nominated lands are located (MAs 21, 45, and 72), plus one additional, contiguous management area (MA 71).

Dated: August 14, 2000.

Carole 'Kniffy' Hamilton,

Forest Supervisor, Bridger-Teton National Forest, USDA Forest Service.

[FR Doc. 00–21161 Filed 8–24–00; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before September 25, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Bar Assembly, Door
3920–02–000–1915
NPA: Rauch Rehabilitation & Developmental Services, Inc., New Albany, Indiana

CRT and Keyboard Cleaner
7045–01–247–6020
NPA: North Central Sight Services, Inc., Williamsport, Pennsylvania

Cot, Folding
7105–00–935–0422
(12.5% of the Government's Requirement)
NPA: CETC Employment Opportunities, Inc., New Bern, North Carolina

Vegetable Oil
8945–00–NSH–0001
(Minimum of 15% of the Government's Requirement or a monthly amount not to exceed 3,500 Metric Tons)
NPA: Advocacy and Resource Corp. (ARC), Cookeville, Tennessee

Services

Janitorial/Custodial

Backbay National Wildlife Refuge, 4005 Sandpiper Road, Virginia Beach, Virginia
NPA: Community Alternatives, Inc., Virginia Beach, Virginia

Mailroom Operation/Messenger Services

U.S. Peace Corps Headquarters, 1111 20th Street, NW, Washington, DC
NPA: Didlake, Inc., Manassas, Virginia

Microfilming Services

Commodities Future Trading Commission, 1155 21st Street, Washington, DC
NPA: Developmental Services Group, Inc., Columbia, Maryland

Rita L. Wells,

Deputy Executive Director.

[FR Doc. 00–21810 Filed 8–24–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: September 25, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Louis R. Bartalot, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 31, June 9 and July 7, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (65 FR 17255, 36663, 41941 and 41942) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Strap, Mail Tray
5340–01–365–1043
Field Pack, Firefighters
8465–01–169–3996

Services

Janitorial/Custodial

U.S. Army Reserve Center
180 High Street, Fairfield, Connecticut
AMSA 69, 26 Seamans Lane, Milford, Connecticut
U.S. Department of Agriculture, Avian Disease and Oncology Lab, East Lansing, Michigan

Switchboard Operation

VA Hudson Valley Health Care System
Castle Point Campus, Castle Point, New York
FDR Campus, Albany Post Road, Montrose, New York

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will not have a severe economic impact on future contractors for the commodities.
3. The action may result in authorizing small entities to furnish the commodities to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Tree Marking Paint and Tracer Element
8010–01–273–3769
8010–01–273–3768
8010–01–273–3767
8010–01–273–3766
8010–01–274–2569
8010–01–274–2568
8010–01–274–2564
8010–01–273–3765
8010–01–273–3764
8010–01–273–3763
8010–01–273–8705
8010–01–274–2567
8010–01–274–7795
8010–01–274–2563
8010–01–274–2574
8010–01–274–2573
8010–01–274–2572
8010–01–274–2571
8010–01–274–2566
8010–01–274–2565
8010–01–274–2562
8010–01–380–1779
8010–01–380–1770
8010–01–380–1706
8010–01–380–1710
8010–01–380–1777
8010–01–380–1781
8010–01–380–1708
8010–01–380–1732
8010–01–380–1700
8010–01–380–1727
8010–01–380–1756
8010–01–380–1702
8010–01–380–1745
8010–01–380–1735
8010–01–380–1766
8010–01–380–1755
8010–01–380–1769
8010–01–380–1763
8010–01–380–1739
8010–01–380–1757
8010–01–380–1753
Paper, Kraft Wrapping
8135–00–160–7752
8135–00–160–7770

Rita L. Wells,

Deputy Executive Director.

[FR Doc. 00–21811 Filed 8–24–00; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 4:00 p.m. on Wednesday, September 27, 2000, at the City Hall, 2nd Floor, Council Chambers, 605 E. Main Street, Charlottesville, Virginia. The purpose of the meeting is to consider a response to comments by Virginia Governor James Gilmore regarding its recent report, Unequal Justice: African Americans in the Virginia Justice System; and plan new projects. The Committee will appear as guests at a community forum, highlighting the same report, sponsored by the Citizens Advisory Committee for the Charlottesville-Albemarle Public Defender Office, from 6:30 p.m. to 9:00 p.m. at the Buford Middle School, 9th Street SW and Cherry Avenue, Charlottesville, Virginia.

Persons desiring additional information, or planning a presentation to the Committee, should contact Edward Darden, Civil Rights Analyst, of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 21, 2000.

Lisa M. Kelly,

Special Assistant to the Staff Director, Regional Programs Coordination Unit.

[FR Doc. 00–21771 Filed 8–24–00; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

[I.D. 082200B]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Southeast Region Logbook Family of Forms.

Form Number(s): NOAA Form 88–186.

OMB Approval Number: 0648–0016.

Type of Request: Regular submission.

Burden Hours: 10,639.

Number of Respondents: 3,925.

Average Hours Per Response: For all headboat fishing activities, the Headboat Survey, 12 minutes per response. For the Gulf of Mexico and South Atlantic fishery, the Golden Crab Trip Report Logbook, 10 minutes per response for fishing forms and 2 minutes to submit a no-fishing response. For the Gulf of Mexico and South Atlantic fishery, the Reef Fish Fishing Vessel Logbook Record—Gulf of Mexico Reef Fish, South Atlantic Snapper-Grouper, King and Spanish mackerel, and Shark, 10 minutes per response for fishing forms and 2 minutes for no-fishing forms. For the South and Mid Atlantic Wreckfish Fishery, the Wreckfish Fishery Fishing Vessel Logbook Record, 10 minutes per response for fishing forms and 2 minutes for no-fishing forms. For Colombian waters, the Fishing Vessel Record Colombian Treaty Waters Logbook Catch Report Form, 18 minutes per response for fishing forms and 2

minutes to submit a no-fishing response. For the harvest of acquacultured live rock, the Acquacultured Live Rock Log Report, 15 minutes per response.

Needs and Uses: Participants in Federally-managed fisheries of the Caribbean, Gulf and South Atlantic are required to provide certain information about their fishing activities. The information is needed for the management of the fishery.

Affected Public: Individuals, business and other for-profit organizations.

Frequency: Every trip.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: August 18, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–21806 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD JULY 16, 2000–AUGUST 15, 2000

Firm name	Address	Date petition accepted	Product
Southwestern Glass Co., Inc	1016 S. 28th Street, Van Buren, AR 72956.	20–Jul–2000	Hand-blown glass componentparts for the lamp and lighting fixture industry.
Cramer, Inc	625 Adams Street, Kansas City, KS 66105.	25–Jul–2000	Office seating, ladders, kicksteps and computer accessories.
Solar Light Company	721 Oak Lane, Philadelphia, PA 19126.	31–Jul–2000	Ultraviolet or infrared ray apparatus parts & accessories to test for ultraviolet radiation in the medical industry.
Hillcrest Manufacturing, Inc	P. O. Box 500, Paoli, IN 47454	04–Aug–2000	Wood seating for offices.
Johnston Resources, L.L.C. dba Darilee Industries.	20 School Street, Whitehall, NY 12887.	04–Aug–2000	Audio speaker cabinets of vinyl clad flake board.
Monroe Manufacturing, Inc	State Rte. 78, Lewisville Rd., Woodsfield, OH 43793.	04–Aug–2000	Shirts for men and women.
Everson Cordage Works, Inc	7180 Everson-Goshen Rd., Everson, WA 98247.	16–Aug–2000	Bulk and packaged twine.
Bontex, Inc.	One Bontex Drive, Buena Vista, VA 24410.	17–Aug–2000	Fabricated rubber products.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: August 18, 2000.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 00–21713 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 8–2000]

Proposed Foreign-Trade Zone—Waco, TX; Amendment of Application

Notice is hereby given that the application of the City of Waco, Texas, to establish a general-purpose foreign-trade zone at sites in Waco, Texas (Doc. 8–2000, 65 F.R.13938, 3/15/00), has been amended to add an additional parcel (103 acres) to Proposed Site 2 within the 3,000-acre Texas Central Industrial Park in Waco. The site is adjacent to the Dallas/Fort Worth Customs Port of entry.

As amended, Proposed Site 2 will consist of 242 acres within the Texas Central Industrial Park. The application otherwise remains unchanged.

The comment period is reopened until September 25, 2000. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below.

A copy of the application and the amendment and accompanying exhibits are available for public inspection at the following locations:

Greater Waco Chamber of Commerce, 101 South University Parks Drive, Waco, TX 76701

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: August 16, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–21809 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–601]

Top-of-the-Stove Stainless Steel Cooking Ware From Korea: Extension of Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 25, 2000.

FOR FURTHER INFORMATION CONTACT: Nova Daly at (202) 482–0989, Office of AD/CVD Enforcement Group 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On February 28, 2000 the Department published a notice of initiation of administrative review of the antidumping duty order on Top-of-the-Stove Stainless Steel Cooking Ware from Korea, covering the period January 1, 1999 through December 31, 1999 (65 FR 10466). The preliminary results are currently due no later than October 2, 2000.

Extension of Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, we are extending the time limit for completion of the preliminary results until no later than January 30, 2001. *See* Decision Memorandum from Acting Office Director Tom Futtner to Acting Deputy Assistant Secretary Holly Kuga, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the main Commerce Building. We intend to issue the final determination no later than 120 days after the publication of the preliminary results of review notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: August 10, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–21807 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

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), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Room 4211, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 00–024. *Applicant:* University of Washington, Department of Pathology, Box 356100, 1959 NE Pacific Street, Seattle, WA 98195–6100. *Instrument:* Laser Microdissection System. *Manufacturer:* P.A.L.M. Mikrolaser Technologie, Germany. *Intended Use:* The instrument is intended to be used for the study of human diseased and normal control tissues from surgical resections, autopsies and biopsy specimens, along with tissues and cells from animal and cell culture disease models. Two examples of specific experiments are: (1) Dissection of single neoplastic pancreatic cells from resection material systematically obtained from a single family inheriting autosomal dominant pancreatic cancer and (2) microdissection of cells and tissues with great accuracy and purity to generate cell-type-specific expression probes for genetic expression analysis using the recent advent of microarray DNA chip technology and proteomics. This instrument will be used by graduate and medical students for their various pathology research projects. *Application accepted by Commissioner of Customs:* August 2, 2000.

Docket Number: 00–025. *Applicant:* The Art Institute of Chicago, Conservation Department, 111 South Michigan Avenue, Chicago, IL 60603–6110. *Instrument:* Low Pressure Conservation Table with Accessories. *Manufacturer:* Willard Fine Art Conservation Equipment, United Kingdom. *Intended Use:* The instrument is intended to be used to test materials and develop new techniques for the treatment of paintings during conservation. *Application accepted by Commissioner of Customs:* August 2, 2000.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 00–21808 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcement of Meeting and Opportunity to Join the Biometric Interoperability, Performance, and Assurance Working Group

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) invites interested parties to attend the kick-off meeting of the Biometric Interoperability, Performance, and Assurance Working Group on September 12, 2000 at NIST in Gaithersburg, Maryland from 8:30 AM to 4:00 PM. The Biometric Interoperability, Performance, and Assurance Working Group will operate under the umbrella of the US Biometric Consortium (BC). The goal of this Working Group is to provide a forum for

its members to address issues related to biometrics interoperability, performance metrics, user's requirements, and biometrics assurance. The Working Group is being formed to facilitate and encourage, under the Biometric Consortium, further exchange of information and collaborative efforts between users and private industry in all things biometric. It intends to support further advancement of technical efficient and compatible biometrics technology solutions on a national and international basis by addressing required issues and efforts other than current development already undertaken by other national or international organizations (e.g., formal standards, industrial consortium developments, on-going testing developments, etc.). NIST will make available the Working Group membership agreement at the US Biometric Consortium Web page: http://www.biometrics.org

DATES: The meeting will take place on September 12, 2000 from 8:30 AM to 4:00 PM in Gaithersburg, MD.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, Administration Building, 100 Bureau Drive, Gaithersburg, MD, 20899.

FOR FURTHER INFORMATION CONTACT: Fernando Podio, Co-Chair, Biometric Consortium, 100 Bureau Drive, Stop 8951, Gaithersburg, MD, 20899; Telephone (301) 975–2947; Fax (301) 869–7429; E-mail: Podio@biometrics.org. The Working Group meeting will be co-located with the Biometric Consortium 2000 Conference to be held at NIST on September 13 and 14. Information on accommodations, transportation and an area map may be found on the World Wide Web at the biometric Consortium Conference Web page: http://www.nist.gov/bc2000.

SUPPLEMENTARY INFORMATION:

Working Group Goals

The Working Group's goals will include: (1) Providing the users with further opportunities under the Biometric Consortium to interact with private industry on issues related to the development of the required performance metrics and standards that would reflect their needs; (2) Developing guidelines and tests to accomplish effective-enhancing and technically compatible technologies on a non-discriminatory, voluntary, multi-vendors basis; (3) Conducting appropriate research, including research prototype activities among its members, and informational activities as required; (4) Developing functional specifications, measurements, test sequences, demonstrations, corresponding publications and other activities as required; (5) Biometrics integration with other technologies (e.g., smart cards and PKI) may impose additional performance metrics and technical specifications (they will also be addressed as required); (6) in the absence of required formal standards, developing submissions to appropriate industry forums and standards bodies that facilitate the evolution of standards; and, (7) Task Forces to address specific issues will be formed as required.

The BC Working Group will seek strong coordination of its activities with other organizations to improve efficiency of operations and to avoid duplication of their efforts. It intends to establish liaisons with other organizations that are involved with biometric technology developments including industrial organizations and Government efforts.

More details on the planned activities are provided in the BC Working Group membership agreement. A preliminary list of topics that will be addressed in this forum include: (1) User requirements on interoperability, performance and standards; (2) Interoperability tests; (3) Performance metrology; (4) biometric data interchange; (5) Quality; and, (6) Biometrics Assurance.

Background

The US Biometric Consortium (BC) serves as the Government's focal point for research, development, testing, evaluation, and application of biometric-based personal identification and verification technology. It currently has over seven hundred members from private industry, Federal/State/local government, and academia. Sixty different federal agencies are represented in the Consortium. The BC, NIST and NSA sponsor research and other industry and user activities, as needed. The Biometric Consortium is co-chaired by Jeffrey S. Dunn and Fernando L. Podio.

As defined by the US Biometric Consortium, *biometrics* are automated methods of recognizing a person based on a physiological or behavioral characteristic. In the context of this Working Group, biometrics may be used for personal verification (one to one matching) applications and personal identification (one to many) applications.

The Biometric Consortium, NIST (through the Information Technology Laboratory (ITL)), and NSA (through the Research and Advance Development Group) collaborate in fostering and conducting research in biometrics technologies and small cards to assist users and these industries in developing new technology capabilities, testing methodologies and standards. These efforts are in support of information security, electronic commerce, and other identification and authentication applications.

NIST ITL's Biometrics and Smart Cards program is supporting the biometric and smart card industries and users by expanding ITL's role to new and challenging research and development (R&D), testing, standards and implementation efforts. These efforts include biometrics R&D, metrology and standards, biometrics and smart card integration, and the development of biometrics and smart cards experimental applications. NIST has a role in measurements and standards for Electronic Commerce. Through ITL's Biometrics and Smart Cards program, NIST is developing a biometric interface for electronic commerce. NIST is working with the biometrics industry on the development of the required biometric standards that will assure biometrics application developers, service providers, and users that the required interoperable biometric solutions will be available.

NSA conducts one of the U.S. Government's leading research and development programs. Some of the Agency's R&D projects have significantly advanced the state of the art in the scientific and business words. NSA's early interest in cryptanalytic research led to the first large-scale computer and the first solid-state computer, predecessors to the modern computer. NSA pioneered efforts in flexible storage capabilities, which led to the development of the tape cassette. NSA also made ground-breaking developments in semiconductor technology and remains a world leader in many technological fields. As part of the INFOSEC mission, NSA conducts research on new technologies that may be used to protect information technology systems. For several years, NSA has been researching biometric technologies that may be useful to prevent unauthorized access to critical systems.

The BC, NIST/ITL and NSA (INFOSEC) co-sponsor, organize, and participate in technical research and other industry/user's technical activities as required. Some of year 2000 efforts include:

- The development of a Common Biometric Exchange File Format (CBEFF)

• Co-sponsorship of a Bio API Users and Developers Seminar
• Co-sponsorship of a DoD PKI Target Class 4 Token Security Requirements Workshop
• Co-sponsorship of BioAPI Consortium meetings

The BC, NIST/ITL, and NSA (INFOSEC) are also supporting other government organizations and the entire community. They are currently advisors and working in collaboration with the Biometrics Management Office (operated by the U.S. Department of the Army), the GSA's Office of Smart Card Initiatives and UK's Biometrics Working Group. The BC co-chairs have recently provided testimony on biometrics to the Commission on Child Online Protection (COPA).

Dated: August 21, 2000.

Karen H. Brown,

Deputy Director, NIST.

[FR Doc. 00–21775 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 000616180–0180–01]

RIN: 0648–ZA91

NOAA Climate and Global Change Program, Program Announcement

AGENCY: Office of Global Programs, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Climate and Global Change Program represents a National Oceanic and Atmospheric Administration (NOAA) contribution to evolving national and international programs designed to improve our ability to observe, understand, predict, and respond to changes in the global environment. This program builds on NOAA's mission requirements and longstanding capabilities in global change research and prediction. The NOAA Program is a key contributing element of the U.S. Global Change Research Program (USGCRP), which is coordinated by the interagency Committee on Environmental and Natural Resources. NOAA's program is designed to complement other agency contributions to that national effort.

DATES: Unless otherwise noted, strict deadlines for submission to the FY 2001 process are: Letters of intent must be received at the Office of Global Programs (OGP) no later than September 24, 2000. Applicants who have not received a response to their letter of intent within four weeks should contact the Program Manager. Full proposals must be received at OGP no later than November 30, 2000. The time from receipt of proposals to grant award varies by program area. We anticipate that review of full proposals will occur during January 2001 through March 2001, and funding should begin during late spring of 2001 for most approved projects. Applicants should be notified of their status within six months. May 1, 2001, should be used as the proposed start date on proposals, unless otherwise directed by the appropriate Program Manager. All proposals must be submitted in accordance with the guidelines below. Failure to heed these guidelines may result in proposals being returned without review.

ADDRESSES: Letters of Intent and Proposals should be submitted to: Office of Global Programs; National Oceanic and Atmospheric Administration; 1100 Wayne Avenue, Suite 1210; Silver Spring, MD 20910–5603.

FOR FURTHER INFORMATION CONTACT: Irma duPree at the above address, or at (301) 427–2089 ext. 107, fax: (301) 427–2222, Internet: irma.duPree@noaa.gov.

SUPPLEMENTARY INFORMATION:

1. Funding Availability

NOAA believes that the Climate and Global Change Program will benefit significantly from a strong partnership with outside investigators. Current Program plans assume that over 50% of the total resources provided through this announcement will support extramural efforts, particularly those involving the broad academic community. However, please be advised that actual funding levels will depend upon the final FY 2001 budget appropriations. This Program Announcement is for projects to be conducted by investigators both inside and outside of NOAA, primarily over a one, two or three year period. The NOAA Climate and Global Change Program has been approved for multi-year funding up to a three year duration. The funding instrument for extramural awards will be a grant unless it is anticipated that NOAA will be substantially involved in the implementation of the project, in which case the funding instrument should be a cooperative agreement. Examples of substantial involvement may include but are not limited to proposals for collaboration between NOAA or NOAA scientists and recipient scientist or technician and/or contemplation by NOAA of detailing Federal personnel to work on proposed projects. NOAA will make decisions regarding the use of a cooperative agreement on a case-by-case basis. Funding for contractual arrangements for services and products for delivery to NOAA is not available under this announcement. Matching share is not required by this program.

2. Program Authority

49 U.S.C. 44720(b); 33 U.S.C. 883d; 15 U.S.C. 2904; 15 U.S.C. 2931 et seq.; (CFDA No. 11.431)—Climate and Atmospheric Research.

3. Program Objectives

The long term objective of the Climate and Global Change Program is to provide reliable predictions of climate variability and change with associated regional implications on time scales ranging from seasons to a century or more. NOAA believes that climate variability across these time scales can be modeled with an acceptable probability of success and are the most relevant for fundamental social concerns. Predicting the behavior of the coupled ocean-atmosphere-land surface system will be NOAA's primary contribution to a successful national effort to deal with observed or anticipated changes in the global environment. NOAA has a range of unique facilities and capabilities that can be applied to Climate and Global Change investigations. Proposals that seek to exploit these resources in collaborative efforts between NOAA and extramural investigators are encouraged.

4. Program Priorities

In FY 2001, NOAA will give priority attention to individual proposals in the Main Program Elements listed below. The names, affiliations and phone numbers of relevant Climate and Global Change Program Managers are provided. Funding for some programs may be limited to ongoing projects or may be used to fund projects proposed in FY 2000 that were unable to be funded due to budgetary circumstances. Prospective applicants should communicate with Program Managers for information on priorities within program elements and prospects for funding.

(A) *Aerosols:* This program element focuses on field measurements and modeling of aerosol properties and distributions, with an emphasis on improving the predictive understanding of the role of aerosols in climate forcing. Due to budgetary limitations, funding may not be available for new grants in FY 2001; prospective investigators are urged to check the Climate & Global Change Program web page for current

funding status and priorities prior to submitting letters or proposals. For further information please contact Joel M. Levy, NOAA/Office of Global Programs, 301–427–2089 ext. 111, Internet: joel.levy@noaa.gov.

(B) *Atmospheric Chemistry:* The Atmospheric Chemistry Project focuses on global monitoring, process-oriented laboratory and field studies, and theoretical modeling to improve the predictive understanding of the atmospheric trace species that influence the earth's chemical and radiative balance and the variation of the concentration of these trace species regionally and seasonally. For an information sheet containing further details and current priorities, please contact: Joel M. Levy, NOAA/Office of Global Programs, 301–427–2089 ext. 111, Internet: joel.levy@noaa.gov; or Fred C. Fehsenfeld, NOAA/Aeronomy Laboratory, Boulder, CO, 303–497–5819, Internet: fcf@al.noaa.gov.

(C) *Climate and Societal Interactions (CSI):* Research on Vulnerability, Opportunities, and Response Options. Variability, change, and surprise results from a wide variety of climatological, social, economic and ecological circumstances and interactions. The purpose of this program is to increase understanding of the impacts of climate variability and change as conditioned by ongoing processes of decision-making and socio-economic transformation. The suite of efforts is intended to further research-based integration between studies of the whole of the climate system, including human components, such as health, and evolving informational and educational needs of decision-makers in climate sensitive sectors around the world. The goal is to provide the basis for more effective application of climate information, including climate forecasts, for purposes of adaptation. The intent of this program is to encourage overlapping research approaches to integrate knowledge for problem solving. The CSI is a chapeau for a suite of activities; prospective applicants must apply to one of the following program elements:

Human Dimensions of Global Change Research (HDGCR): The Human Dimensions of Global Change Research program is aimed at understanding how social and economic systems are currently influenced by fluctuations in climate, and how human behavior can be (or why it may not be) affected based on information about variability in the climate system. Because of expected budget constraints, this program will not accept new applications for projects; only renewal and continuation applications will be considered. For more information and an information sheet on general program objectives, contact: Caitlin Simpson, NOAA/Office of Global Programs, 301–427–2089 ext. 152, Internet: simpson@ogp.noaa.gov.

A joint interagency announcement is anticipated on Climate and Health. (For more information on this future announcement contact Juli Trtanj, NOAA/Office of Global Programs, 301–427–2089 ext. 134, Internet: trtanj@ogp.noaa.gov.)

Regional Integrated Sciences and Assessments: This Program Element was formerly titled Regional Assessments. NOAA's present program of Regional Integrated Sciences and Assessments possesses three distinct qualities: (1) Interdisciplinarity, integration and synthesis; (2) Bridging the gap between climatic, environmental and societal interactions on different temporal and spatial scales; and (3) Decision support and services. It requires innovative partnerships among a spectrum of interests (Federal, State, local and private) to enable regional organizational capacity to develop accurate (*i.e.,* identifying risks, uncertainties, and/or indeterminacies), balanced syntheses and services on an ongoing basis. As such, the program relies heavily on consolidating the results and data from ongoing NOAA–OGP disciplinary program elements, already funded in a region, into an integrated framework. This program will not accept applications to initiate new activities, but will accept renewal applications for ongoing efforts or as part of ongoing negotiations. For more information and a detailed information sheet, contact: Roger Pulwarty, NOAA/Office of Global Programs, 301–427–2089 ext. 103, Internet: pulwarty@ogp.noaa.gov.

(D) *Climate Change Data and Detection:* The scientific goals of this element include efforts to: (1) Provide data and information management support activities needed to assure the availability of critical data sets from a variety of national and international programs of primary interest to NOAA's Climate and Global Change Program, *e.g.,* the CLIVAR (Climate Variability and Predictability) Program, GEWEX (Global Energy & Water Cycle Experiment), GCOS (Global Climate Observing System), National and International Assessments, etc.; (2) provide data and information management support related to cross cutting science efforts necessary to assess seasonal, interannual, decadal, and longer climate variations and changes; (3) document the quantitative character of observed climate variations and changes; and (4) attribute changes in the observed climate record to specific climate forcings.

NOAA/NASA Jointly Sponsored Project: A number of new starts are anticipated within the NOAA/National Aeronautics and Space Administration (NASA) co-sponsored project that supports research in the areas of data fusion and enhancement of climate data sets through the use of space and/or ground based observations. Preference will be given to those proposals that use more than one observing system to develop a blended data set.

''NOAA/DOE Jointly Sponsored Project: The NOAAA/Department of Energy (DOE) co-sponsored project addresses all aspects of Climate Change Detection and Attribution. One- and two-year proposals are specifically encouraged.''

Additional details on the jointly sponsored projects are provided on the supplementary fact sheet included in the Program Announcement mailing (additional copies of the supplementary fact sheet can be obtained from Irma duPree at the Office of Global Programs). For further information contact: Bill Murray, NOAA/Global Programs, 301–427–2089 ext. 133, Internet: murray@noaa.gov; Chris Miller, NOAA/Global Programs, 301–427–2089 ext. 143, Internet: miller@noaa.gov; Martha Maiden, NASA/Headquarters, 202/358–1078, Internet: maiden@hq.nasa.gov; or Rick Petty, DOE/Environmental Sciences Division, Germantown, MD; 301–903-5548, Internet: *Rick.Petty@oer.doe.gov.*

(E) *Climate Dynamics and Experimental Prediction:* Climate Dynamics and Experimental Prediction—This program will not accept applications to initiate centers at new institutions, but will accept renewal applications for ongoing efforts or as part of ongoing negotiations. Qualified applications for this program may be submitted throughout the year. For further information, contact Phil Arkin, NOAA/Global Programs, Silver spring, MD; telephone: 301–427–2089 ext. 116, Internet: arkin@ogp.noaa.gov.

(F) *Climate Variability and Predictability (CLIVAR):* CLIVAR focuses on the role of the coupled ocean and atmosphere within the overall climate system, with emphasis on variability, especially within the oceans, on seasonal to centennial time scales. CLIVAR intends to explore predictability and how to improve predictions of climate variability and climate change using existing, reanalyzed, and new global observations, enhanced coupled ocean-atmosphere-land-ice models and paleoclimate records. A separate

program announcement for CLIVAR will be issued later this year inviting proposals for CLIVAR Atlantic, CLIVAR Pacific (formerly GOALS), and CLIVAR PACS. Investigators interested in these program areas are encouraged to respond to this later announcement. For further information on the Atlantic, please contact James Todd, NOAA/Global Programs, 301/427–2089 ext. 139, Internet: todd@ogp.noaa.gov. For the Pacific and PACS efforts, please contact, Michael Patterson, NOAA/Global Programs, 301–427–2089 ext. 102, Internet: patterson@ogp.noaa.gov.

(G) *Economics and Human Dimensions of Climate Fluctuations:* Please see Climate and Societal Interactions (CSI) above.

(H) GEWEX Continental-Scale International Project (GCIP) is transitioning into GAPP (GEWEX America Prediction Project) during this fiscal year. Details about GAPP are available in a GAPP prospectus and draft Science Plan and Implementation Strategy that are available from the GAPP program manager. Initiatives are solicited that will facilitate the implementation of this new program. In addition to continuing its focus on the Mississippi River Basin, GAPP is also interested in initiatives in the semi-arid southwestern US and on the pacific coast. In particular, new initiatives are solicited in the following areas:

(1) land memory processes: GAPP is interested in determining the contributions of the following processes to predictability at seasonal time scales: soil moisture, orography (including its interaction with the Great Plains low level jet), vegetation and snow cover. It is anticipated that these issues will be addressed through a combination of modeling and diagnostic studies.

(2) model transferability studies and enriched data collection activities that support the US contribution to the Coordinated Enhanced Observing Period (CEOP). The target basins for transferability studies include other Continental Scale Experiment areas as well as the Saskatchewan and Rio del Plata River Basins. CEOP-related studies that facilitate the enhanced use of remote sensing data for land surface modeling and precipitation are also welcome.

(3) scientific investigations aimed at overcoming limitations to the use of climate forecasts in the management of water resources (e.g., issues such as downscaling, probabilistic forecasts, etc.)

Projects approved in this call will be funded by both NOAA and NASA. It is anticipated that either in FY2001 or FY2002 another joint PACS/GAPP call dealing with the monsoonal aspects of GAPP will be issued. For more details regarding GAPP, please see the draft Science Plan at http://www.ogp.noaa.gov/mpe/gcip/index.htm. Questions regarding this call should be directed to Rick Lawford at lawford@ogp.noaa.gov or (301)–427–2089 Ext. 146.

(I) *Global Carbon Cycle (GCC):* GCC focuses on global observations, process-oriented field studies and modeling to improve our ability to predict the fate of anthropogenic carbon dioxide (CO_2), and future atmospheric CO_2 concentrations. Due to budgetary limitations, funding is not expected to be available for new applications in FY 2001; however, prospective investigators should check the Global Carbon Cycle web page (see below) for current funding priorities. For an information sheet containing further details and the current priorities, please contact Lisa Dilling, NOAA/Office of Global Programs, 301–427–2089 ext. 106, Internet: dilling@ogp.noaa.gov or see the web at: http://www.ogp.noaa.gov/mpe/gcc/index.html

(J) *Global Ocean—Atmosphere—Land System (GOALS):* Please see Climate Variability and Predictability (CLIVAR) above.

(K)—*Pan-American Climate Studies (PACS):* Please see Climate Variability and Predictability (CLIVAR) above.

(L) *Ocean-Atmosphere Carbon Exchange Study (OACES):* Please see Global Carbon Cycle (GCC) above.

(M) *Paleoclimatology:* The NOAA Paleoclimatology Program will entertain proposals that support the joint WCRP CLIVAR/IGBP PAGES Research Initiative. This initiative is jointly support by NOAA and the National Science Foundation (NSF) through the Earth System History (ESH) Program at NSF. All proposals must be submitted to the NSF/ESH Program by February 14 each year. For more information, please contact Mark Eakin, NOAA/National Geophysical Data Center, Boulder, CO; 303–497–6172, Internet: mark.eakin@noaa.gov; Ken Mooney, NOAA/Global Programs, Silver Spring, MD; 301–427–2089 ext. 104, Internet: mooney@ogp.noaa.gov; Richard Poore, NSF Ocean Sciences Division (OCE) Program, Arlington, VA; 703–306–1586, Internet: rpoore@nsf.gov, or Steve Colman, NSF Atmospheric Sciences Division (ATM) Program, Arlington, VA; 703–306–1527, Internet: scolman@nsf.gov. Please visit http://www.ngdc.noaa.gov/paleo/extramural.html for more information on the program or http://www.nsf.gov/pubs/2000/nsf0011/nsf0011.html for the ESH announcement.

5. Eligibility

Extramural eligibility is not limited and is encouraged with the objective of developing a strong partnership with the academic community. Universities, nonprofit organizations, for-profit organizations, State and local governments, and Indian Tribes, are included among entities eligible for funding under this announcement.

Since non-NOAA Federal agencies will be funded through an interagency transfer, a non-NOAA Federal applicant should state in the application what legal basis exists for them to receive funds in excess of its appropriation from another Federal agency.

6. Letters of Intent (LOI)

The purpose of the LOI process is to provide information to potential applicants on the relevance of their proposed project to the Climate and Global Program in advance of preparing a full proposal. Full proposals will be encouraged only for LOIs deemed relevant by Program Management, therefore, it is in the best interest of the applicants and their institutions to submit an LOI; however, it is not a requirement. The LOI should provide a concise description of the proposed work and its relevance to the targeted program element. The LOI must include the components listed below. If these components are not included, the LOI risks a delayed response and may not be considered by the program manager. (A) Investigators must identify the program element that is being targeted in the LOI. (B) Investigators must specify a tentative project title in the LOI. (C) LOIs must include the name and institution of all principal investigator(s), and specify which individual is the Lead principal investigator. (D) LOIs should be no more than two pages in length and must include a statement of the problem, brief summary of work to be completed, methodology to be used, and approximate cost of the project. Facsimile and electronic mail are acceptable for LOIs only.

7. Evaluation Criteria

Consideration for financial assistance will be given to those proposals that address one of the Program Elements listed and meet the following evaluation criteria:

(A) *Scientific Merit:* Intrinsic scientific value of the subject and the study proposed, including methodology and readiness.

(B) *Relevance:* Importance and relevance to the goals of the selected Program Element(s). (See Program Objectives above)

8. Selection Procedures

Proposals, including those submitted by NOAA employees, will be evaluated in accordance with the above evaluation criteria by (A) independent peer mail review, and/or (B) independent peer panel review, and a rating will be calculated based on these evaluations; both NOAA and non-NOAA experts in the field may be used in this process. The Program Manager will not be a voting member of an independent peer panel. The recommendations and evaluations of the panel members will be considered by the Program Manager in final selections. Proposals are usually awarded in the numerical order they are ranked based on the independent peer mail review or the independent peer panel review. However, the Program Manager will ascertain which proposals do not substantially duplicate other projects that are currently funded by NOAA or are approved for funding by other federal agencies, and fall within remaining funds available. Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding. As a result of this review, the Program Manager may decide to select an award out of order. The Program Manager will also determine the total duration of funding and the amount of funding for each selected proposal. Pursuant to Executive Orders 12876, 12900, and 13021, the Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBCU), Hispanic Serving Institutions (HIS), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed at the following Internet website: http://www.ed.gov/offices/OCR/99minin.html.

9. Proposal Submission

The following forms are required in each application, with original signatures on each federal form. Failure to comply will result in proposal application being returned.

(A) *Full Proposals:* (1) Proposals submitted to the NOAA Climate and Global Change Program must include the original and two unbound copies of the proposal. (2) Investigators are required to submit 3 copies of the proposal, however, the normal review process requires 20 copies. For an optimal review, investigators are encouraged to submit sufficient proposal copies, especially color or unusually sized (not 8.5″ × 11″), or otherwise unusual materials submitted as part of the proposal. Only three original copies of the Federally-required forms are needed. (3) Proposals must be limited to 30 pages (numbered), including budget, investigators vitae, and all appendices, and should be limited to funding requests for one to three year duration. Appended information may not be used to circumvent the page length limit. Federally-mandated forms are not included within the page count. (4) Proposals should be sent to the NOAA Office of Global Programs at the above address. (5) Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

(B) *Required Elements:* All proposals must include the following elements: (1) *Signed title page:* The title page should be signed by the Principal Investigator (PI) and the institutional representative and should clearly indicate which program element is being addressed. If more than one investigator is listed on the title page, please identify the lead investigator. The PI and institutional representative should be identified by full name, title, organization, telephone number and address. The total amount of Federal funds being requested should be listed for each budget period. (2) *Abstract:* An abstract must be included and should contain an introduction of the problem, rationale and a brief summary of work to be completed. The abstract should appear on a separate page, headed with the proposal title, institution(s), investigator(s), total proposed cost and budget period. (3) *Results from prior research:* The results of each prior research project (during the last 3 years) relevant to the proposed effort should be summarized in brief paragraphs. This section should not exceed two pages. (4) *Statement of work:* The proposed project must be completely described, including identification of the problem, scientific objectives, proposed methodology, relevance to the goal of the Climate and Global Change Program, and the program priorities listed above. Benefits of the proposed project to the general public and the scientific community should be discussed. The statement of work, including references but excluding figures and other visual materials, must not exceed 15 pages of text. Investigators wishing to submit group proposals that exceed the 15 page limit should discuss this possibility with the appropriate Program Manager prior to submission. Proposals from 3 or more investigators may include a statement of work containing up to 15 pages of overall project description plus up to 5 additional pages for individual project descriptions. (5) *Budget Justification:* A brief description of the expenses listed on the budget and how they address the proposed work. Item justifications must include salaries, equipment, publications, supplies, tuition, travel, etc. (6) *Budget:* The proposal must include total and annual itemized budgets corresponding with the descriptions provided in the statement of work. Non-Federal Applicants must submit a Standard Form 424 (4–92) ''Application for Federal Assistance,'' including a detailed budget using the Standard Form 424a (4–92), ''Budget Information—Non-Construction Programs.'' Travel must be itemized to include destination, airfare, per diem, lodging and ground travel. The form is included in the standard NOAA application kit. (7) *Vitae:* Abbreviated curriculum vitae are sought with each proposal. Reference lists should be limited to all publications in the last three years with up to five other relevant papers. (8) *Current and pending support:* For each investigator, submit a list that includes project title, supporting agency with grant number, investigator months per year, dollar value and duration. Requested values should be listed for pending support.

(C) *Other requirements:* Applicants may obtain a standard NOAA application kit from Internet:http://www.ogp.noaa.gov/.

10. Primary Applicant Certification

All primary applicants must submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying''. Applicants are also hereby notified of the following:

(A) *Nonprocurement Debarment and Suspension:* Prospective participants (as defined at 15 CFR Part 26, section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form prescribed above applies;

(B) *Drug Free Workplace:* Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification from prescribed above applies;

(C) *Anti-Lobbying:* Persons (as defined at 15 CFR Part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(D) *Anti-Lobbying Disclosures:* Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

11. Lower Tier Certifications

(A) Recipients must require applicants/bidders for subgrants, contracts, subcontracts, or lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

(B) Recipients and subrecipients are subject to all applicable Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(C) Preaward Activities—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that may have been received, there is no obligation to the applicant on the part of Department of Commerce to cover pre-award costs.

(D) Financial assistance recipients funded by this program are subject to the applicable administrative requirements found in 15 CFR Part 15, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit and Commercial Organizations,'' or CFR Part 24, ''Uniform Administrative Requirements for Grants and Agreements to State and Local Governments,'' as applicable. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(E) All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management, honesty, or financial integrity.

(F) A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(G) No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (i) The delinquent account is paid in full, (ii) A negotiated repayment schedule is established and at least one payment is received, or (iii) Other arrangements satisfactory to the Department of Commerce are made.

(H) Buy American-Made Equipment or Products—Applicants are encouraged that any equipment or products authorized to be purchased with funding provided under this program be American-made to the maximum extent feasible.

(I) The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

(J) If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

(K) In accordance with Federal statutes and regulations, no person on grounds of race, color, age, sex, national origin or disability shall be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the NOAA Climate and Global Change Program. The NOAA Climate and Global Change Program does not have direct TDD (Telephonic Device for the Deaf) capabilities, but can be reached through the State of Maryland supplied TDD contact number, 800–735–2258, between the hours of 8:00 a.m.–4:30 p.m.

(L) Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a current valid OMB control number.

12. Classification

The standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB approval number 0348–0043, 0348–0044, and 0348–0046. This notice has been determined to be not significant for purposes of Executive Order 12866.

Louisa Koch,

Deputy Assistant Administrator.

[FR Doc. 00–21703 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket Number: 000531160–0160–01]

RIN 0648–ZA89

Announcement of Graduate Research Fellowships in the National Estuarine Research Reserve System for Fiscal Year 2001

AGENCY: Estuarine Reserves Division (ERD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The Estuarine Reserves Division (ERD) of the Office of Ocean and Coastal Resource Management is soliciting applications for graduate fellowship funding within the National Estuarine Research Reserve System. This notice sets forth funding priorities, selection criteria, and application procedures.

The National Estuarine Research Reserve System of the National Oceanic and Atmospheric Administration

(NOAA) announces the availability of Graduate Research Fellowships. ERD anticipates that 30 Graduate Research Fellowships will be competitively awarded to qualified graduate students whose research occurs within the boundaries of at least one Reserve. Minority students are encouraged to apply. Fellowships will start no earlier than June 1, 2001.

DATES: Applications must be postmarked no later than November 1, 2000. Notification regarding the awarding of fellowships will be issued on or about March 1, 2001.

ADDRESSES: Erica Seiden, Program Specialist, NOAA/Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, SSMC4, 11th Floor, Silver Spring, MD 20910, Attn: FY00 NERRS Research. Phone: 301–713–3132 ext. 172 Fax: 301–713–4363, internet: erica.seiden@noaa.gov. Web page: http://www.ocrm.nos.noaa.gov/nerr/fellow.html. See Appendix I for National Estuarine Research Reserve addresses.

FOR FURTHER INFORMATION CONTACT: For further information on specific research opportunities at National Estuarine Research Reserve sites, contact the site staff listed in Appendix I or the program specialist listed in the **ADDRESSES** section above. For application information, contact Erica Seiden of the Estuarine Reserves Division (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:

I. Authority and Background

Section 315 of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1461, establishes the National Estuarine Research Reserve System (NERRS). 16 U.S.C. § 1461 (e)(1)(B) authorizes the Secretary of Commerce to make grants to any coastal state or public or private person for purposes of supporting research and monitoring within a National Estuarine Research Reserve that are consistent with the research guidelines developed under subsection (c). This program is listed in the Catalog of Federal Domestic Assistance (CFDA) under ''Coastal Zone Management Estuarine Research Reserves,'' Number 11.420.

II. Information on Established National Estuarine Research Reserves

The NERRS consists of estuarine areas of the United States and its territories which are designated and managed for research and educational purposes. Each National Estuarine Research Reserve (Reserve) within the NERRS is chosen to reflect regional differences and to include a variety of ecosystem types in accordance with the classification scheme of the national program as presented in 15 CFR part 921.

Each Reserve supports a wide range of beneficial uses of ecological, economic, recreational, and aesthetic values which are dependent upon the maintenance of a healthy ecosystem. The sites provide habitats for a wide range of ecologically and commercially important species of fish, shellfish, birds, and other aquatic and terrestrial wildlife. Each Reserve has been designed to ensure its effectiveness as a conservation unit and as a site for long-term research and monitoring. As part of a national system, the Reserves collectively provide an excellent opportunity to address research questions and estuarine management issues of national significance. For a detailed description of the sites, contact the individual site staff or refer to the NERR internet Web site provided in the Addresses section.

III. Availability of Funds

Funds are expected to be available on a competitive basis to qualified graduate students for research within National Estuarine Research Reserves leading to a graduate degree. No more than two fellowships at any one site will be funded at any one time; based upon fellowships awarded in the 2000 funding cycle, we anticipate 30 openings for Fellowships in FY01. Fellowships are expected to be available at the following sites:

NERR Site	Fellowships
Ashepoo Combahee Edisto Basin, SC	2
Chesapeake Bay, MD	1
Chesapeake Bay, VA	2
Delaware	1
Grand Bay, MS	1
Great Bay, NH	1
Guana Tolomato Matanzas, FL	2
Hudson River, NY	2
Jacques Cousteau-Mullica River, NJ	1
Jobos Bay, PR	1
Kachemak Bay, AK	2
Narragansett Bay, RI	1
North Carolina	1
North Inlet-Winyah Bay, SC	2
Old Woman Creek, OH	1
Rookery Bay, FL	2
Sapelo Island, GA	1
South Slough, OR	2
Tijuana River, CA	2
Weeks Bay, AL	1
Wells, ME	1

Because NOAA is an active partner in NERRS research, funds will be awarded through a cooperative agreement. NOAA may be involved in the award in the following manner:

The Estuarine Reserves Division (ERD), Office of Ocean and Coastal Resource Management, reserves the right to immediately halt activity under this award if it becomes obvious that award activities are not fulfilling the mission of the National Estuarine Research Reserve System. While day-to-day management is the responsibility of the recipient, frequent guidance and direction is provided by the Federal Government for the successful conduct of this award. Non-compliance with a Federally approved project may result in immediate halting of the award.

ERD generally will review and approve each stage of work annually before the next begins to assure that studies will produce viable information on which to form valid coastal management decisions.

All staff at NERRS sites are ineligible to submit an application for a fellowship under this Announcement. Federal funds requested must be matched by the applicant by at least 30% of the TOTAL cost, not the Federal share, of the project. It is anticipated that fellowships receiving funding under this announcement will begin no earlier than June 1, 2001.

IV. Purpose and Priorities

NERR Research funds are provided to support management-related research projects that will enhance scientific understanding of the Reserve ecosystem, provide information needed by Reserve management and coastal management decision-makers, and improve public awareness and understanding of estuarine ecosystems and estuarine management issues (15 CFR § 921.50).

The NERR Graduate Research Fellowship program is designed to fund high quality research focused on enhancing coastal zone management while providing students with an opportunity to contribute to the research or monitoring program at a particular Reserve site.

Research projects proposed in response to this announcement must: (1) Address coastal management issues identified as having local, regional, or national significance, described in the ''Scientific Areas of Support'' below; and (2) be conducted within one or more designated NERR sites. Funding ($16,500 per year) is intended to provide any combination of research support, salary, tuition, supplies, or other costs as needed, including overhead. Fellows will be expected to participate in the Reserve's research or monitoring program for up to a maximum of 15 hours per week. The work plan should be devised cooperatively with the Reserve's Research Coordinator. Fellows conducting multi-site projects may fulfill this requirement at one or a

combination of sites but for no more than a total of 15 hours per week. This program may occur throughout the academic year or may be concentrated during a specific season.

Scientific Areas of Support

The NERRS program has identified the following as areas of nationally significant research interest. Proposed research projects submitted in response to this announcement must address one of the following topics (see #1 above):

- The effects of non-point source pollution on estuarine ecosystems;
- Evaluative criteria and/or methods for estuarine ecosystem restoration;
- The importance of biodiversity and effects of invasive species on estuarine ecosystems;
- Mechanisms for sustaining resources within estuarine ecosystems; or
- Socioeconomic research applicable to estuarine ecosystem management.

Each NERR has local issues of concern that fall within one of the topics above. Applicants are responsible for contacting the NERR site of interest to determine if their proposed projects would be relevant to the Reserve's site-specific research needs.

Note: It is strongly suggested that applicants contact the host Reserve (see Appendix I) for general information about the Reserve and its research needs and priorities as they relate to this announcement.

V. Guidelines for Application Preparation, Review, and Reporting Requirements

Applicants for ERD research fellowships must follow the guidelines presented in this announcement. Applications not adhering to these guidelines may be returned to the applicant without further review.

Applications for graduate fellowships in the NERRS are solicited annually for award the following fiscal year. Minority students are encouraged to apply. Application due dates and other pertinent information are contained in this announcement of research opportunities. Applicants must submit an original and two (2) copies of each application and all supporting documents (curricula vitae, literature referenced, unofficial transcripts, etc.), excluding letters of reference which must come directly from their source.

Applicants may request funding for up to three years; funding for years two and three will be made available based on availability of funds and satisfactory progress of research as determined by the Host NERR Research Staff and the student's faculty advisor, in consultation with ERD. The amount of the award is $15,000/annum plus 10% overhead for a total of $16,500/annum which represents 70% of the award total. Requested Federal funds must be matched by at least 30 percent of the award total (*i.e.* $7,072 match for $16,500 in Federal funds for a total project cost of $23,572).

Applicants who are selected for funding will be required to:

(1) Work with the Research Coordinator or Reserve Manager to develop a plan to participate in the research or monitoring program for up to 15 hours per week; (2) submit semi-annual progress reports to ERD and the host Reserve before the end of each funding cycle on the research accomplishments to date; and (3) acknowledge NERRS support in all relevant scientific presentations and publications. In addition, fellows are strongly encouraged to publish their results in peer-reviewed literature and make presentations at scientific meetings.

A. Applications

Students admitted to or enrolled in a full-time Master's or Doctoral program at U.S. accredited universities are eligible to apply. Students should have completed a majority of their course work at the beginning of their fellowship and have an approved thesis research program.

Applicants are required to submit:

(1) an academic resume or a curriculum vitae that includes all graduate and undergraduate institutions (department or area of study, degree, and year of graduation), all publications (including undergraduate and graduate theses), awards or fellowships, and work/research experience;

(2) a cover letter from the applicant indicating current academic status, research interests, career goals, and how the proposed research fits into their degree program, and the results of discussions with host NERR staff regarding their contributions to the Reserve's research or monitoring program;

(3) a titled research proposal (double-spaced in a font no smaller than 12-point courier) that includes an Abstract, Introduction, Methods and Materials, Project Significance, and Bibliography;

(4) a proposed budget (see Section B, Proposal Content, below for specific guidelines);

(5) an unofficial copy of all undergraduate and graduate transcripts;

(6) a signed letter of support from the applicant's graduate advisor indicating the advisor's contribution (financial and otherwise) to the applicant's graduate studies, and an assurance that the student is in good academic standing; and

(7) two letters of recommendations (from other than the applicant's graduate advisor) sent directly from their source.

Note: Electronically transmitted letters of support are not acceptable.

One original and two (2) copies of the information requested above, excluding letters of reference and transcripts, must be submitted to the ERD Program Specialist at the address in the Addresses section, postmarked no later than November 1, 2000. Applications postmarked November 2, 2000 or later, will be returned without review. Receipt of all applications will be acknowledged and a copy sent to the appropriate Reserve staff.

B. Proposal Content

The research proposal should contain the sections described below.

1. Title Page. The title page must include:

- name, address, telephone number, fax number, and email address of applicant;
- project title;
- amount of funding requested;
- name of graduate institution;
- name of institution providing matching funds and amount of matching funds;
- name, address, telephone number, fax number & email address of faculty advisor;
- NERR site where research is to be conducted; and
- number of years of requested support.

If it is a multi-site project, the title page must indicate which Reserve will be the primary contact (''host Reserve'').

2. Abstract. The abstract should state the research objectives, scientific methods to be used, and the significance of the project to a particular Reserve and the NERRS program. The abstract must be limited to one double-spaced page.

3. Project Description. The project description must be limited to 6 double-spaced pages excluding figures. The main body of the proposal should be a detailed statement of the work to be undertaken and include the following components:

(a) Introduction. This section should introduce the research setting and environment. It should include a brief review of pertinent literature and describe the research problem in relation to relevant coastal management issues and the research priorities. This section should also present the primary hypothesis upon which the project is focused, as well as any additional or

component hypotheses which will be addressed by the research project.

(b) Methods. This section should state the method(s) to be used to accomplish the specific research objectives, including a systematic discussion of what, when, where, and how the data are to be collected, analyzed, and reported. Field and laboratory methods should be scientifically valid and reliable and accompanied by a statistically sound sampling scheme. Methods chosen should be justified and compared with other methods employed for similar work.

Techniques should allow the testing of the hypotheses, but also provide baseline data related to ecological and management questions concerning the Reserve environment. Methods should be described concisely and techniques should be reliable enough to allow comparison with those made at different sites and times by different investigators. The methods must have proven their utility and sensitivity as indicators for natural or human-induced change.

Analytical methods and statistical tests applied to the data should be documented, thus providing a rationale for choosing one set of methods over alternatives. Quality control measures also should be documented (*e.g.,* statistical confidence levels, standards of reference, performance requirements, internal evaluation criteria). The proposal should indicate by way of discussion how data are to be synthesized, interpreted and integrated into final work products.

A map clearly showing the study location and any other features of interest must be included; a U.S. Geological Survey topographic map, or an equivalent, is suggested for this purpose. Consultation with Reserve personnel to identify existing maps is strongly recommended.

(c) Project Significance. This section should provide a clear discussion of how the proposed research addresses state and national estuarine and coastal resource management issues and how the proposed research effort will enhance or contribute to improving the state of knowledge of the estuary; *i.e.,* why is the proposed research important and how will the results contribute to coastal resource management? This section must also discuss the relation of the proposed research to the research priorities stated in Section IV. Applicability of research findings to other NERRS and coastal areas should also be mentioned. In addition, if the proposed research is part of a larger research project, the relationship between the two should be described.

4. Milestone Schedule. A milestone schedule is required. This schedule should show, in table form, anticipated dates for completing field work and data collection, data analysis, progress reports, the final technical report and other related activities. Use ''Month 1, Month 2,'' rather than June, July, etc., in preparing these charts.

5. Personnel and Project Management. The proposal must include a description of how the project will be managed, including the name and expertise of faculty advisors and other team members. Evidence of ability to successfully complete the proposed research should be supported by reference to similar efforts performed.

6. Literature Cited. This section should provide complete references for current literature, research, and other appropriate published and unpublished documents cited in the text of the proposal.

7. Budget. The amount of Federal funds requested must be matched by the applicant by at least 30% of the *total* project cost (*i.e.,* $7,072 match for $16,500 in Federal funds for a total project cost of $23,572). Cash or the value of goods and services (except land) directly benefitting the research project may be used to satisfy the matching requirements. Overhead costs for these awards are limited to $1,500 of the Federal share (*i.e.,* $15,000 for project and $1,500 for overhead) and waived overhead costs may also be used as match. Funds from other Federal agencies and NERRS staff salaries supported by Federal funds may not be used as match. Requirements for the non-Federal share are contained in 15 CFR Part 14, Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, other nonprofit and commercial organizations. ERD strongly suggests that the applicant work with their institution's research office to develop their budget (see section D, below).

The applicant may request funds under any of the categories listed below as long as the costs are reasonable and necessary to perform research. The budget should contain itemized costs with appropriate narratives justifying proposed expenditures. Budget categories are to be broken down as follows, clearly showing both Federal and non-Federal shares side by side:

—Salary. The rate of pay (hourly, monthly, or annually) should be indicated. Salaries requested must be consistent with the institution's regular practices. The submitting organization may request that salary data remain confidential information.

—Fringe Benefits. Fringe benefits (*i.e.,* social security, insurance, retirement) may be treated as direct costs as long as this is consistent with the institution's regular practices.

—Equipment. While not their primary purpose, fellowship funds may be approved for the purchase of equipment only if the following conditions are met: (a) a lease versus purchase analysis has been conducted by the applicant or the applicant's institution for equipment that costs greater than $5000 and the findings determine that purchase is the most economical method of procurement; and (b) the equipment does not exist at the recipient's institution or the Reserve site and is essential for the successful completion of the project.

The justification must discuss each of these points along with the purpose of the equipment and a justification for its use, and include a list of equipment to be purchased, leased, or rented by model number and manufacturer, where known. At the termination of the fellowship, disposition of equipment will be determined by the NOAA Property Administrator.

—Travel. The type, extent, and estimated cost (broken down by transportation, lodging and per diem) of travel should be explained and justified in relation to the proposed research; the justification should also identify the person traveling. Travel expenses are limited to round trip travel to field research locations and professional meetings to present the research results and should not exceed 40 percent of total award costs.

—Other Direct Costs. Other anticipated costs should be itemized under the following categories:

• *Materials and Supplies.* The budget should indicate in general terms the types of expendable materials and supplies required and their estimated costs;

• *Research Vessel or Aircraft Rental.* Include purpose, unit cost, duration of use, user, and justification;

• *Laboratory Space Rental.* Funds may be requested for use of laboratory space at research establishments away from the student's institution while conducting studies specifically related to the proposed effort;

• *Telecommunication Services and Reproduction Costs.* Include expenses associated with telephone calls, facsimile, copying, reprint charges, film duplication, etc.;

• *Computer Services.* The cost of unusual or costly computer services may be requested and must be justified.

—Indirect Costs. Requested overhead costs under NERRS fellowship awards are limited to $1,500 of the Federal amount.

8. Requests for Reserve Support Services. On-site Reserve personnel sometimes can provide limited logistical support for research projects in the form of manpower, equipment, supplies, etc. Any request for Reserve support services, including any services provided as match, should be approved by the Reserve Manager or Research Coordinator prior to application submission and be included as part of the application package in the form of written correspondence. Reserve resources which are supported by Federal funds are not eligible to be used as match.

9. Coordination with other Research in Progress or Proposed. ERD encourages collaboration and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of effort. Applications should include a description of how the research will be coordinated with other research projects that are in progress or proposed, if applicable.

10. Permits. The applicant must apply for any applicable local, state or Federal permits. A copy of the permit application and supporting documentation should be attached to the application as an appendix. ERD must receive notification of the approval of the permit application before funding can be approved.

C. Application Review and Evaluation

All applications will be evaluated for scientific merit by ERD staff, the host Reserve scientific panel of no less than three reviewers from the scientific community, and the appropriate Research Coordinator and/or Reserve Manager. Criteria for evaluation include: (1) The quality of proposed research and its applicability to the NERRS Scientific Areas of Support listed earlier in this announcement (70%); (2) the research's applicability to specific Reserve research and resource management goals as they relate to the Scientific Areas of Support listed in this announcement (20%); and (3) academic excellence based on the applicant's transcripts and two letters of reference (10%). No more than two Fellowships will be awarded at any one time for any one Reserve. Final concurrence will be made by the Chief of the Estuarine Reserves Division.

D. Fellowship Awards

Awards are normally made to the fellow's graduate institution through the use of a cooperative agreement. Applicants whose projects are recommended for funding will be required to complete all necessary Federal financial assistance forms (SF–424, SF–424A, SF–424B, CD–511, and SF–LLL), which will be provided by ERD with the letter of fellowship notification. ERD recommends that all applicants work with their graduate institution during the development of their budget to ensure concurrence on budgetary issues (e.g. the use of salary and fringe benefits as match).

VI. Other Requirements

Recipients and sub-recipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.

All non-profit and for-profit applicants are subject to a name-check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either: (1) The delinquent account is paid in full; (2) A negotiated repayment schedule is established and at least one payment is received; or (3) Other arrangements satisfactory to the Department of Commerce (DOC) are made.

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. In addition, any recipients who are past due for submitting acceptable final reports under any previous ERD-funded research will be ineligible to be considered for new awards until final reports are received, reviewed and deemed acceptable by ERD.

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the DOC. However, funding priority will be given to the additional years of multi-year proposals upon satisfactory completion of the current year of research.

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matter; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

1. Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form prescribed above applies;

2. Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government-wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. § 1352, ''Limitation on the use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form which applies to applications/ bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. Anti-Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

5. Lower Tier Certifications. Recipients shall require applicants/ bidders for sub-grants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying,'' and disclosure form SF–LLL, ''Disclosure of Lobbying Activities.'' The original form CD–512 is intended for the use of recipients. SF–LLL submitted by any tier recipient or sub-recipient should be submitted to DOC in accordance with the instructions contained in the award document.

Buy American-Made Equipment or Products: Applicants are hereby notified that any equipment or products

authorized to be purchased with funding provided under this program should be American-made to the extent feasible.

Indirect Costs: The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or $1,500, whichever is less.

Pre-award Activities: If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.

VII. Classification

This notice has been determined to be ''not significant'' for purposes of E.O. 12866.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Administrative Order 216–6.

This notice does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

This notice involves a collection of information subject to the requirements of the Paperwork Reduction Act. The requirements have been approved by the Office of Management and Budget under control numbers 0348–0043, 0348–0044, and 0348–0046.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection displays a current valid OMB control number.

(Federal Domestic Assistance Catalog Number 11.420 Coastal Zone Management Estuarine Research Reserves)

Dated: August 17, 2000.

Ted I. Lillestolen,

Deputy Assistant Administrator, National Ocean Service.

Appendix I. NERRS ON-SITE STAFF

Alabama

Mr. L.G. Adams, Manager, Dr. Scott Phipps, Research Coordinator, Weeks Bay National Estuarine Research Reserve, 11300 U.S. Highway 98, Fairhope, AL 36532, (334) 928–9792, lg.adams@nerr.noaa.gov, scott.phipps@nerr.noaa.gov.

Alaska

Mr. Glenn Seaman, Manager, Dr. Carl Schoch, Research Coordinator, Kachemak Bay National Estuarine Research Reserve, Department of Fish and Game, 202 West Pioneer Avenue, Homer, AK 99603, (907) 235–4799, carl__schoch@fishgame.state.ak.us.

California

Ms. Becky Christensen, Manager, Dr. Kerstin Wasson, Research Coordinator, Elkhorn Slough National Estuarine Research Reserve, 1700 Elkhorn Road, Watsonville, CA 95076, (831) 728–2822, research@elkhornslough.org.

Ms. Tessa Roper, Assistant Manager, Mr. Greg Abbott, Acting Research Coordinator, Tijuana River National Estuarine Research Reserve, 301 Caspian Way, Imperial Beach, CA 92032, (619) 575–3613, trnerr@ixpres.com, troper@ixpres.com.

Delaware

Mr. Mark Del Vecchio, Manager, Dr. Bob Scarborough, Research Coordinator, Delaware National Estuarine Research Reserve, Division of Soil and Water Conservation, 89 Kings Highway, Dover, DE 19901, (302) 739–3436, bscarboroug@state.de.us.

Florida

Mr. Woodward Miley II, Manager, Mr. Lee Edmiston, Research Coordinator, Apalachicola River National Estuarine Research Reserve, Department of Environmental Protection, 350 Carroll Street, Eastpoint, FL 32320, (850) 670–4783, ledmist@gtcom.net.

Mr. Ken Berk, Manager, Guana-Tolomato-Matanzas National Estuarine Research Reserve, Department of Environmental Protection, P.O. Box 840069, St. Augustine, FL 32084–0069, (904) 461–4053, kenberk@aug.com.

Mr. Gary Lytton, Manager, Dr. Michael Shirley, Research Coordinator, Rookery Bay National Estuarine Research Reserve, Department of Environmental Protection, 300 Tower Road, Naples, FL 34113–8059, (941) 417–6310, michael.shirley@dep.state.fl.us.

Georgia

Mr. Buddy Sullivan, Manager, Mr. Dorset Hurley, Research Coordinator, Sapelo Island National Estuarine Research Reserve, Department of Natural Resources, P.O. Box 15, Sapelo Island, GA 31327, (912) 485–2251, dhurley@darientel.net.

Maine

Mr. Kent Kirpatrick, Manager, Dr. Michele Dionne, Research Coordinator, Wells National Estuarine Research Reserve, 342 Laudholm Farm Road, Wells, ME 04090, (207) 646–1555 ext. 136, dionne@cybertours.com.

Maryland

Ms. Carol Towle, Manager, Mr. David Nemazie, Research Coordinator, Chesapeake Bay National Estuarine Research Reserve, MD, Department of Natural Resources, Tawes State Office Building, E–2, 580 Taylor Avenue, Annapolis, MD 21401, (410) 228–9250 x615, nemazie@ca.umces.edu.

Massachusetts

Ms. Christine Gault, Manager, Dr. Chris Weidman, Research Coordinator, Waquoit Bay National Estuarine Research Reserve, Department of Environmental Management, P. O. Box 3092, Waquoit, MA 02536, (508) 457–0495, wbnerr@capecod.net, cweidman@capecod.net.

Mississippi

Mr. Peter Hoar, Manager, Grand Bay National Estuarine Research Reserve, Department of Marine Resources, 6005 Bayou Heron Road, Moss Point, MS 39562, (228) 475–7047, phoar@ametro.net.

New Hampshire

Mr. Peter Wellenberger, Manager, Dr. Brian Smith, Research Coordinator, Great Bay National Estuarine Research Reserve, New Hampshire Fish and Game Department, 37 Concord Road, Durham, NH 03824, (603) 868–1095, bsmith@vitts.net.

New Jersey

Mr. Michael De Luca, Manager, Dr. Ken Able, Research Coordinator, Mullica River National Estuarine Research Reserve, Institute of Marine and Coastal Sciences, Rutgers University, P.O. Box 231, New Brunswick, NJ 08903, 732–932–9489 x512 (De Luca), 689–296–5260 (Able), able@arctic.rutgers.edu.

New York

Ms. Elizabeth Blair, Manager, Mr. Chuck Nieder, Research Coordinator, Hudson River National Estuarine Research Reserve, New York State Department of Environmental Conservation, c/o Bard College Field Station, Annandale-on-Hudson, NY 12504, (914) 758–7013 (Nieder), wcnieder@gw.dec.state.ny.us, (914) 758–7011 (Blair) and (914) 758–7010 (general info).

North Carolina

Dr. John Taggart, Manager, Dr. Steve Ross, Research Coordinator, North Carolina National Estuarine Research Reserve, 5001 Masonboro Loop Road, 1 Marvin Moss Lane, Wilmington, NC 28409, (910) 395–3905, rosss@uncwil.edu.

Ohio

Mr. Eugene Wright, Manager, Dr. David Klarer, Research Coordinator, Old Woman Creek National Estuarine Research Reserve, 2514 Cleveland Road, East, Huron, OH 44839, (419) 433–4601 dklarer@nerr.noaa.gov.

Oregon

Mr. Michael Graybill, Manager, Dr. Steve Rumrill, Research Coordinator, South Slough National Estuarine Research Reserve, P. O. Box 5417, Charleston, OR 97420, (541) 888–5558, ssnerr@harborside.com.

Puerto Rico

Ms. Carmen Gonzalez, Manager, Dr. Pedro Robles, Research Coodinator, Jobos Bay National Estuarine Research Reserve, Dept. of Natural Resources, Call Box B, Aguirre, PR 00704, (787) 853–4617, cgonzalez@nerr.noaa.gov, problesc@coqui.net.

Rhode Island

Mr. Roger Greene, Manager, Dr. Chris Deacutis, Research Coordinator, Narragansett Bay National Estuarine Research Reserve, Department of Environmental Management, Box 151, Prudence Island, RI 02872, (401) 683–6780 roger.greene@nerr.noaa.gov, deacutis@etal.uri.edu or (401) 222–4700 x7270.

South Carolina

Mr. Michael D. McKenzie, Manager, Dr. Elizabeth Wenner, Research Coordinator, Ashepoo-Combahee-Edisto (ACE) Basin, South Carolina Wildlife and Marine Resources Department, P.O. Box 12559, Charleston, SC 29412, (803) 762–5062 (McKenzie), (803) 736–5050 (Wenner), wennere@mrd.dnr.state.sc.us.

Dr. Dennis Allen, Manager, Dr. Drew Lohrer, Research Coordinator, North Inlet-Winyah Bay National Estuarine Research Reserve, Baruch Marine Field Laboratory, P.O. Box 1630, Georgetown, SC 29442, (803) 546–3623.

Virginia

Dr. Maurice P. Lynch, Manager, Dr. William Reay, Research Coordinator, Chesapeake Bay National Estuarine Research Reserve, VA, Virginia Institute of Marine Science, College of William and Mary, P.O. Box 1347, Gloucester Point, VA 23062, (804) 684–7135, wreay@vims.edu.

Washington

Mr. Terry Stevens, Manager, Dr. Douglas Bulthuis, Research Coordinator, Padilla Bay National Estuarine Research Reserve, 10441 Bay View-Edison Road, Mt. Vernon, WA 98273–9668, (360) 428–1558, bulthuis@padillabay.gov.

[FR Doc. 00–21709 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081800H]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on September 11–14, 2000.

ADDRESSES: These meetings will be held at the Adam's Mark Hotel, 64 South Water Street, Mobile, AL; telephone: 334–438–4000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

September 13

8:30 a.m—Convene.

8:45 a.m.– 12:00 noon—Receive public testimony on a proposed Dolphin/Wahoo Fishery Management Plan (FMP). Persons who will testify must turn in a registration card before the start of the testimony period on Wednesday.

1:30 p.m.–3:30 p.m.—Receive the report of the Mackerel Management Committee.

3:30 p.m. – 4:00 p.m.—Receive a report of the Reef Fish Management Committee.

4:00 p.m.– 4:30 p.m. —Receive a report of the Shrimp Management Committee.

4:30 p.m.– 4:45 p.m. —Receive a report of the Stone Crab Management Committee.

4:45 p.m.– 5:00 p.m. —Receive a report of the Red Drum Management Committee.

5:00 p.m..– 5:15 p.m. —Receive a report of the Joint Reef Fish and Mackerel Management Committees.

5:15 p.m.– 5:30 p.m. —Receive a report of the Budget Committee.

September 14

8:30 a.m.– 10:30 a.m. —Receive a report of the Administrative Policy Committee.

10:30 a.m.– 10:45 a.m.—Receive a report of the Migratory Species Management Committee.

10:45 a.m.– 11:00 a.m. —Receive a report of the International Commission for the Conservation of Atlantic Tunas Advisory Committee Meeting.

11:00 a.m.– 11:15 a.m. —Receive enforcement reports.

11:15 a.m.– 11:30 a.m. —Receive the NMFS Regional Administrator's Report.

11:30 a.m.– 11:45 a.m. —Receive Director's Reports.

11:45 a.m– 4:30 p.m. — Other Business.

12:00 noon —Election of Chairman and Vice Chairman.

September 11

9:00 a.m. – 12:00 noon— Convene the Administrative Policy Committee to discuss amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) and will develop recommendations for comments to be heard by full Council on Thursday morning.

1:00 p.m. – 2:00 p.m. — Convene the Budget Committee to review the CY 2001 budget.

2:00 p.m.– 5:00 p.m. — Convene the Mackerel Management Committee to discuss the proposed Dolphin/Wahoo FMP and develop recommendations for final action by the full Council on Wednesday afternoon. The Dolphin/Wahoo FMP has been prepared by the South Atlantic, Gulf, and Caribbean Fishery Management Councils. The first 10 actions, with options, of the Dolphin/Wahoo FMP contain measures that are applicable to the dolphin and wahoo stocks in the jurisdictions of all 3 councils. These include measures to: define the management units; address dealer, vessel, and operator permits; consider data reporting requirements; identify estimates of maximum sustainable yield, optimum yield, and overfishing/overfished criteria; and, framework options to enable seasonal adjustments to the management structure. Other actions, with options, are separately applicable to each council's area of jurisdiction, and include actions that may be implemented through the framework procedures, e.g. minimum size limits, bag limits, trip limits, and allocations, among others.

5:00 p.m.– 5:30 p.m. —Convene the Migratory Species Management Committee to discuss proposed management actions for billfish.

September 12

8:30 a.m– 11:30 a.m. — Convene the Reef Fish Management Committee to receive a report on a juvenile red snapper study, the Reef Fish Stock Assessment Panel's recommendations on grouper complex rebuilding scenarios, and to discuss requiring vessel monitoring systems (VMS) in Reef Fish Amendment 18.

12:30 p.m– 2:00 p.m. — Convene the Shrimp Management Committee to discuss Draft Shrimp Amendment 11 and approve it for public hearings. The draft amendment has alternatives, that if adopted, would require shrimp vessels to have permits or be registered, and operators to have permits.

2:00 p.m– 3:30 p.m. — Convene the Joint Reef Fish and Mackerel Management Committees to approve a Draft Amendment for Charter Vessel Permit Moratorium for public hearings. The draft amendment proposes to put a moratorium on the issuance of additional permits for charter vessels to fish for reef fish or coastal migratory pelagics in Federal waters of the Gulf of Mexico. The amendment will make the charter vessel permits transferable.

3:30 p.m– 5:00 p.m. — Convene the Stone Crab Management Committee to approve Draft Stone Crab Amendment 7 for public hearings. The draft amendment proposes to create a federal trap certificate program to complement the trap certificate program adopted by the state of Florida.

5:00 p.m– 5:30 p.m. — Convene the Red Drum Management Committee to hear recommendations of the Red Drum Stock Assessment Panel for carrying out research to determine the status of the stock.Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the MSFCMA, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency.

A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by September 5, 2000.

Dated: August 18, 2000.

Richard W. Surdi,

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

[FR Doc. 00–21805 Filed 8–24–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081800G]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Enforcement Committee and Advisory Panel in September, 2000. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Thursday, September 21, 2000, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Council office, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465-0492.

FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465-0492.

SUPPLEMENTARY INFORMATION: The committee will review safety and enforcement issues associated with an experimental fishery to allow vessels to seek safe harbor in Gloucester, MA, but not unload if they exceed the Northeast Multi-species Fishery Management Plan haddock trip limit.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: August 18, 2000.

Richard W. Surdi,

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

[FR Doc. 00–21801 Filed 8–24–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081800F]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of plan team meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Plan Team for the Bering Sea/Aleutians Islands King and Tanner Crab Fishery Management Plan will meet in Kodiak, Alaska.

DATES: The meeting will be held on September 19-20, 2000.

ADDRESSES: The meeting will be held at the Kodiak Fisheries Research Center, 301 Research Court, Kodiak, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

FOR FURTHER INFORMATION CONTACT: Dave Witherell, North Pacific Fishery Management Council; 907-271-2809.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9:00 a.m. on Tuesday, September 19, continuing through September 20. The Plan Team will prepare the annual Stock Assessment and Fishery Evaluation report for Bering Sea/Aleutian Islands king and Tanner crab stocks and review a proposal by the Alaska Marine Conservation Council regarding habitat and bycatch management measures.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, 907-271-2809, at least 5 working days prior to the meeting date.

Dated: August 18, 2000.

Richard W. Surdi,

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

[FR Doc. 00–21804 Filed 8–24–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081800I]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Plan Development Team (HMSPDT) will hold a work session which is open to the public.

DATES: The work session will be Tuesday, September 26, 2000, 8:00 a.m. to 5:00 p.m.; Wednesday, September 27, 2000, 8:00 a.m. to 5:00 p.m.; and Thursday, September 28, 2000, from 8:30 a.m. until business for the day is completed.

ADDRESSES: On Tuesday and Wednesday, the work session will be held in the large conference room at NMFS Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, Room D-203, La Jolla, CA 92038-0271; telephone: (619) 546-7000. On Thursday, the HMSPDT will meet at the Hubbs-SeaWorld Research Institute, 2595 Ingraham Street, San Diego, CA 92109-7902; telephone: (619) 226-3870.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dan Waldeck, Pacific Fishery Management Council; (503) 326-6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to continue development of the draft fishery management plan (FMP) for highly migratory species (HMS). Specific agenda topics include: review of FMP development to date; progress reports and presentations (stock assessments, maximum sustainable yield (MSY) and MSY proxy determination, shared stocks); Council guidance to the HMSPDT; bycatch; management data issues, current international and state regulations; analysis of pelagic longlines; and new work assignments.

Management measures that may be adopted in the FMP for HMS fisheries off the West Coast include permit and reporting requirements for commercial and recreational harvest of HMS resources, time and/or area closures to minimize gear conflicts or bycatch, adoption or confirmation of state regulations for HMS fisheries, and allocations of some species to noncommercial use. The FMP is likely to include a framework management process to add future new measures, including the potential for collaborative management efforts with other regional fishery management councils with interest in HMS resources. It would also include essential fish habitat and habitat areas of particular concern, including fishing and nonfishing threats, as well as other components of FMPs required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The proposed FMP and its associated regulatory analyses would be the Council's fourth FMP for the exclusive economic zone off the West Coast. Development of the FMP is timely, considering the new mandates under the Magnuson-Stevens Act, efforts by the United Nations to promote conservation and management of HMS resources through domestic and international programs, and the increased scope of activity of the Inter-American Tropical Tuna Commission in HMS fisheries in the eastern Pacific Ocean.

Although non-emergency issues not contained in the HMSPDT meeting agenda may come before the HMSPDT for discussion, those issues may not be the subject of formal HMSPDT action during these meetings. HMSPDT action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the HMSPDT's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: August 18, 2000.

Richard W. Surdi,

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

[FR Doc. 00–21800 Filed 8–24–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.081500B]

Marine Mammals; File No. 358-1585

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Wayne L. Regelin (Principal Investigator: Robert Small), Division of Wildlife Conservation, Alaska Department of Fish and Game, 333 Raspberry Road, Anchorage, Alaska 99518, has applied in due form for a permit to take harbor seals (*Phoca vitulina*), spotted seals (*Phoca largha*), ringed seals (*Phoca hispida*), bearded seals (*Erignathus barbatus*), and ribbon seals (*Phoca fasciata*) for the purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before September 25, 2000.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

FOR FURTHER INFORMATION CONTACT: Simona Roberts or Ruth Johnson, 301/713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 et seq.).

The applicant requests authority to take harbor seals, spotted seals, ringed seals, bearded seals and ribbon seals in Alaska. The applicant proposes to capture, sample and tag a total of 1,000 harbor seals, 500 spotted seals, 250 ringed seals, 250 bearded seals and 250 ribbon seals over a 5-year period throughout Alaska. Additionally, harbor seals may be incidentally harassed during scat collection and aerial surveys. Export of biological samples worldwide and collection of biological samples from subsistence harvested animals is also proposed.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 21, 2000.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–21802 Filed 8–24–00; 8:45 am]

Billing Code: 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Performance Review Board

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Announcement of membership of the United States Patent and Trademark Office Performance Review Board.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

ADDRESSES: Comments should be addressed to the Director, Office of Human Resources, United State Patent and Trademark Office, One Crystal Park, Suite 707, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Sydney Rose at (703) 305–8062.

SUPPLEMENTARY INFORMATION: The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

Clarence Crawford, Chair, Chief Financial Officer and Chief Administrative Officer, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Nicholas Godici, Commissioner for Patents, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Anne Chasser, Commissioner for Trademarks, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Dennis Shaw, Chief Information Officer, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Janice A. Howell, Director, Patent Examining Group, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Albin F. Drost, Acting General Counsel, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Robert M. Anderson, Deputy Commissioner for Trademarks, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Robert Stoll, Administrator for External Affairs, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

H. Dieter Hoinkes, Deputy Administrator for Legislative and International Affairs, United States Patent and Trademark Office, Washington, DC 20231, Term—expires September 30, 2003

Gerald R. Lucas, Deputy Chief Financial Office/Administrative Officer, Department of Commerce, Washington, DC 20231, Term—expires September 30, 2001

Bruce Campbell, Executive Associate Director, Operations Support Directorate, Federal Emergency Management Agency, Washington, DC 20742, Term—expires September 30, 2002.

Dated: August 21, 2000.

Q. Todd Dickinson,

Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 00–21753 Filed 8–24–00; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Adaptation of Virus to Vertebrate Cells

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/534,724 entitled ''Adaptation of Virus to Vertebrate Cells'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides a method for replicating virus to higher titer in cultured mammalian cells by infecting the mammalian cells with the high titer virus strain to obtain infected cells. Specifically, attenuated dengue virus strains of serotype 1,2,3, and 4. The resulting replicated virus is suitable for use in vaccines and vaccination methods which are also provided by the invention.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21795 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–U

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Anthrax Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/350,755 entitled ''Anthrax Vaccine'', filed July 9, 1999. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Office of the Staff Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to vaccines for bacterial toxins from Bacillus anthracis. The invention relates to a method and composition for use in inducing an immune response which is protective against infection with anthrax.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21796 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–U

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Attenuated Dengue-1 Virus Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/535,116 entitled ''Attenuated Dengue-1 Virus Vaccine'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides vaccine compositions of attenuated Dengue-1 virus. More specifically, the attenuated virus is produced by serial passage in PDK cells. The invention also provides methods for stimulating the immune system of an individual to induce protection against dengue-1 virus by administration of attenuated dengue-1 virus.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21791 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Attenuated Dengue-2 Virus Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/534,725 entitled ''Attenuated Dengue-2 Virus Vaccine'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides vaccine compositions of attenuated dengue-2 virus. More specifically, the attenuated virus is produced by serial passage in PDK cells. The invention also provides methods for stimulating the immune system of an individual to induce protection against dengue-2 virus by administration of attenuated dengue-2 virus.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21790 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Attenuated Dengue-3 Virus Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/535,684 entitled ''Attenuated Dengue-3 Virus Vaccine'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides vaccine compositions of attenuated dengue-3 virus. More specifically, the attenuated virus is produced by serial passage in PDK cells. The invention also provides methods for stimulating the immune system of an individual to induce protection against dengue-3 virus by administration of attenuated dengue-3 virus.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21792 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Attenuated Dengue-4 Virus Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/534,726 entitled ''Attenuated Dengue-4 Virus Vaccine'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides vaccine compositions of attenuated dengue-4 virus. More specifically, the attenuated virus is produced by serial passage in PDK cells. The invention also provides methods for stimulating the immune system of an individual to induce protection against dengue-4 virus by administration of attenuated dengue-4 virus.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21793 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Multivalent Dengue Virus Vaccine

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application Serial Number 09/535,117 entitled ''Multivalent Dengue Virus Vaccine'', filed March 24, 2000. Foreign rights are also available. This patent application has been assigned to the United States Government as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR-JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention provides vaccine compositions of attenuated dengue virus. More specifically, the attenuated virus is produced by serial passage in PDK cells. The invention also provides methods for stimulating the immune system of an individual to induce protection against all four dengue virus serotypes by administration of attenuated dengue-1, dengue-2, dengue-3 and dengue-4 virus.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 00–21794 Filed 8–24–00; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 25, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wai-Sinn Chan, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Wai-Sinn_L._Chan@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 18, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New Collection.

Title: Annual Performance Report for the Upward Bound, Upward Bound Math/Science, and Veterans Upward Bound Programs (JS).

Frequency: Annually.

Affected Public: Not-for-profit institutions (primary), State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 900; Burden Hours: 9000.

Abstract: Upward Bound grantees must submit the report annually. The reports are used to evaluate the performance of grantees prior to awarding continuation funds and to assess a grantee's prior experience at the end of each budget period. The Department will also aggregate the data to provide descriptive information on the programs and to analyze the impact of the program on the academic progress of participating students.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or

should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to SCHUBART at (202) 708–9266. 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. 00–21570 Filed 8–24–00; 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 Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 25, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wai-Sinn Chan, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address Wai-Sinn__L.__Chan@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: August 21, 2000.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: New Collection.

Title: Mapping Federal Funding to High Schools (SC).

Frequency: Other: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 732.

Burden Hours: 3499.

Abstract: The Mapping Federal Funding to High Schools study will attempt to (1) ascertain the percentage of federal funds channeled to high schools; (2) identify specific high schools receiving federal funds; and (3) assess the utilization of the funds by high schools.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, 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 Sheila Carey at (202) 708–6287. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Office of Educational Research and Improvement

Type of Review: Revision of a currently approved collection.

Title: The Blue Ribbon Schools Program (KA).

Frequency: Other: One time.

Affected Public: Not-for-profit institutions (primary)

State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 515.

Burden Hours: 25750.

Abstract: The Blue Ribbon Schools award is a national school improvement strategy with a threefold purpose: (1) to identify and give public recognition to outstanding public and private schools across the nation; (2) to make available a comprehensive framework of key criteria for school effectiveness that can serve as a basis for participatory self-assessment and planning in schools; and (3) to facilitate communication and sharing of best practices within and among schools based on a common understanding of criteria related to success. The information collected will be used to determine by peer review which schools receive the award and information on their exemplary practices and policies will be made available to other schools.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, 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 Kathy Axt at (703) 426–9692. 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. 00–21710 Filed 8–24–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance; Meeting

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of upcoming meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming partially closed meeting of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a

disability in order to attend the meeting (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify Ms. Hope M. Gray at 202–708–7439 or via e-mail at hope__gray@ed.gov no later than Monday, September 11, 2000. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities. This notice also describes the functions of the Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES AND TIMES: Monday, September 25, 2000, beginning at 9:00 a.m. and ending at approximately 5:00 p.m.; and Tuesday, September 26, 2000, beginning at 8:30 a.m. and ending at approximately 2:00 p.m.

ADDRESSES: The University of Vermont, Waterman Building, Memorial Lounge, 85 South Prospect Street, Burlington, Vermont 05405.

FOR FURTHER INFORMATION CONTACT: Brian K. Fitzgerald, Staff Director, Advisory Committee on Advisory Committee on Student Financial Assistance, Portals Building, 1280 Maryland Avenue, S.W., Suite 601, Washington, D.C. 20202–7852 (202) 708–7439.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the Committee has been charged with providing technical expertise with regard to systems of need analysis and application forms, making recommendations that result in the maintenance of access to postsecondary education for low- and middle-income students; conducting a study of institutional lending in the Stafford Student Loan Program; assisting with activities related to the 1992 reauthorization of the Higher Education Act of 1965; conducting a third-year evaluation of the Ford Federal Direct Loan Program (FDLP) and the Federal Family Education Loan Program (FFELP) under the Omnibus Budget Reconciliation Act (OBRA) of 1993; and assisting Congress with the 1998 reauthorization of the Higher Education Act.

The congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act. The Committee traditionally approaches its work from a set of fundamental goals: promoting program integrity, eliminating or avoiding program complexity, integrating delivery across the Title IV programs, and minimizing burden on students and institutions.

Reauthorization of the Higher Education Act has provided the Advisory Committee with a significantly expanded agenda in six major areas, such as, Performance-based Organization (PBO); Modernization; Technology; Simplification of Law and Regulation; Distance Education; and Early Information and Needs Assessment. In each of these areas, Congress has asked the Committee to: monitor progress toward implementing the Amendments of 1998; conduct independent, objective assessments; and make recommendations for improvement to the Congress and the Secretary. Each of these responsibilities flow logically from and effectively implements one or more of the Committee's original statutory functions and purposes.

The proposed agenda includes: (a) Discussion sessions on implementing the provisions of the Higher Education Amendments of 1998 and their impact on all Title IV programs, in particular, examining the condition of access for low- and middle-income students in the areas of federal, state and institutional early intervention programs, remediation and academic support services, and (b) the Committee's plans for fiscal year 2001. In addition, other Committee business will be addressed. Space is limited and you are encouraged to register early if you plan to attend. You may register through Internet at *ADV__COMSFA@ED.gov* or *Tracy__Deanna__Jones@ED.gov.* Please include your name, title, affiliation, complete address (including Internet and e-mail—if available), and telephone and fax numbers. If you are unable to register electronically, you may mail or fax your registration information to the Advisory Committee staff office at (202) 401–3467. Also you may contact the Advisory Committee staff at (202) 708–7439. The registration deadline is Friday, September 15, 2000.

The Advisory Committee will meet in Burlington, Vermont on Monday, September 25, 2000, from 9:00 a.m. until approximately 6:00 p.m., and on Tuesday, September 26, from 8:30 a.m. until approximately 2:00 p.m. The meeting will be closed to the public on September 25, from approximately 4:30 p.m. to 6:00 p.m. to discuss personnel matters. The ensuing discussions will relate to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of Section 552(b)(c) of Title 5 U.S.C. A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552(b) will be available to the public within fourteen days after the meeting.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, Portals Building, 1280 Maryland Avenue, S.W., Suite 601, Washington, D.C. from the hours of 9:00 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: August 21, 2000.

Brian K. Fitzgerald,

Staff Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 00–21720 Filed 8–24–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Availability of Solicitation

AGENCY: Albuquerque Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation—natural gas vehicle exhaust particle sampling study.

SUMMARY: The U.S. Department of Energy (DOE), Albuquerque Operations Office (AL), is seeking applications for research and development for natural gas-powered vehicle exhaust particle sampling study. Through this solicitation, DOE seeks to measure representative particle size distributions of both light-duty and heavy-duty natural gas powered vehicle exhaust and collect samples of toxicity sampling. A DOE technical panel will perform a scientific and engineering evaluation of each responsive application to determine the merit of the approach. DOE anticipates issuing one or more financial assistance instruments from this solicitation. A maximum of $500,000 of DOE funding is anticipated to be available. Cost sharing by the applicant is desired.

DATE: Applications are to be received no later than 3 p.m. local prevailing time

on October 2, 2000. Any application received after the due date will not be evaluated.

FOR FURTHER INFORMATION CONTACT: Erwin E. Fragua, Contract Specialist, DOE/AL, at (505) 845–6442 or by e-mail at *efragua@doeal.gov.*

SUPPLEMENTARY INFORMATION: The solicitation will be available on the internet on or about August 23, 2000 at the following web site: *http://www.doeal.gov/cpd/default.htm.* Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. For profit and not-for-profit organizations, state and local governments, Indian tribes, and institutions of higher learning are eligible for awards under this solicitation. Collaboration between industry, industry organizations, and universities are encouraged.

Issued in Albuquerque, New Mexico August 18, 2000.

Martha L. Youngblood,

Contracting Officer, Complex Support Branch, Contracts and Procurement Division.

[FR Doc. 00–21755 Filed 8–24–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Office of Science Financial Assistance Program Notice 00–19: Outstanding Junior Investigator Program

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Division of High Energy Physics of the Office of Science (SC), U.S. Department of Energy, hereby announces its interest in receiving grant applications for support under its Outstanding Junior Investigator (OJI) Program. Applications should be from tenure-track faculty investigators who are currently involved in experimental or theoretical high energy physics or accelerator physics research, and should be submitted through a U.S. academic institution. The purpose of this program is to support the development of individual research programs of outstanding scientists early in their careers. Awards made under this program will help to maintain the vitality of university research and assure continued excellence in the teaching of physics.

DATES: To permit timely consideration for award in fiscal year 2001, formal applications submitted in response to this notice should be received before November 1, 2000.

ADDRESSES: Completed formal applications referencing Program Notice 00–19 should be forwarded to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, ATTN: Program Notice 00–19. The above address must also be used when submitting applications by U.S. Postal Service Express Mail, any other commercial mail delivery service, or when hand carried by the applicant. An original and seven copies of the application must be submitted. Due to the anticipated number of reviewers, it would be helpful for each applicant to submit an additional four copies of the application.

FOR FURTHER INFORMATION CONTACT: Jeffrey Mandula, Division of High Energy Physics, SC–221 (GTN), U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–4829. E-Mail: jeffrey.mandula@science.doe.gov

SUPPLEMENTARY INFORMATION: The Outstanding Junior Investigator program was started in 1978 by the Department of Energy's Office of Energy Research. A principal goal of this program is to identify exceptionally talented new high energy physicists early in their careers and assist and facilitate the development of their research programs. Eligibility for awards under this notice is therefore restricted to non-tenured investigators who are conducting experimental or theoretical high energy physics or accelerator physics research. Since its debut, the program has initiated support for between five and ten new Outstanding Junior Investigators each year. The program has been very successful and contributes importantly to the vigor of the U.S. High Energy Physics program. Applicants should request support under this notice for normal research project costs as required to conduct their proposed research activities. The full range of activities currently supported by the Division of High Energy Physics is eligible for support under this program.

The DOE expects to make five to ten grant awards in fiscal year 2001 to meet the objectives of this program. It is anticipated that approximately $400,000 will be available in fiscal year 2001, subject to availability of appropriated funds. In the past, awards have averaged $50,000 per year, with the number of awards determined by the number of excellent applications and the total funds available for this program. Multiple year funding of grant awards is expected, including renewal beyond the initial project period, as long as the recipient's tenure status is unchanged. Funding will be provided on an annual basis subject to availability of funds.

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following criteria, which are listed in descending order of importance as set forth in 10 CFR Part 605.10(d):

1. Scientific and/or technical merit of the project;
2. Appropriateness of the proposed method or approach;
3. Competency of applicant's personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR Part 605. Electronic access to the application guide and required forms is available on the World Wide Web at: http://www.er.doe.gov/production/grants/grants.html

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC on August 11, 2000.

John Rodney Clark,

Associate Director of Science for Resource Management, Office of Science.

[FR Doc. 00–21756 Filed 8–24–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Tanner Electric Transmission Line Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings.

SUMMARY: Bonneville Power Administration (BPA) proposes to construct 7 kilometers (4.5 miles) of new 115-kilovolt (kV) transmission line in King County, Washington, which would supply a new substation to be built by its customer, Tanner Electric Cooperative (Tanner). BPA has prepared an Environmental Assessment (EA)

(DOE/EA–1328) evaluating the proposed project. Based on the analysis in the EA, BPA has determined that the proposed action is not a major federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required, and BPA is issuing this FONSI.

ADDRESSES: For copies of this FONSI or the EA (which contains the FONSI), please call BPA's toll-free document request line: 800–622–4520. It is also available on the internet at www.efw.bpa.gov.

FOR FURTHER INFORMATION, CONTACT: Gene Lynard, KECN–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208–3621, phone number 503–230–3790, fax number 503–230–5699, e-mail gplynard@bpa.gov.

SUPPLEMENTARY INFORMATION: BPA proposes to construct 7 kilometers (4.5 miles) of new 115-kV transmission line in unincorporated King County and in the City of North Bend, Washington. As a connected action, Tanner would construct a 115/12.5-kV substation in the City of North Bend, Washington, which would receive power from BPA's proposed transmission line. BPA is responding to the need to supply reliable electricity to meet current and future loads of its full requirements customer, Tanner.

Local government planning agencies, as well as individual citizens, are strongly interested in the project. Concerns have primarily focused on the visual impacts that would be related to clearing of trees and other vegetation. Specific areas of concern include locations along SE 356th Avenue, adjacent to the Snoqualmie Ridge Business Park, within the I–90 right-of-way (a National Scenic Byway), and along North Bend Way. These concerns led to consideration of a number of different route segments during development of alternatives and to modification of line locations throughout the planning phase.

Two major alternative plans were identified and are addressed in the EA (Chapter 2). Briefly, they are as follows:

• *Proposed Action:* BPA would construct a new 7-kilometer (4.5-mile), 115-kV single-circuit electric power transmission line in unincorporated King County and in the City of North Bend, Washington, to be energized in the fall of 2001. As a connected action, Tanner would construct a 115-kV/12.5-kV substation in North Bend, Washington, which would be supplied by the new line. The new line would tap Puget Sound Energy's (Puget's) Snoqualmie-Lake Tradition No. 1 transmission line and would be supported on a combination of single wood pole structures and H-frame wood pole structures that could accommodate a Puget distribution line, if necessary.

• *No Action Alternative:* BPA would not construct the new transmission line. It is likely, however, that another entity, probably Puget, would do so, because the need to supply growing electrical loads in the area would still exist. If another entity were to build the line, the impacts of the No Action Alternative might be similar to the proposal in nature and intensity. However, if no facilities were constructed, impacts would be limited to the socioeconomic effects of not supplying electricity demands, including deteriorating service to electricity customers.

In addition, eight route variations and a proposal to place a portion of the line underground were considered and eliminated for a variety of reasons, including costs and/or environmental impacts that were higher than the proposed action. Table 2 in the EA summarizes the impacts of the proposed action.

BPA has determined, based on the context and intensity of these impacts, that with mitigation, they are not significant, using the definition of this concept in Section 1508.27 of the Council on Environmental Quality Regulations for implementing the National Environmental Policy Act. This determination is based on the following discussion of each point listed in Section 1508.27:

1. The project would benefit electrical customers in the area by meeting the short-term needs of Tanner and the long-term needs of both Tanner and Puget. The project would also benefit the environment by providing one set of facilities (one transmission line, one substation, and one distribution line) that meet the customer service needs of three utilities in the area, an example of one-utility planning. In doing so, the views from some residences and roads will change noticeably, but the effects would be mitigated below the level of significance.

2. Implementation of the proposed action would not affect the health and safety of the people of the North Bend/Snoqualmie area. As documented in Sections 3.11, 4.5.2, and 4.5.3 of the EA, the transmission line and substation would be constructed in accordance with the National Electrical Safety Code and state and local safety requirements. Section 3.11 demonstrates that the project would not significantly increase exposure or health risk from electric or magnetic fields.

3. The proposed transmission line and substation would cross or be in environmentally sensitive areas, including wetlands and a National Scenic Byway. Specifically:

a. The new transmission line would parallel I–90, designated a National Scenic Byway, for 1 kilometer (0.6 mile) (EA, Section 3.8.2). The line would create low to moderate impacts to those travelling on I–90, depending on viewer sensitivities. The line would not become the dominant view to either eastbound or westbound motorists: the dominant views in both directions are of mountains and foothills. The following factors also would limit visual impacts to I–90 motorists:

• the line's relatively small size (115-kV);

• the line's limited length within the highway right-of-way (1 kilometer [0.6 mile]);

• the use of natural materials (wood poles) in a single-pole design;

• the relative speed of viewers (60–70 miles per hour);

• the curvilinear shape of the freeway in this area;

• the vegetative buffer between the line and the highway; and

• the planting of trees and other vegetation to screen the right-of-way from public view.

Therefore, the impacts to the National Scenic Byway would not be significant.

b. The new transmission line would cross a number of small wetlands and one large one (EA, Section 3.6.2). Until project design is finalized, the exact locations of transmission structures and access roads are unknown. However, most wetlands crossed are narrow and will be spanned where practical. Impacts would be related primarily to removal of tall trees from wetlands and associated buffers. Any vegetation that would need to be removed would be left in the sensitive area as wildlife habitat. Should any access roads be constructed in wetlands, BPA would acquire the necessary permits through the U.S. Army Corps of Engineers. Best management practices would be used to prevent erosion and runoff and to avoid adversely affecting the wetlands and their resources.

The proposed alignment bisects the large palustrine scrub-shrub and forested wetland associated with Kimball Creek for about 0.8 kilometer (0.5 mile). However, the line would be located on existing fill within the North Bend Way right-of-way, which already bisects the wetland, and no structures would be placed in the wetland. Impact would be limited to removal of a few

tall trees from the wetland to maintain line safety and reliability. Because existing access is in place, no new roads would be constructed in the wetland. Therefore, impacts to this wetland would result in no net loss of wetlands and would not be significant.

The actions proposed would not affect other unique characteristics of the geographic area, such as wild and scenic rivers, prime farmland, or park lands, as there are none present in the immediate project vicinity. Although there is a cultural resource within the project area, the Seattle Lake Shore and Eastern Railway (owned and operated by the Snoqualmie Valley Railroad), the proposed action would not compromise its present use for tourism nor adversely affect the railroad as a potential National Register-eligible cultural resource.

4. There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal. Although interest in the proposed project has been high from its inception, BPA has addressed all of the comments received during the 30-day review period of the Preliminary EA, and has made revisions to the document where necessary. Included in the comments received were comments from King County and the cities of North Bend and Snoqualmie; however, no comments were received from the State of Washington. During the 30-day comment period on the Preliminary EA, BPA held an open house in the City of North Bend. The BPA project team and representatives of Tanner Electric and Puget Power attended to address any concerns, provide information, and to take input that would be addressed in the Final EA. Nine people attended the open house.

5. The impacts of the proposed action are not significant due to the degree of highly uncertain, unique, or unknown risks. BPA has been constructing transmission lines since the 1930s. The project design is not unique, so it would not create unique risks. The impacts of the new line and corridor can be predicted with a high degree of certainty. While recommending continued research into the health effects of magnetic fields, prominent scientific authorities, including the National Academy of Sciences and the National Institute of Environmental Health Sciences, have concluded that: ''The data at different biological complexities taken in total do not provide convincing evidence that electric and magnetic fields [EMF] experienced in residential environments are carcinogenic'' and that while EMF exposure ''cannot be recognized as entirely safe,'' the evidence for risk to cancer and other diseases was ''weak'' and the probability that EMF exposure is a health hazard is ''small'' and ''* * * insufficient to warrant aggressive regulatory concerns.'' In any event, the project either would not increase electromagnetic fields for some segments, or would not increase exposures because no residences or other occupied buildings would be close enough to experience the increased levels (EA, Section 3.11.2).

6. The actions proposed are not related to other actions with individually insignificant but cumulatively significant impacts, nor would they establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The only future action that depends on this one is Puget's potential underbuild of a distribution line on the new poles proposed for this project. However, the EA included an assessment of the effects of that potential underbuild, including the visual effects and changes to electromagnetic fields. Therefore, BPA's determination of no significant impact includes the impacts of the potential future underbuild.

7. There are no sites listed on or eligible for the National Register of Historic Places at or near any facility location. Although the Snoqualmie Valley Railroad right-of-way may be eligible for listing due to its age, the proposed transmission line would not adversely affect the facility as a potential National Register-eligible cultural resource. The State Historic Preservation Officer concurs with this determination (EA, Section 3.10.2).

8. No federally listed threatened or endangered plants fall within any of the four townships within which the project is located (EA, Section 3.5.1) and no fish or wildlife species listed under the Endangered Species Act, or their critical habitats, are found within 3 kilometers (2 miles) of the project area, so none would be affected (EA, Section 3.7.1).

9. The actions proposed would not threaten to violate federal, state, or local law or requirements imposed for the protection of the environment. The following permit may be required and will be obtained, as needed: Clean Water Act Section 404 permit (U.S. Army Corps of Engineers). Final determinations regarding the need for permits will be made after project participants complete final design.

Floodplain Statement of Findings: This is a Floodplain Statement of Findings prepared in accordance with 10 CFR Part 1022. A Notice of Floodplain and Wetlands Involvement was published in the **Federal Register** on February 24, 2000, and impacts to floodplains and wetlands were assessed in the EA (Section 3.6). The proposed route crosses the 100-year floodplain adjacent to Kimball Creek, where it would be located on existing fill. Though no structures are proposed to be placed within the 100-year floodplain, if any were, they would be designed to withstand flooding, not impede expected flows, and prevent accumulation of flood debris. The project would not increase the chance of flooding or flood-related damage. Though several route variations were considered, lower-impact, reasonable-cost alternatives that would avoid the floodplain were not found.

Although the substation itself would be outside the 100-year floodplain, construction for footings would remove relatively porous soil below the 100-year flood elevation and replace it with less porous concrete footings and gravel. Because of the fill that would be placed below the flood elevation, Tanner is required to compensate for the resulting loss of water storage capacity on a one-for-one basis. To satisfy this requirement, Tanner will remove soil over an area approximately 46 meters (150 feet) by 44 meters (145 feet) by 26 centimeters (13 inches) deep, yielding a volume of soil totaling 667 cubic meters (873 cubic yards). The amount of material removed by the excavation would make up for the storage capacity lost by substation construction. The excavated soil will be placed outside of the floodplain to avoid additional impacts. Increases in run-off and streamflows due to project clearing and access road construction are expected to be minor. Overall, the proposed project would not adversely affect human life, property, or natural floodplain values.

The actions proposed would conform to applicable state and local floodplain protection standards. Although the proposed transmission line would cross the 100-year floodplain of Kimball Creek, the transmission line would be within the North Bend Way right-of-way, above the base flood elevation of the 100-year floodplain.

The steps to be taken to avoid or minimize potential harm to or within the affected floodplains include:

- In sensitive areas, disturbed land would be restored as closely as possible to pre-project contours and replanted with native and local species.
- Transmission poles will be placed to avoid impacts to wetlands and floodplains. Wetlands would be spanned where practical.

• Best management practices would be employed to control erosion and run-off and to avoid adversely affecting floodplains.

• Manual methods would be employed to remove trees or vegetation determined to be a hazard to transmission line safety and reliability.

• At the substation site, Tanner would remove soil from below the base flood elevation associated with Gardiner Creek. Tanner would deposit the excavated soil in uplands.

BPA will endeavor to allow 15 days of public review after publication of this statement of findings before implementing the selected alternative.

Determination: Based on the information in the EA, as summarized here, BPA determines that the actions proposed, as described and analyzed, are not major federal actions significantly affecting the quality of the human environment within the meaning of NEPA, 42 U.S.C. 4321 *et seq.* Therefore, an environmental impact statement will not be prepared, and BPA is issuing this FONSI.

Issued in Portland, Oregon, on August 15, 2000.

Alexandra B. Smith,

Vice President, Environment, Fish and Wildlife.

[FR Doc. 00–21754 Filed 8–24–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–62–008, et al.]

ISO New England Inc., et al.; Electric Rate and Corporate Regulation Filings

August 21, 2000.

Take notice that the following filings have been made with the Commission:

1. ISO New England Inc.

[Docket No. EL00–62–008]

Take notice that on August 16, 2000, the New England Power Pool (NEPOOL) Participants Committee tendered for filing additional information relating to its July 28, 2000, filing in the above captioned docket. This supplemental information updates the voting results set forth in NEPOOL's July 28, 2000 filing.

The NEPOOL Participants Committee states that copies of these materials were sent to all persons identified on the service lists in the above captioned docket, the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: September 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. MC Energy Partners, L.P.

[Docket No. EG00–244–000]

Take notice that on August 16, 2000, MC Energy Partners, L.P., a Texas limited partnership, with its principal office located at 101 Ash Street, San Diego, California 92101, tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations and Section 32 of the Public Utility Holding Company Act of 1935, as amended. Applicant is a Texas limited partnership that will be engaged directly and exclusively in operating an approximately 500 MW natural gas-fueled, electric generating facility (the Facility) located in Montgomery County, Texas, approximately three miles south of the City of Dobbin, Texas (about 40 miles north of Houston) and selling energy at wholesale from the Facility.

Comment date: September 11, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Cedar Power Partners, L.P.

[Docket No. EG00–245–000]

Take notice that on August 16, 2000, Cedar Power Partners, L.P., a Texas limited partnership, with its principal office located at 101 Ash Street, San Diego, California 92101, tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations and Section 32 of the Public Utility Holding Company Act of 1935, as amended. Applicant is a Texas limited partnership that will be engaged directly and exclusively in operating an approximately 500 MW natural gas-fueled electric generating facility (the Facility) located in Liberty County, eight miles west of the City of Dayton, Texas (about 36 miles northeast of Houston), and selling energy at wholesale from the Facility.

Comment date: September 11, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Sierra Pacific Power Company

[Docket No. ER00–3420–000]

Take notice that on August 16, 2000, Sierra Pacific Power Company (Sierra) tendered for filing Amendatory Agreement No. 2 to Amendatory Agreement No. 1 between Bonneville Power Administration and Sierra Pacific Power Company for transfer service to Wells Rural Electric Company.

Sierra states that the Amendatory Agreement No. 2 establishes the points of delivery together with their maximum demands, changes the point of replacement under the Agreement No. 1 from Midpoint to Hilltop, provides for total transfer capacity in an amount not to exceed 110 MW for both this Amendatory Agreement No. 2 and an Agreement between Bonneville Power Administration and Sierra for transfer service to Harney Electric Cooperative, Inc., and provides for a forecast of monthly peak load which forms the basis for calculation of the minimum transfer payment. Sierra requests the Commission permit the Amendatory Agreement No. 2 to be made effective July 5, 2000.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California, and the Nevada Bureau of Consumer Protection and Bonneville Power Administration.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. AEP Power Marketing, Inc.; AEP Service Corporation; CSW Power Marketing, Inc; CSW Energy Services, Inc; Central and South West Services, Inc.

[Docket Nos. ER96–2495–015, ER97–4143–003, ER97–1238–010, ER98–2075–009, and ER98–542–005]

Take notice that on August 16, 2000, AEP Power Marketing, Inc.; AEP Service Corporation, on behalf of the AEP operating companies; CSW Power Marketing, Inc.; CSW Energy Services, Inc.; and Central and South West Services, Inc., on behalf of the CSW operating companies, jointly tendered for filing with the Federal Energy Regulatory Commission an updated market power analysis. This filing fulfills a commitment made in Docket No. ER96–2495–012 to file an updated market power analysis 60 days after consummation of the merger of American Electric Power Corporation and Central and South West Corporation. The filing also serves as the triennial updated market power analysis in Docket Nos. ER97–4143,

ER98–2075, and ER98–542, as well as the deferred updated market power analysis in Docket No. ER97–1238. In addition, the companies request that the Commission synchronize their future triennial market power updates.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Carolina Power & Light Company

[Docket No. ER00–3421–000]

Take notice that on August 16, 2000, Carolina Power & Light Company (CP&L), tendered for filing a Service Agreement for Short-Term Firm Point-to-Point Transmission Service with Amerada Hess Corporation. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of July 18, 2000 for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER00–3422–000]

Take notice that on August 16, 2000, Cinergy Services, Inc. on behalf of its Operating Company affiliates, The Cincinnati Gas & Electric Company and PSI Energy, Inc. (COC), tendered for filing an executed service agreement between COC and Southern Company Energy Marketing L.P. (SCEM) replacing the unexecuted service agreement filed on October 25, 1997 under Docket No. ER98–847–000 per COC FERC Electric Market-Based Power Sales Tariff, Original Volume No. 7–MB.

COC is requesting an effective date of October 29, 1997 and the same Rate Designation as per the original filing.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. California Independent System Operator Corporation

[Docket No. ER00–3423–000]

Take notice that on August 16, 2000, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Cucamonga Electric Corporation for acceptance by the Commission.

The ISO states that this filing has been served on Cucamonga Electric Corporation and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirements to allow the Meter Service Agreement to be made effective as of July 31, 2000.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Sierra Pacific Power Company

[Docket No. ER00–3425–000]

Take notice that on August 16, 2000, Sierra Pacific Power Company (Sierra), tendered for filing an Amendatory Agreement to an Agreement between Bonneville Power Administration and Sierra Pacific Power Company for transfer to Harney Electric Cooperative.

Sierra states that the Amendatory Agreement changes the point of replacement under the Agreement from Midpoint to Hilltop, provides for total transfer capacity in an amount not to exceed 110 MW for both this Agreement and an Agreement between Bonneville Power Administration and Sierra for transfer service to Wells Rural Electric Company, and provides for a forecast of monthly peak load which forms the basis for calculation of the minimum transfer payment.

Sierra requests the Commission permit the Amendatory Agreement to be made effective July 5, 2000.

Copies of this filing were served upon the Public Utilities Commission of Nevada, the Public Utilities Commission of California, and the Nevada Bureau of Consumer Protection and Bonneville Power Administration.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Central Illinois Light Company

[Docket No. ER00–3426–000]

Take notice that on August 16, 2000, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois, 61602, tendered for filing with the Commission an Index of Customers Under its Market Rate Power Sales Tariff and one service agreement with one new customer, Public Service Company of Colorado.

CILCO requested an effective date of August 16, 2000.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Central Illinois Light Company

[Docket No. ER00–3427–000]

Take notice that on August 16, 2000, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois, 61602, tendered for filing with the Commission a substitute Index of Customers Under its Coordination Sales Tariff and one service agreement with one new customer, Public Service Company of Colorado.

CILCO requested an effective date of August 16, 2000.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Central Power and Light Company; West Texas Utilities Company; Public Service Company of Oklahoma; Southwestern Electric Power Company

[Docket No. ER00–3428–000]

Take notice that on August 16, 2000, Central Power and Light Company (CPL), tendered for filing an Interconnection Agreement between CPL and Formosa Utility Venture, Ltd. (Formosa) dated May 30, 2000. In addition, CPL, West Texas Utilities Company (WTU), Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) (collectively, the AEP West Operating Companies) submitted for filing a service agreement under which Formosa will take ancillary services under Part IV of the Open Access Transmission Service Tariff under which the AEP West Operating Companies offer ancillary services.

The AEP West Operating Companies request that the Interconnection Agreement be accepted to become effective as of May 30, 2000, and that the service agreement be accepted to become effective as of August 17, 2000. Accordingly, the AEP West Operating Companies request waiver of the Commission's notice requirements.

CPL states that a copy of the filing was served on Formosa and the Public Utility Commission of Texas.

Comment date: September 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–21702 Filed 8–24–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2485–001, et al.]

New England Power Pool, et al.; Electric Rate and Corporate Regulation Filings

August 18, 2000.

Take notice that the following filings have been made with the Commission:

1. New England Power Pool

[Docket No. ER00–2485–001]

Take notice that on August 11, 2000, the New England Power Pool (NEPOOL), tendered for filing the Sixty-First Agreement Amending the Restated NEPOOL Agreement in response to requirements of the Commission's July 12, 2000 order in Docket No. ER00–2485–000, New England Power Pool, 92 FERC ¶ 61,020 (2000) concerning NEPOOL's proposed System Restoration and Planning Service.

In accordance with the requirements of that order, NEPOOL has noted an effective date of September 1, 1998.

The NEPOOL Participants Committee states that copies of these materials were sent to all persons identified on the service lists in the captioned proceedings, the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: September 1, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Delmarva Power & Light Company, Conectiv Delmarva Generation, Inc., Atlantic City Electric Company, Conectiv Atlantic Generation, LLC and Conectiv Energy Supply, Inc.

[Docket Nos. ER00–1770–001, ER00–3322–001]

Take notice that on August 14, 2000, Conectiv made a filing on behalf of its subsidiaries Delmarva Power & Light Company (Delmarva), Conectiv Delmarva Generation, Inc. (CDG), Atlantic City Electric Company (Atlantic), Conectiv Atlantic Generation, LLC (CAG) and Conectiv Energy Supply, Inc., (CESI). Through this filing, Conectiv corrects an inadvertent error in the clean and redlined tariff sheets for CESI, CAG and CDG.

Copies of the filing were served upon Delmarva's wholesale requirements customers and the Maryland People's Counsel, Maryland Public Service Commission, Delaware Public Service Commission, New Jersey Public Service Commission and the Virginia State Corporation Commission.

Comment date: September 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Potomac Electric and Power Company

[Docket No. ER00–3418–000]

Take notice that on August 15, 2000, Potomac Electric Power Company (PEPCO), tendered for filing an executed netting agreement between PEPCO and Tractebel Energy Marketing, Inc., (the Counterparty).

A copy of the filing was served upon the Counterparty.

Comment date: September 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Illinois Power Company

[Docket No. ER00–3419–000]

Take notice that, on August 15, 2000, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62521, tendered for filing updated specification pages to the existing Service Agreement for Network Integration Transmission Service under which The Cincinnati Gas & Electric Company (CG&E), an Ohio Corporation, PSI Energy, Inc., and Cinergy Services, Inc. (collectively Cinergy Operating Companies) and Cinergy Services, Inc., as agent for and on behalf of the Cinergy Operating Companies. The agreements are based on the Forms of Service Agreement in Illinois Power's Open Access Transmission Tariff and were originally filed in Docket No. ER97–3558–000.

Illinois Power has requested an effective date of July 30, 2000.

Comment date: September 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–21701 Filed 8–24–00; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6857–9]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Quality Assurance Specification and Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Title OMB Control Number 2060–0033, expiration date 8/31/2000. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

ADDRESSES: Send comments, referencing EPA ICR No. 0866.06 and OMB Control No. 2080–0033, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

DATES: Comments must be submitted on or before September 25, 2000.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by e-mail at Farmer.Sandy@epa.gov or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0866.06.

SUPPLEMENTARY INFORMATION:

Title: Quality Assurance Specification and Requirements, OMB Control Number 2060–0033, EPA ICR Number 0866.06, expiration date August 31, 2000. This is a request for extension of a currently approved collection.

Abstract: This ICR covers the quality assurance (QA) paperwork burden that appears at 40 CFR 30.54, 40 CFR 31.45, and 40 CFR 35.260 and 35.6055. These are subsections from 40 CFR Part 30—Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 40 CFR Part 31—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and 40 CFR Part 35—State and Local Assistance. The information collection activity involves the development and implementation of quality assurance practices consisting of policies, procedures, specifications, standards, and documentation sufficient to produce data of quality adequate to meet project objectives and to minimize loss of data due to out-of-control conditions or malfunctions. Specifically, this refers to the preparation of QA management and project plans. The quality system of the recipient of 40 CFR Part 30 assistance must comply with the requirements of ANSI/ASQC E4, ''Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs.'' A clarifying statement for all organizations receiving EPA financial assistance under 40 CFR Part 31 and 40 CFR Part 35 has been issued by the Office of Grants and Debarment. This clarifying statement defines Agency-wide criteria for meeting the requirements under the applicable CFRs and is consistent with Agency policy since 1988. It cites the ANSI/ASQC E4 as a national consensus standard that applies to all recipients. All QA submissions are reviewed and approved by an EPA certified project officer and/or a designated quality assurance officer.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 21, 2000 (65 FR 15149); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 85 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Non-profit organizations and State, local, or Tribal agencies applying for financial assistance for environmental data collection operations.

Estimated Number of Respondents: 1940.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 164,900.

Estimated Total Annualized Capital, O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 0866.06 and OMB Control No. 2080–0033 in any correspondence.

Dated: August 16, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–21780 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00672; FRL–6599–6]

National Action Plan for Alkyl-lead; Notice of Availability and Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and solicitation of public comment.

SUMMARY: EPA has developed a draft National Action Plan to promote further voluntary reductions of use and exposure to alkyl-lead compounds. Alkyl-lead is used as a fuel additive to reduce ''knock'' in combustion engines and also to help lubricate internal engine components and protect intake and exhaust valves against recession. Currently, the largest uses of alkyl-lead are in aviation gasoline for general aviation (piston-engine) aircraft and racing gasoline. This plan was developed pursuant to the Agency's Multimedia Strategy for Priority Persistent, Bioaccumulative, and Toxic (PBT) Pollutants. This Notice announces the availability of the Alkyl-lead National Action Plan for public review and comment.

DATES: Comments, identified by docket control number OPPTS–00672, must be received on or before September 25, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00672 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul Matthai, Pollution Prevention Division (7409), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–3385; e-mail address: matthai.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who make, distribute, or use racing and aviation gasoline. Since other entities may also be interested, the Agency has not attempted to describe all the specific

entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/pbt. To access this document, on the PBT Home Page select ''Strategy and Action Plans.''

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–00672. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00672 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–00672. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

On November 16, 1998, EPA released its Agency-wide Multimedia Strategy for Priority Persistent, Bioaccumulative, and Toxic (PBT) Pollutants (PBT Strategy). The goal of the PBT Strategy is to identify and reduce risks to human health and the environment from current and future exposure to priority PBT pollutants. This document serves as the Draft National Action Plan for Alkyl-Lead, one of the 12 Level 1 priority PBT pollutants identified for the initial focus of action in the PBT Strategy.

Alkyl-lead compounds are man-made compounds in which a carbon atom of one or more organic molecules is bound to a lead atom. Tetraethyllead (TML) and TML compounds are the most common alkyl-lead compounds that have been used in the past and are still in use today in the United States. These two alkyl-lead compounds are the focus of this National Action Plan. Alkyl-lead is used as a fuel additive to reduce ''knock'' in combustion engines and also to help lubricate internal engine components and protect intake and exhaust valves against recession. Currently, the largest uses of alkyl-lead are in aviation gasoline for general aviation (piston-engine) aircraft, and racing gasoline. Neither of these uses are subject to any of the regulations that restrict leaded motor gasoline use.

In the body, alkyl-lead compounds are distributed through the blood to ''soft tissues'' particularly the liver, kidneys, muscles, and brain. Initial symptoms of alkyl-lead poisoning include, among others: anorexia, insomnia, tremor, weakness, fatigue, nausea and vomiting, mood shifts such as aggression or depression, and impairment of memory. In the case of acute alkyl-lead poisoning, possible health effects include mania, convulsions, delirium, fever, coma, and in some cases even death. Lead poisoning due to the

ingestion or inhalation of inorganic lead compounds emitted as exhaust through the combustion process (as a direct result of the use of alkyl-lead in gasoline) is a widely recognized public health problem.

EPA is requesting public comment on a strategy to address the remaining risks to human health and the environment from exposure to alkyl-lead: (1) Contribute to international efforts to reduce the use of alkyl-lead world-wide; (2) pursue voluntary initiatives to reduce the use of alkyl-lead in aircraft gasoline, race cars, and non-road vehicles such as farm machinery, marine vessels, construction equipment, and recreational vehicles; and (3) collect information as possible, given resource constraints, related to production, use, emissions, and continued exposure scenarios.

List of Subjects

Environmental protection.

Dated: August 7, 2000.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–21782 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00671; FRL–6599–7]

National Action Plan for Octachlorostyrene; Notice of Availability and Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and solicitation of public comment.

SUMMARY: EPA has developed a draft National Action Plan to promote further voluntary reductions of release and exposure to octachlorostyrene (OCS). This chemical is a persistent, bioacculative and toxic halogenated aromatic compound with no known commercial uses. It is, however, an inadvertent by-product that persists in the environment and bioaccumulates in animal tissue. This plan was developed pursuant to the Agency's Multimedia Strategy for Priority Persistent, Bioaccumulative, and Toxic (PBT) Pollutants. This Notice announces the availability of the draft Octachlorostyrene National Action Plan for public review and comment.

DATES: Comments, identified by docket control number OPPTS–00671, must be received on or before September 25, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00671 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul Matthai, Pollution Prevention Division (7409), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–3385; e-mail address: matthai.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are involved in commercial or industrial process that combine carbon and chlorine at high temperatures. These processes could include magnesium production, commercial production of chlorinated solvents, aluminum plasma etching (used in producing microelectronic components), aluminum degassing with hexachloroethane, chlorination of titanium and niobium/tantalum ores, waste incineration, and chlor-alkali production with graphite anodes. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/pbt. To access this document, on the PBT Home Page select ''Strategy and Action Plans.''

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–00671. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 1200 Pennsylvania Ave., NW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00671 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by

docket control number OPPTS–00671. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

On November 16, 1998, EPA released its Agency-wide Multimedia Strategy for Priority Persistent, Bioaccumulative, and Toxic (PBT) Pollutants (PBT Strategy). The goal of the PBT Strategy is to identify and reduce risks to human health and the environment from current and future exposure to priority PBT pollutants. This document serves as the Draft National Action Plan for Octachlorostyrene, one of the 12 Level 1 priority PBT pollutants identified for the initial focus of action in the PBT Strategy.

Octachlorostyrene (CAS Registry number 29082–74–4) is a persistent, bioaccumulative, and toxic halogenated aromatic compound with no known commercial uses and is not commercially manufactured. It has been reported as an inadvertent by-product of processes involving chlorine production, chlorination reactions, nonferrous metal production/finishing operations, and high temperature etching in semiconductor production. Landfill leachates from industrial wastes generated by these processes are contaminated with OCS. It may also result from various incineration and combustion processes.

The impact of OCS on the ecosystem is still largely unknown and data on the presence of OCS in the environment are limited. It is bioaccumulative and persistent in the environment. In the food chain, it has been found at increasingly higher concentration levels in higher order fish and shellfish. The feeding habits of aquatic species have been shown to be an important influence on OCS levels in fish, with significant biomagnification in higher order species. Potential human exposure pathways for OCS are through ingestion (especially of contaminated fish), inhalation, and absorption through the skin. Occupational exposure has been shown to result in elevated levels of OCS in the blood of workers at industrial facilities that produce OCS as a by-product. The human toxicological properties of OCS are not well known but it has been shown to cause adverse liver, thyroid, kidney and hematological effects in experimental animals. OCS is also a suspected hormone disruptor, mimicking human hormones and possibly affecting the endocrine system of humans and animals.

EPA is requesting public comment on this draft National Action Plan to address the risks to human health and the environment from exposure to octachlorostyrene: (1) By conducting monitoring through a National Study of Chemical Residues in Fish survey, sediment sampling in geographic areas with high concentrations, and by adding OCS to the list of chemicals to establish an air monitoring network; (2) to continue efforts toward source characterization and voluntary initiatives to reduce OCS releases; and (3) focus research to characterize the relationship between OCS and other chlorinated compounds such as hexachlorobenzene and dioxins/furans.

List of Subjects

Environmental protection.

Dated: August 8, 2000.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–21783 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6610–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa. Weekly receipt of Environmental Impact Statements Filed August 14, 2000 Through August 18, 2000 Pursuant to 40 CFR 1506.9.

EIS No. 000285, DRAFT SUPPLEMENT, COE, HI, Modifications to (Kalaeloa) Barbers Point Harbor, Proposal to Enhance Harbor Operations and Economic Efficiency, and Improve Port Safety, Oahu, HI, Due: October 10, 2000, Contact: Milton Yoshimoto (808) 438–2250.

EIS No. 000286, DRAFT EIS, GSA, CA, Lassen Volcanic National Park General Management Plan, Implementation, Lassen, Plumas, Shasta and Tehama Counties, CA, Due: October 31, 2000, Contact: Alan Schmierer (415) 427–1441.

EIS No. 000287, FINAL EIS, COE, CA, Guadalupe River Watershed Planning Study, Multi-Objective Capital Improvement Project on the Guadalupe River between Highway 101 to Interstate 880 and Interstate 280 to Blossom Hill Road, Santa Clara Valley Water District, Santa Clara County, CA, Due: September 25, 2000, Contact: Robert Smith (415) 977–8450.

EIS No. 000288, DRAFT EIS, AFS, ID, Genesis Placer Claim Gold Suction Dredging, Plan of Operations, Nez Perce National Forest, Red River Ranger District, Red River a Tributary to the South Fork Clearwater River,

ID, Due: October 10, 2000, Contact: Dee Sessions (208) 624–3151.

EIS No. 000289, FINAL EIS, AFS, ID, Box Canyon Timber Sale, Vegetative Management, Implementation, Palisades Ranger District, Caribou-Targhee National Forest, Bonneville County, ID, Due: September 25, 2000, Contact: Dee Sessions (208) 624–3151.

EIS No. 000290, DRAFT EIS, FHW, WI, WI–26 State Trunk Highway, Improvements IH–90 at Janesville to STH–60 Watertown Road (1390–04–00), Rock, Dodges and Jefferson Counties, WI, Due: October 30, 2000, Contact: Richard C. Madrzak (608) 829–7510.

EIS No. 000291, FINAL EIS, NPS, MT, Interagency Bison Management Plan for State of Montana and Yellowstone National Park, Implementation, Maintain a wild, Free Ranging Population, Address the risk of Brucellosis Transmission, Park and Gallatin Counties, MT, Due: October 02, 2000, Contact: Sarah Bransom (307) 344–2010.

EIS No. 000292, FINAL EIS, GSA, MA, U.S. Courthouse Springfield, Construction, Hampden County, MA, Due: September 25, 2000, Contact: Frank Saviano (617) 565–5494.

Dated: August 22, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–21785 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–6610–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–D65020–WV Rating LO, Fernow Experimental Forest, Implementation of New Research Studies, Monongahela National Forest Land and Resource Management Plan, Tucker County, WV.

Summary: EPA has no objections to the preferred alternative.

ERP No. D–NPS–G65075–LA Rating LO, Cane River Creole National Historical Park, General Management Plan, Natchitoches Parish, LA.

Summary: EPA has no objection to the selection of the National Park Service preferred alternative as described in the DEIS.

ERP No. D–NPS–K61150–CA Rating LO, Anacapa Island Restoration Project, Implementation Implementation, Channel Islands National Park, Ventura County, CA.

Summary: While EPA has no objection to the proposed action, it requested that the Final EIS include an emergency response plan for accidental spill of rodenticide during bait application and a commitment to project monitoring and mitigation.

Final EISs

ERP No. F–BLM–L65338–OR John Day River Proposed Management Plan, Implementation, Two Rivers and John Day Resource Management Plan Amendments, John Day River Basin, Gilliam, Grant, Wheeler, Crook, Harney, Jefferson, Morrow, Sherman, Umatilla, Union and Wasco Counties, OR.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–IBR–K28020–CA Contra Costa Water District Multi-Purpose Pipeline (MPP) Project, Construction and Operation of Raw Water Delivery System, Contra Costa Canal, COE Section 10 and 404 Permits, Contra Costa County, CA.

Summary: No formal comment letter was sent to the preparing agency.

Dated: August 22, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–21786 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6858–3]

Regulatory Reinvention (XL) Pilot Projects

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of the Project XL Draft Final Project Agreement: Chicago Regional Air Quality and Economic Development Project.

SUMMARY: EPA is requesting comments on a draft Project XL Final Project Agreement (FPA) for the Chicago Regional Air Quality and Economic Development Project. The FPA is a voluntary agreement developed collaboratively by Chicago Department of Environment (Hereafter CDOE), Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA). Project XL, announced in the **Federal Register** on May 23, 1995 (60 FR 27282), gives regulated entities the opportunity to develop alternative strategies that will replace or modify specific regulatory requirements on the condition that they produce greater environmental benefits.

In this proposal, Section 173(a)(1)(B) of the Clean Air Act will be used to promote cleaner air and economic development in the Chicago Metropolitan area. Section 173(a)(1)(B) allows the Administrator of the USEPA, in consultation with the Secretary of Housing and Urban Development (HUD), to identify a zone in which economic development should be targeted. For the purposes of this proposal, such zones will be called ''Development Zones.'' A new or modified major stationary source which locates in a Development Zone within the Chicago non-attainment area would draw emission reductions from a growth allowance generated from the State's emission inventory in lieu of obtaining emission offsets. The growth allowance would be created using emissions reduction activities of Chicago and other municipalities. Under this proposed project, 40% of the emission reductions which go into the growth allowance will be retired. The remaining 60% will be made available to sources which locate in development zones.

DATES: The period for submission of comments ends on TBD September 8, 2000.

ADDRESSES: All comments on the draft Final Project Agreement should be sent to: Steve Marquardt USEPA Region V (AR–18J) 77 West Jackson Street, Chicago, IL 60604. Comments may also be faxed to Mr. Marquardt at 312–886–5824.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the draft Final Project Agreement or Fact Sheet, contact Steve Marquardt USEPA, Region V, 77 West Jackson Street (3HS23), Chicago, Il 60604. The FPA and related documents are also available via the Internet at the following location: *http://www.epa.gov/ProjectXL*. In addition, the draft FPA is available at the City of Chicago Department of the Environment, 30 N. LaSalle, Suite 2500, Chicago, IL 60602. Questions to EPA regarding the

documents can be directed to Tim Torma at (202) 260–5180 or Steve Marquardt at (312) 353–3214. To be included on the Chicago Project XL mailing list about future public meetings, XL progress reports and other mailings from CDOE on the XL project, contact Alexandra Holt at (312) 744–3172, CDOE, 30 N. LaSalle Suite 2500, Chicago, IL 60602. For information on all other aspects of the XL Program contact Christopher Knopes at the following address: Office of Policy Economics and Innovation, United States Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Room M3802 (1802), Washington, DC 20460. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, are available via the Internet at http://www.epa.gov/ProjectXL.

Dated: August 21, 2000.

Elizabeth A. Shaw,

Director, Office of Environmental Policy Innovation.

[FR Doc. 00–21781 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00673; FRL–6736–5]

Pesticides; Protocols for Testing the Efficacy of Disinfectants Against Hepatitis B Virus (HBV); Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency is announcing the availability of guidance titled ''Protocol for Testing the Efficacy of Disinfectants Used to Inactivate Hepatitis B Virus and Corresponding Label Claims.'' Through this guidance, EPA expresses its view that the appropriate and preferred test relies on *in vitro* duck assays which use duck hepatitis B virus as a surrogate for human hepatitis B virus (HHBV) to evaluate the efficacy of disinfectants used to inactivate HHBV. Use of such assays will greatly minimize the use of animals for testing. The Agency is also making available its responses to comments on the draft protocols that were made available for public comment.

FOR FURTHER INFORMATION CONTACT: Ibrahim Barsoum, Antimicrobials Division (7510C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6417; fax number: (703) 308–8481; e-mail address: barsoum.ibrahim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to those persons who manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide Producers	32532	Pesticide manufacturers Pesticide formulators

Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the '' **Federal Register**—Environmental Documents. '' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *Fax–on –demand.* You may request a faxed copy of the guidance, as well as supporting information, by using a faxphone to call (202) 401–0527. Select item 6067 for the document titled ''Protocol for Testing the Efficacy of Disinfectants Used to Inactivate Hepatitis B Virus and Corresponding Label Claims.'' Select item 6068 for the document titled ''Responses to Public Comments on Protocols for Testing the Efficacy of Disinfectants Used to Inactivate Hepatitis B Virus.'' You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP–00673. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background

A. What Guidance Does this Notice Provide?

EPA has authority through the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to register pesticide products, including antimicrobial pesticide products, for sale and distribution in the United States. FIFRA section 3(c)(5) requires that the composition of a pesticide product is such as to warrant the claims made for it, i.e., that a product work as claimed. Although registrants must maintain data demonstrating efficacy in their files and must submit these data to the Agency upon request, EPA does not routinely review efficacy data prior to registration of most insecticides, fungicides, herbicides, and non-public health antimicrobial pesticides. However, for public health pesticide products (i.e., those that work against pests in situations where they pose public health threats) the Agency reviews efficacy data prior to registration. The Agency believes that the potential consequences of performance failure for public health products warrant this extra precautionary step in the review process. Moreover, for public health products intended to control bacteria, fungi and viruses, the user is typically unable to determine whether the product is working, due simply to the microscopic size of these organisms.

Subdivision G of the Pesticide Assessment Guidelines describes the efficacy tests routinely used to validate the claims made by antimicrobial public health pesticide products. These guidelines are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (1–800–553–6847).

For the past several years, EPA has been engaged in a process to identify scientifically and statistically adequate test protocols for evaluating the efficacy of disinfectants used to inactivate human hepatitis B virus (HHBV). In May 28, 1986 (51 FR 19174), the Agency published a Notice of Amendment to Policy regarding certain virucidal claims. Specifically, the Notice stated that virucidal claims for HBV would be permissible only for sterilizer products until such time that acceptable protocols to demonstrate virus isolation and disinfectant product efficacy could be developed.

In 1990, the Agency received and approved a chimpanzee testing protocol to support HBV efficacy claims for hard, environmental surface disinfection products. While the data were being generated using the approved protocol, a General Accounting Office (GAO) Report was issued (August 1990) that criticized the Agency for accepting test methods without criteria or a systematic review process. In response to this criticism, the Agency initiated a process whereby new protocols would undergo external review by scientific experts. In 1995, as a result of this change in process, the chimpanzee protocol was subjected to external review by experts working in various scientific institutions, including the Food and Drug Administration (FDA), Center for Disease Control (CDC), National Institutes of Health (NIH), and two university medical schools. The experts were asked to review the data generated using the EPA-approved protocol as well as similar data developed by Bond *et al.* 1983, at CDC. After careful review of all comments received, the Agency concluded that the chimpanzee data submitted by the applicant, when considered together with the data developed by Bond *et al.* 1983, were sufficient to support a label claim of disinfection against HBV.

During the 1995 external review process for the chimpanzee protocol, several experts urged the Agency to accept data developed using a surrogate virus, thus making available an alternative to chimpanzee testing. One expert stated that it would be unjustified to permit the use of any type of animal for germicidal testing and that such testing could be avoided though the use of properly designed *in vitro* methods. As a result of these concerns, the Agency began to seek alternative means of testing the product performance of disinfectant products intended for inactivation of HBV. One of the steps in this process was consultation with the FIFRA Scientific Advisory Panel (SAP) in September 1997. At that meeting the questions posed to the Panel were as follows:

1. If the Agency decides to replace the chimpanzee test used in testing the efficacy of disinfectants against human hepatitis B-type virus, what test methodologies could be used as a replacement? Two possibilities that have been proposed to the Agency are the duck hepatitis B Virus Test (DHVT) and the Morphological Alteration and Disintegration Test (MADT). Could one or both of these tests be used to test for efficacy against HHVB?

2. If a surrogate test system (i.e., the DHVT) is found to be acceptable for efficacy testing using HVB, would the results be sufficient to allow the registrant to make a label claim that the product was efficacious against HHBV, even though it was tested against a surrogate virus (i.e., duck hepatitis B virus) and not the human virus?

Briefly, the SAP's responses to these questions were as follows. The Panel concurred with the notion that it is unethical to continue to require testing using a species of primates, chimpanzees, where alternative methods are available, and observed that there is a long history of using surrogate microbes to assess the efficacy of disinfection/sterilization technologies against various classes of microorganisms. The Panel stated that the duck hepatitis B virus (DHBV) constitutes an appropriate HHBV surrogate and added that an advantage to this surrogate is that the DHBV can be utilized in both *in vivo* and *in vitro* settings. In particular, the Panel stated that the DHBV approach would allow for sufficient numbers of test samples to be used for each set of experimental conditions so that statistically significant results can be obtained. The Panel discussed the possibility that DHBV may be more resistant to germicidal chemical activity but, in essence, felt that even if this were true it was not a serious issue, given that hepatitis B-type viruses have been demonstrated to be sensitive to the activity of a wide spectrum of liquid chemical germicides including low level disinfectants. While the panel did not discuss the MADT alternative at great length or exclude the possibility of its use, it did observe that the test is only subjective. The Panel stated its belief that registrants who use DHBV could make a label claim of product efficacy to either the specific virus or in the alternative to perhaps the whole virus family as a group. The example of claims against *Mycobacterium tuberculosis* by testing against *Mycobacterium bovis* was cited as precedent for the use of a surrogate in disinfectant efficacy testing. If tests validate that a surrogate virus is less or equally susceptible to inactivation by disinfectants, then logically any product which demonstrates efficacy against the surrogate virus should be allowed a label claim against HHBV.

The responses of the SAP to these questions provided invaluable guidance to the Agency in its pursuit of scientifically adequate test protocols for evaluating the efficacy of disinfectants used to inactivate HHBV. The Antimicrobials Division of the Office of Pesticide Programs sponsored a workshop in July 1998 to discuss alternative models for testing disinfectants against HHBV. The workshop was attended by representatives from academia, research centers, testing laboratories, and industry. Presentations were given by experts in hepatitis on various animal models of HBV infection followed by technical presentations on *in vitro* and *in vivo* duck models of infection that might be used in testing disinfectants for use against HHBV. Presentations were followed by a discussion on criteria to be used in decision making about surrogate model(s) and proposed labeling claims of registered products. Many participants in the workshop proposed that EPA leave the label claim broad, such as ''effective against HBV'' or ''hepadnavirucidal'' and not add information about the test organism. Submitted protocols were evaluated and discussed by all participants. At the end of the workshop an outline was presented, showing the Agency's implementation plans for allowing products to be registered with HHBV label claims using surrogate animal models. Subsequently, the Agency published an FR Notice on December 30, 1998 (63 FR 71924) (FRL–6051–4) announcing the availability of and requesting comments on two protocols for testing the efficacy of disinfectants against HHBV. These protocols were for an *in vitro* assay using duck hepatocytes and DHBV and an *in vivo* assay using ducklings and DHBV.

The Agency received 12 sets of comments in response to that Notice. Comments were received from consultants, an animal rights organization, university scientists, the regulated industry, the California

Department of Pesticide Regulation, and private organizations. These comments in their entirety are available in the public docket (OPP–00673). Many of the comments were similar in content, and pertained to general issues concerning Agency policy or specific sections within the protocols themselves. To facilitate review and consideration of the comments, the Agency has grouped comments addressing similar issues together.

After the Agency reviewed the comments, it reached three conclusions:

1. It is the Agency's position that duck HBV serves as an adequate surrogate for human HBV and that the *in vitro* assay is sufficiently sensitive to preclude the need for any *in vivo* testing. The Agency is adopting, where possible, policies and data requirements that minimize animal testing, and when animal testing must be conducted, EPA is committed to reducing the number of animals needed for testing, reducing the pain and suffering of the test animals, and whenever scientifically-defensible, replacing animals with validated non-animal test systems. Therefore, relying heavily on the recommendations of the SAP, the Agency expects to rely on the use of the *in vitro* duck protocol as the method for evaluating the efficacy of disinfectants used to inactivate HHBV. Notwithstanding its commitment to maximize the reduction or elimination ofanimal testing where feasible, the Agency recognizes that some testing may already have been initiated or completed using the duck *in vivo* methodology as of the date of this Notice. On a case-by-case basis, the Agency will generally accept these data, if deemed valid, to support a registration.

2. Label claims against either the Hepadnavirus family or, more specifically, HHBV will be permitted when supported by adequate efficacy claims as described below. In addition, the following label claim language will be deemed acceptable: ''effective against HBV.'' The Agency believes that these label claims can be supported by appropriate DHBV efficacy tests, since the surrogate DHBV has been shown to be a reliable predictor of resistence to chemical disinfection for the Hepadnavirus family as a whole.

3. To ensure that the *in vitro* duck method has been adequately validated, data should be provided from at least two independent laboratories for each product tested (two batches per product per laboratory). The validation of a protocol requires the use of a common positive control disinfectant to be tested concurrently with all new products. The recommended control is alkyldimethylammonium chloride (BTC-835, Onyx Chemical Co.) (AOAC Official Methods of Analysis, Chapter 6, p. 136, 15th Edition, 1990). This agent should serve as both an intra-laboratory and an inter-laboratory control and will be used for analyzing the reproducibility of the efficacy data results for that particular protocol. In order to obtain the necessary inter-laboratory data, all submissions must additionally be subjected to confirmatory testing, with the common positive control, at a second laboratory test facility. It is critical for the Agency to know that a test method is repeatable; i.e., that there is an appropriately small standard deviation of log reduction (LR) values found when the test is repeated on different occasions in the same laboratory as well as when the test is conducted in different laboratories. The use of the common positive control and the generation of confirmatory data in a second testing facility will achieve these goals. A more detailed document outlining the criteria for validation is available electronically under the section titled ''Related Documents'' section of the electronic version of this Notice (''Protocol for Testing the Efficacy of Disinfectants Used to Inactivate Hepatitis B Virus''). This document may also be requested by mail directly from the Agency (refer to **FOR FURTHER INFORMATION CONTACT** section of this Notice).

B. Guidance Documents

The guidance discussed in this notice is intended to provide guidance to EPA personnel and to pesticide applicants and registrants. This notice is not binding on EPA, applicants and registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Registrants and applicants may propose altenatives to the protocols described in this notice and the Agency will assess them on a case-by-case basis.

List of Subjects

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

Dated: August 17, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00–21784 Filed 8–24–00]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6857–6]

Notice of Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act; St. Louis River Site, Duluth, MN

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Notice of Settlement for recovery of past costs. In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given of a proposed administrative settlement under section 122(h) of CERCLA concerning the St. Louis River Superfund Site, Duluth, Minnesota. The Agreement was signed by the Director, Superfund Division, U.S. Environmental Protection Agency, Region 5, (U.S. EPA) on August 3, 2000. Subject to review by the public pursuant to this Notice, the agreement was approved by the United States Department of Justice on July 31, 2000. Below are listed the parties who have executed binding certifications of their consent to participate in the settlement: Domtar, Inc.; Honeywell International, Inc.; and The Interlake Corporation. These parties will pay a total of $833,000 in a settlement payment for past response costs under the agreement subject to the contingency that U.S. EPA may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this Notice. This amount represents approximately ninety percent of past response costs U.S. EPA and the Agency for Toxic Substances and Disease Registry have expended at the St. Louis River Superfund Site as of January 31, 2000.

U.S. EPA is authorized to enter into this agreement under the authority of section 122(h) and 107 of CERCLA. Section 122(h) authorizes settlements with potentially responsible parties for the recovery of past costs expended by the Agency where these claims have not been referred to the U.S. Department of Justice for further action.

U.S. EPA will receive written comments relating to this agreement for thirty days from the date of publication of this notice. The Agency will consider all comments received and may withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the

settlement is inappropriate, improper, or inadequate. U.S. EPA's response to any comments will be available for public inspection at the Superfund Records Center, located at 77 West Jackson Boulevard, Seventh Floor, Chicago, Illinois.

DATES: Comments must be provided on or before September 25, 2000.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the Superfund Records Center located at 77 West Jackson Boulevard, Seventh Floor, Chicago, Illinois. A copy of the proposed settlement may be obtained from the Superfund Records Center located at 77 West Jackson Boulevard, Seventh Floor, Chicago, Illinois. Comments should be addressed to Thomas J. Kennedy, Senior Attorney, U.S. Environmental Protection Agency, Region 5, Office of Regional Counsel, 77 West Jackson Boulevard (C–14J), Chicago, Illinois 60604, and should refer to: In the Matter of: St. Louis River Superfund Site in Duluth, Minnesota, and U.S. EPA Docket No. V–W–'00–C–604.

FOR FURTHER INFORMATION CONTACT: Thomas J. Kennedy, U.S. Environmental Protection Agency, Region 5, Office of Regional Counsel, 77 West Jackson Boulevard (C–14J), Chicago, Illinois 60604, (312) 886–0708.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601–9675.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 00–21779 Filed 8–24–00; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 94–102; DA #00–1875]

Phase I Enhanced 911 Implementation Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document the Wireless Telecommunications Bureau (Bureau) seeks comment on a request filed by the King County, Washington E–911 Program Office for assistance in resolving a conflict related to the implementation of wireless Phase I Enhanced 911 (E911) service in the State of Washington. The King County Request states that King County and several other counties in Washington State have ordered Phase I service from wireless carriers operating in the State and that the Public Safety Answering Points (PSAPs) in these counties are capable of receiving and utilizing Phase I information over their existing E911 networks. According to the request, some carriers have agreed to implement Phase I service only if King County and the several other requesting counties pay for some or all of certain network and data base components associated with the delivery of the Phase I service.

King County requests that the Bureau clarify whether the funding of certain of the network and data base components of Phase I service, and the interface of these components to the existing E911 system, are the responsibility of the wireless carriers or the PSAPs.

DATES: Submit comments on or before September 18, 2000; submit reply comments on or before October 11, 2000.

ADDRESSES: Send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW–A325, Washington, D.C. 20554.

SUPPLEMENTARY INFORMATION: The complete text of this Public Notice is available on the Commission's Internet site, at *www.fcc.gov.* Copies of the King County Request may be obtained from the CC Docket No. 94–102 and is also available for public inspection and copying during regular business hours in the FCC Public Reference Room, Room CY–A257, 445 12th Street, S.W., Washington, D.C. 20554. Comments may be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html,* or by e-mail to ecfs@fcc.gov.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 00–21540 Filed 8–24–00; 8:45 am]

BILLING CODE 6712–01–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 September 18, 2000.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Marquette County Financial Corporation, Negaunee, Michigan; to merge with Tanis Inc., Calumet, Michigan, and thereby indirectly acquire voting shares of First National Bank of Calumet-Lake Linden, Calumet, Michigan.

Board of Governors of the Federal Reserve System, August 21, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–21691 Filed 8–24–00; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Availability of Final Environmental Impact Statement (FEIS) Proposed U.S. Courthouse, Springfield, MA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, as implemented by the Council on Environmental Quality (40 CFR Parts 1500–1508), the General Services Administration (GSA) has filed with the U.S. Environmental Protection Agency and made available to other government and interested private parties, the Final Environmental Impact Statement (FEIS)

for the construction of a U.S. Courthouse in the City of Springfield, Hampden County, Massachusetts.

The FEIS is one file at the Springfield City Hall, Clerk's Office, 36 Court Street; Springfield Public Library, Reference Desk, 220 State Street; and General Services Administration, 10 Causeway Street, Ninth Floor, Boston, Massachusetts.

Additional information may be obtained from the General Services Administration, Region 1, Attention: Frank Saviano, Project Manager, GSA Technical Support Division, 10 Causeway Street, Room 975, Boston, MA 02222. Telephone 617.565.5494 FAX 617.565.5967

Written comments on the FEIS may be submitted until September 25, 2000 and should be addressed to the General Services Administration in care of the above noted individual.

Issued in Boston, Massachusetts on August 8, 2000.

Robert J. Dunfey, Jr.,

Regional Administrator.

[FR Doc. 00–21145 Filed 8–24–00; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC): Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meetings.

Name: Clinical Laboratory Improvement Advisory Committee (CLIAC).

Times and Dates: 8:30 a.m.–5 p.m., September 27, 2000, 8:30 a.m.–3:30 p.m., September 28, 2000.

Place: CDC, Koger Center, Williams Building, Conference Rooms 1802 and 1805, 2877 Brandywine Road, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 85 people.

Purpose: This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters to be Discussed: The morning session of the first day will be devoted to orientation of new members. The orientation is background information on the process for new committee members. Although members of the public may attend, the orientation is not part of the public meeting. The agenda will include an orientation of new members, workgroup report on specimens and test systems not currently regulated under Clinical Laboratory Improvement Amendments (CLIA), and updates from CDC, Food and Drug Administration and Health Care Financing Administration.

The Committee solicits oral and written testimony on specimens and test systems not currently regulated under CLIA. Requests to make an oral presentation should be submitted in writing to the contact person listed below by close of business, September 20, 2000. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter.

Written comments should not exceed five single-spaced typed pages in length and should be received by the contact person listed below by close of business, September 20, 2000.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Rhonda Whalen, Acting Chief, Laboratory Practice Standards Branch, Division of Laboratory Systems, Public Health Practice Program Office, CDC, 4770 Buford Highway, NE, Mailstop F–11, Atlanta, Georgia 30341–3724, telephone 770/488–8042, fax 770/488–8279.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: August 18, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–21719 Filed 8–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Fernald Health Effects Subcommittee (FHES).

Time and Date: 9 a.m.—9 p.m., September 20, 2000.

Place: The Plantation, 9660 Dry Fork Road, Harrison, Ohio 45020, telephone 513/367–5610.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and Administrator, ATSDR, pertaining to CDC's and ATSDR's public health activities and research at respective DOE sites. The purpose of this meeting is to provide the public with a vehicle to express concerns and provide advice and recommendations to CDC and ATSDR.

Matters To Be Discussed: Agenda items include an update from ATSDR on ongoing public health activities, presentations on the Fernald Aquifer Project, and continued discussion of completing the FHES business.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Mike R. Donnelly, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, CDC, 1600 Clifton Road, NE, M/S E–39, Atlanta, Georgia 30333, telephone 404/639–2550, fax 404/639–2575.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATSDR.

Dated: August 18, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–21715 Filed 8–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Fees for Sanitation Inspections of Cruise Ships

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces fees for vessel sanitation inspections for fiscal year 2001: October 1, 2000, through September 30, 2001.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: David L. Forney, Chief, Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop F–16, Atlanta, GA 30341–3724, telephone (770) 488–7333, E-mail: Dforney@cdc.gov.

SUPPLEMENTARY INFORMATION:

Purpose and Background

The fee schedule for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program (VSP) was first published in the **Federal Register** (52 FR 45019) on November 24, 1987, and CDC began collecting fees on March 1, 1988. Since then, CDC has published the fee schedule annually. This notice announces fees effective October 1, 2000.

The formula used to determine the fees is as follows:

$$\text{Average cost per inspection} = \frac{\text{Total Cost of VSP}}{\text{Weighted No. of Annual Inspections}}$$

The average cost per inspection is multiplied by a size/cost factor to determine the fee for vessels in each size category. The size/cost factor was established in the proposed fee schedule published in the **Federal Register** (52 FR 27060) on July 17, 1987, and revised in a schedule published in the **Federal Register** (54 FR 48942) on November 28, 1989. The revised size/cost factor is presented in Appendix A.

Fee

The fee schedule is presented in Appendix A and will be effective October 1, 2000, through September 30, 2001. This fee schedule represents a 7% increase over the current fee schedule which became effective October 1, 1997. The increase is primarily due to substantial increases in the cost of air transportation and personnel. If travel expenses continue to increase, it may be necessary to readjust the fees before September 30, 2001, since travel constitutes a sizable portion of the program's costs. If such a readjustment in the fee schedule is necessary, a notice will be published in the **Federal Register** 30 days before the effective date.

Applicability

The fees will be applicable to all passenger cruise vessels for which inspections are conducted as part of CDC's VSP.

Dated: August 21, 2000.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

APPENDIX A.—SIZE/COST FACTOR

Vessel size	GRT [1]	Average cost X
Extra Small	< 3,001	0.25
Small	3,001–15,000	0.50
Medium	15,001–30,000	1.00
Large	30,001–60,000	1.50
Extra Large	60,000	2.00

FEE SCHEDULE OCTOBER 1, 2000—SEPTEMBER 30, 2001

Vessel size	GRT [1]	Fee ($US)
Extra Small	< 3,001	1,150
Small	3,001–15,000	2,300
Medium	15,001–30,000	4,600
Large	30,001–60,000	6,900
Extra Large	60,000	9,200

[1] GRT-Gross Register Tonnage in cubic feet, as shown in Lloyd's Register of Shipping.

Inspections and re-inspections involve the same procedure, require the same amount of time, and are, therefore, charged at the same rate.

[FR Doc. 00–21718 Filed 8–24–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0436]

Food and Drug Administration Final Study Report; Feasibility of Appropriate Methods of Informing Customers of the Contents of Bottled Water

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing its final study report on the feasibility of appropriate methods of informing customers of the contents of bottled water, as required by the Safe Drinking Water Act (SDWA) Amendments. This final feasibility study report evaluates and identifies appropriate methods that may be feasible for conveying information about bottled water to customers.

FOR FURTHER INFORMATION CONTACT: Rebecca J. Buckner, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4081.

SUPPLEMENTARY INFORMATION:

I. Background

On August 6, 1996, the President signed into law the SDWA Amendments (Public Law 104–182). Under the Public Notification section of the SDWA Amendments (section 114), the

Environmental Protection Agency (EPA) was required to issue regulations mandating that each community water system mail to each customer of the system an annual report, referred to as a consumer confidence report (CCR), on the level of contaminants in the drinking water purveyed by that system. A complete description of the information contained in a CCR can be found in section II.A of this document.

In the **Federal Register** of February 13, 1998 (63 FR 7606), EPA published a proposed rule to require local water systems to provide an annual CCR to their customers. Based on that proposal, EPA published a final rule on August 19, 1998 (63 FR 44511). Section 114(b) of the SDWA Amendments required that, no more than 18 months after the date of its enactment, FDA, in consultation with EPA, publish for notice and comment a draft study on the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water. Section 114(b) of the SDWA Amendments also required us to publish a final study not later than 30 months after enactment of the SDWA Amendments.

In the **Federal Register** of November 12, 1997 (62 FR 60721) (hereinafter referred to as the 1997 notice), we published a notice requesting comment on several matters relevant to the feasibility of appropriate methods of informing customers of the contents of bottled water. In the **Federal Register** of February 22, 2000 (65 FR 8718), we published a draft feasibility study report (the draft study). In the draft study we evaluated the information received and identified appropriate methods that may be feasible for conveying information about bottled water to customers. In the draft study, we stated that comments received on the draft study would be evaluated and considered in preparation of the final report. Interested persons were given until April 24, 2000, to comment on the draft study. We received over 250 letters, each containing one or more comments, from government agencies, States, consumer groups, and members of the public in response to the draft study. We have evaluated those comments in preparing this final feasibility study report.

II. Response to Comments

A. Congressional Mandate for Us Under Section 114(b) of the SDWA Amendments

(Comment 1) Several comments maintained that Congress, because of the mandate to us to publish a study on the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water, intended for us to engage in rulemaking on feasible methods, if found.

We disagree with these comments. The plain language in section 114(b) of the SDWA Amendments states that we ''shall publish for public notice and comment a draft study'' and ''shall publish a final study * * *.'' Thus, our charge under the SDWA Amendments is to publish a draft and final study on the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water. There is no language in section 114(b) of the SDWA Amendments requiring us to issue regulations. On the contrary, Congress did clearly express its intent in other sections of the SDWA Amendments where it wanted regulations to be issued. For example, section 114(a) of the SDWA Amendments on consumer confidence reports, states that EPA ''shall issue regulations * * *.'' No such similar intent was expressed in the plain language of the statute, under section 114(b). Therefore, section 114(b) of the SDWA Amendments does not require us to issue regulations; section 114(b) requires us to publish a draft and final feasibility study. Moreover, the Conference Report on the Safe Drinking Water Act Amendments of 1996 (H. Rept. 104–741, at 9701 (1996)) states, ''The study is intended to provide information on the feasibility of informing customers concerning the contents of bottled water, and is not intended to prejudge the question of whether such information requirements are necessary.'' The question about whether information requirements are necessary is outside the scope of this final feasibility study. We plan to consider, based on the findings in the final feasibility study, whether to engage in future rulemaking on information requirements on the contents of bottled water.

(Comment 2) A few comments stated that all of the information outlined by EPA for inclusion in a CCR should be placed on the label of bottled water because consumers have a right to know this information at point of purchase.

A discussion of an individual's right to know certain information on bottled water is beyond the scope of this study. The SDWA Amendments directed us to study the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water, not whether an individual has a right to know information on the contents of bottled water. To the extent that these comments assert that it is an appropriate and feasible method to include all CCR-type information on the label of bottled water, we respond to such assertion in comment 8 of this document.

(Comment 3) Several comments requested that more information on contaminants and their health effects than what is contained in a CCR be placed on the labels of bottled water. Conversely, other comments maintained that it is not necessary to provide any of the CCR-type information on bottled water to customers; the comments further stated that bottled water companies already do provide this information voluntarily to customers who request it. In addition, several comments requested that fluoride and sodium content be provided on labels of bottled water. These comments indicated that fluoride information is important so that customers and health professionals can determine if an individual's fluoride intake is appropriate and information on sodium is important for individuals on a low sodium diet.

A discussion about whether it is necessary to provide, to customers, more information than what is contained in a CCR or more than what is currently required on the contents of bottled water is beyond the scope of this study. The SDWA Amendments directed us to study the feasibility of appropriate methods, if any, of informing customers of the contents of bottled water, not whether information is necessary. Please note that the sodium content of bottled water is already required to be declared on the label, consistent with 21 CFR 101.9(c)(4).

B. Information About the Contents of Bottled Water

We stated in the draft study that we believe that much of the information contained in a CCR is applicable to bottled water (65 FR 8718 at 8721). We note that a CCR, as outlined by EPA, contains the following: (1) Information about the source of drinking water; (2) definitions of ''maximum contaminant level'' (MCL), ''maximum contaminant level goal'' (MCLG), ''exemption'' and ''variance''; (3) the MCL, MCLG, and contaminant level detected in the water for regulated contaminants found in the water during the year and, for any contaminant detected that violates the MCL during the year, information on the health effects that led EPA to regulate that contaminant; (4) information on compliance with EPA's National Primary Drinking Water Regulations and notice if the system operates under a variance or an exemption and the basis on which the variance or exemption was granted; (5) information on the levels of unregulated contaminants for which

monitoring by the system is required (including, for example, levels of *Cryptosporidium* and radon where States determine such levels may be found); and (6) a statement that the presence of contaminants in drinking water does not necessarily indicate that the drinking water poses a health risk, and that more information about contaminants and potential health risks can be obtained by calling the EPA hotline.

In the draft study, we stated that, while much of the information contained in a CCR is applicable to bottled water, we recognize that certain information contained in a CCR is relevant only to public drinking water systems. Such information includes the definition and statement of MCLG's and MCL's and information on public drinking water systems operating under a variance and other information that is relevant only to public drinking water systems regulated by EPA, such as information on EPA's drinking water hotline.

In the draft study, we noted that our intent in the 1997 notice was to solicit information that was analogous to that outlined by EPA for inclusion in a CCR (see above). Although we recognize that the SDWA Amendments provide for States to develop alternative requirements with respect to the form and content of a CCR, it was not our intent to solicit a broad range of information but rather to limit the discussion to information that is analogous to that outlined by EPA for inclusion in a CCR.

(Comment 4) Several comments stated that contaminants should be discussed in terms of MCLG's rather than allowable levels for contaminants in bottled water. These comments maintained that MCLG's are health-based goals for drinking water, unlike EPA's MCL's and FDA's allowable levels that are simply based on MCLG's and that are not health-based standards. Further, several comments advocated giving health effects information for all contaminants that exceed EPA's MCLG's.

In order to respond to this comment, it is important to note that EPA establishes MCLG's and MCL's for contaminants in public drinking water, while FDA establishes quality standards with allowable levels for contaminants and other constituents in bottled water.

To the extent that these comments suggest that it is an appropriate method to discuss contaminants in bottled water as MCLG's rather than as our allowable contaminant levels, we do not agree with these comments. EPA's MCLG's and MCL's are both health-based standards for contaminant levels. Our allowable levels for contaminants and other constituents in bottled water are established under a quality standard (21 CFR part 165.110), but are based on EPA's MCL's and, therefore, are also health-based standards.

We have already stated that, for the purposes of determining the feasibility of appropriate methods of informing customers of the contents of bottled water, we intended for the scope of the information discussed in this study to be analogous to that outlined by EPA for inclusion in a CCR. Public drinking water systems are required, in their CCR's, to provide information regarding the health concerns that resulted in regulation of a contaminant, when that contaminant exceeds a MCL, not a MCLG. The risks from a contaminant that exceeds a MCLG but not a MCL or an allowable level is negligible and, therefore, health effects information may not be appropriate. Because our allowable levels are based on EPA's MCL's, we believe that it would be an appropriate method to base any information regarding health concerns for contaminants in bottled water on our allowable levels. MCLG and MCL are terms defined by EPA for public drinking water and not for bottled water. Therefore, we disagree that it is an appropriate method to discuss contaminants in terms of MCLG's rather than allowable levels.

(Comment 5) Several comments requested that EPA's drinking water hotline be provided to customers or that we establish a bottled water hotline.

We do not believe that it would be appropriate to direct customers to EPA's drinking water hotline for information on bottled water because EPA's hotline only provides information on public drinking water. However, we agree that an information hotline for general information on bottled water would be analogous to CCR-type information available for drinking water. In fact, consumers who have questions about bottled water can contact us on our food information hotline, 1–888–SAFEFOOD (1–888–723–3366), and receive information on bottled water that is similar to the type of information on drinking water provided by EPA on its drinking water hotline.

(Comment 6) Several comments indicated that, in addition to the information contained in a CCR, bottled water information should include a mineral profile, hydrogen-ion concentration (pH) and hardness measurements, and information on the type of treatment the water has received so that immunocompromised individuals can determine whether the water has been treated by one of the methods recommended by the Centers for Disease Control and Prevention for the elimination of *Cryptosporidium*. *Cryptosporidium* is a parasite that has caused serious waterborne illness outbreaks, particularly among immunocompromised individuals, from the consumption of contaminated public drinking water. Comments also suggested that a ''date bottled'' statement, a lot code, an ''expiration date'' and a ''refrigerate after opening'' statement should be provided on the label.

In the draft study, we noted that our intent in the 1997 notice was to solicit information that was analogous to that outlined by EPA for inclusion in a CCR (see above). Although we recognize that the SDWA Amendments provide for States to develop alternative requirements with respect to the form and content of a CCR, it was not our intent to solicit a broad range of information but rather to limit the discussion to information that is analogous to that outlined by EPA for inclusion in a CCR. Therefore, consideration of information that is not within the context of the SDWA Amendments (i.e., analogous to information outlined by EPA for inclusion in a CCR) is beyond the scope of this study and would be considered in any future rulemaking on this subject, if undertaken by us.

C. Feasibility of Appropriate Methods of Informing Customers of the Contents of Bottled Water

In the draft study, we evaluated the appropriateness and feasibility of six methods of informing customers of the contents of bottled water. These methods included information on the label, a phone number/address for company contact on the label, a combination of the two previous methods (some information on the label, some available through company contact), a pamphlet at point of purchase, an information package distributed with bulk water deliveries, and the Internet.

(Comment 7) Several comments stated that if it is feasible for public drinking water systems to provide their customers with content information on an annual basis, then it is feasible for bottled water manufacturers to provide their customers with content information on an annual basis, regardless of the method.

We agree that it is feasible for the bottled water industry to provide CCR-type information, updated on a yearly basis, to their customers, as public drinking water systems are required to

provide to their customers. However, certain methods may be more feasible than others for providing such annual updates. Moreover, we note that contaminant information about bottled water that is updated annually may not represent the contents of any one individual bottle of water but may represent the contaminant history for a specific time period.

1. Information on the Label

In the draft study, we stated that placing information on the label is an appropriate method to inform customers about the contents of bottled water. However, we questioned the feasibility of placing all of the information that is analogous to information contained in a CCR on the label of bottled water. We tentatively determined that the amount of information contained in a CCR, as outlined by EPA, is considerable and, if placed on a bottled water label, would result in label clutter.

We stated in the draft study that we also have concerns about the economic feasibility of placing information on a label that has the potential to change on a frequent basis as a result of ongoing monitoring that is required under 21 CFR part 129, ''Processing and Bottling of Bottled Drinking Water.'' Costs associated with labeling changes to accurately report information that changes on a regular basis could be an economic hardship to companies. In addition, frequently changing information may result in a product label that is no longer accurate, due to changing test results, which may misbrand the product under section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343). Therefore, we tentatively determined that it is not feasible to place on a bottled water label all of the information that would be analogous to that contained in a CCR.

(Comment 8) Comments that addressed the issue of whether it is feasible to place all of the bottled water information analogous to that contained in a CCR on a bottled water label, with the exception of the comments in comment 2 of this document, stated that it is not feasible to do so.

We agree with the comments that stated it is not feasible to provide all of the information that is analogous to that contained in a CCR on a bottled water label. Such information would be excessive in limited label space, particularly on the small, single serving bottles. In addition, information that requires frequent changes due to changing test results may result in a product label that is no longer accurate, which may result in a misbranded product. Costs of frequent label changes that are necessary to ensure accurate information on the contents of a bottled water product, due to frequently changing information, may present an economic hardship to companies. Moreover, even annual updates that represent the contaminant history would need information to put the history for all such CCR-type information in context for the customer and would be excessive in limited label space. We believe that other methods discussed below may be more feasible for informing customers about the CCR-type information on bottled water.

2. Information Available by Company Contact

In the draft study, we tentatively determined that a phone number or an address on the label directing customers on how to obtain information from the company is an appropriate and feasible method of providing information to customers. Telephones and mail are available to almost all customers. Information provided in this manner can also be kept current. It is the least costly method to industry of providing information to customers because it does not require frequent label changes. Moreover, the startup costs would only apply to a portion of the industry since many firms already provide information to customers in this manner.

(Comment 9) Most comments received on the draft study stated that making all or some of the CCR-type information on bottled water obtainable via a phone number or an address on the label with directions to customers on how to obtain information from the company is appropriate and feasible. Several comments maintained that the label should provide a toll-free number to call for information, while other comments stated that a toll-free number would be a financial burden for small bottled water manufacturers.

We agree with these comments that it is both appropriate and feasible for water bottlers to provide CCR-type information to customers through a phone number or an address on the label directing customers on how to obtain information from the company. Determining whether the company should provide a toll-free number versus a toll number or an address to customers is beyond the scope of this study.

The comments maintaining that a toll-free number would be an economic burden for small bottled water manufacturers provided no information to support their assertion. In the draft study, we did not find the cost of providing information to customers via a toll-free number to be economically prohibitive and are not persuaded by comments to alter that finding.

3. Information Available by the Combination Approach

In the draft study, we tentatively determined that it would be appropriate to provide information to bottled water customers by placing certain individual pieces of information on the label, while making other CCR-type information available to customers through contact with the company (i.e., a combination approach). We also stated that we believe that this method is feasible as long as the particular information that is placed on the label does not require frequent changes as a result of ongoing monitoring for contaminants.

(Comment 10) A few comments advocated providing lists of contaminants that exceed MCLG's, our allowable level for the contaminant, and health effects for the contaminant on the label or lists of all regulated contaminants detected and their allowable levels on the label, with all other CCR-type information available through company contact. These same comments, that advocated listing contaminants on the label, stated that the number of contaminants that would need to be listed would be minimal; one comment estimated that the number would be less than six, based on anecdotal evidence from public drinking water CCR's. Some comments stated that listing contaminants on the label would not lead to label clutter because the labels could be expanded or an additional label that hangs around the neck of the bottle could be used. Other comments that advocated listing contaminants on the label did not address label space, but stated that it is important that this information be immediately and easily available to the customer.

We do not agree with these comments. Even if the number of contaminants to be included is minimal, when this information is combined with the additional information (e.g., allowable levels, possible sources of the contaminant, and health effects information, if necessary) that would be needed to put the contaminant information in context for the customer, such information could be excessive in limited label space, particularly on the small, single serving bottles. We discourage the use of labels that fold out or hang around the neck of a bottle. These labels can be easily removed or torn apart before purchase or before the product reaches the final consumer, resulting in a product that could be misbranded.

While we agree that the label is an appropriate method for listing certain CCR-type information, as discussed in comment 11 of this document, and provides immediate information to customers, we disagree that such a method is appropriate and feasible for all CCR-type information for the reasons previously stated. In addition, we believe that CCR-type information obtained through other methods, for example through company contact, also is easily available to customers. Comments did not provide information to indicate otherwise.

(Comment 11) Many comments advocated that one or two pieces of information, such as a specific statement of the source of the water and any treatment the water received or levels of specific contaminants (i.e., fluoride, lead, arsenic, mercury, radioactive compounds), be placed on the label, while all other CCR-type information be available by contacting the company.

We agree that placing some pieces of information on the label, while other CCR-type information is available by contacting the company, is an appropriate and feasible method of informing customers of the contents of bottled water. We do not agree that it is feasible to place pieces of information on the label that are not consistent from product to product and may result in excessive information (i.e., contaminant listings that would require considerable additional text to place the information in context for the bottled water customer) in limited label space.

(Comment 12) A few comments also contended that updating contaminant information yearly on a bottled water label would not be burdensome economically to the bottled water industry.

This comment seems to suggest that updating contaminant information yearly on a bottled water label is feasible because it would not create an economic burden to the bottled water industry. Whether such a label change would create an economic burden would likely depend upon the scope and detail of information that would be included as ''contaminant information,'' e.g., whether such information includes a listing of contaminants, allowable contaminant levels, possible sources of contaminants, health effects information, etc. If requiring firms to change labels annually in order to update contaminant information increased the frequency of scheduled label changes, such label changes would result in a greater cost than what would exist in the absence of such a requirement. According to a survey of practices in the bottled drink industry, the average time between typical label changes is over 22 months (Research Triangle Institute, ''Compliance Costs of Food Labeling Regulations,'' January 1991). Requiring firms to update the information on labels every 12 months would increase the frequency of label changes and would therefore impose an additional cost on the industry. Whether such cost would result in an economic burden may depend on how much information needs to be updated.

4. Information in a Pamphlet

In the draft study, we tentatively concluded that providing CCR-type information to customers in a pamphlet that is available at retail may not be the most feasible method when other methods of conveying information are available. Information on bottled water contained in a pamphlet would be subject to the same frequent changes that may be necessary for label information due to changing test results from ongoing monitoring. In addition, there would be practical concerns about assuring that the pamphlets were consistently available at point of purchase.

(Comment 13) Comments did not support placement of a pamphlet containing CCR-type information about bottled water at the point of purchase as an appropriate and feasible method of providing information to customers. One comment stated that retailers carrying several brands of bottled water might be required to keep a virtual library of bottled water pamphlets and the burden of stocking them also would be on the retailer.

We agree with the comments and believe that pamphlets at point of purchase are not a feasible method of providing CCR-type information on bottled water to customers.

5. Distribution of an Information Package With Bulk Water Deliveries

In the draft study, we tentatively determined that it would be appropriate and feasible for bulk water deliverers to include an information package with a bill or deliver it with an invoice. An information package could be prepared in response to any changes in information about the delivered product, rather than printed in advance as labels typically are. The information also could be provided to customers by bulk deliverers only in response to customer request. This would reduce the chance for customers who are not seeking additional information on the contents of bottled water to be confused by information that may not be relevant to them or in which they have no interest.

(Comment 14) Many comments indicated that it would be appropriate and feasible for bulk water deliverers to provide customers with CCR-type information on bottled water on a yearly basis. A few comments noted that the label of bulk water containers should contain the same information as smaller bottles of water and that a package of information delivered with a large container of water should not substitute for the label.

We agree with comments that stated that it is both appropriate and feasible for bulk water deliverers to provide CCR-type information to their customers on a yearly basis. Bulk water deliverers could include this information with a bill or invoice. We also note that the labels of bulk containers of water are required to carry the same information as smaller bottles of water and that information delivered with a large container of water would not substitute for the label that is required on the product itself.

6. Information Available on the Internet

In the draft study, we tentatively determined that it may not be appropriate for the Internet to be the sole source of information on the contents of bottled water for customers, because not all customers have access to it. According to the 1999 Economic Report of the President (Washington, DC, 1999), approximately 70 million Americans (26 percent of the U.S. population) have access to the Internet. It is an appropriate and feasible method of providing information to customers who have access to the Internet; however, it may need to be used in combination with another method to ensure that all bottled water customers have access to CCR-type information.

(Comment 15) Most comments stated that the Internet was not appropriate as the sole source of CCR-type information to bottled water customers and a few noted that small bottled water producers might experience an economic burden if made to create and maintain a website. A few comments indicated that the Internet is an appropriate and feasible method of providing bottled water information to customers. These comments suggested that, if creating and maintaining a website would be burdensome to small bottled water producers, we could defray the costs of their website or provide the information on our website. Another comment indicated that we should maintain a website with CCR-type information on all bottled water producers.

The comments did not dissuade us from our belief that the Internet is not appropriate as the sole source of information on bottled water for customers because all customers do not have access to it. Comments requesting that we establish a website for bottled water information or defray costs to small producers for creating and maintaining a website are beyond the scope of this study.

(Comment 16) One comment stated that we underestimated by 1,000-fold the cost of creating and maintaining a website.

We estimated that it would cost $2,000 to $7,500 per year to create and maintain a website with information on bottled water. We believe our estimate is correct for the cost of a website that provides information only on the contents of bottled water. A website that contains graphics and other information would likely cost more than our estimate. However, we calculated the cost of providing only CCR-type information on bottled water to customers in a simple text format.

III. Our Final Report on the Feasibility of Appropriate Methods of Informing Customers of the Contents of Bottled Water

A. Information on the Contents of Bottled Water

In the draft study, we tentatively determined that much of the information contained in a CCR is applicable to bottled water, with the exception of a definition and statement of MCLG's, information on public drinking water systems operating under a variance, and other information that is relevant only to public drinking water systems regulated by EPA, such as information on EPA's drinking water hotline. No substantive comments were received. Therefore, we have concluded that the information contained in a CCR, with the exceptions noted above, is applicable to bottled water.

We intended to limit discussion of information on the contents of bottled water to information that is analogous to that outlined by EPA for inclusion in a CCR. However, we recognize that certain information, such as the type of treatment the bottled water has received, that is not contained in a CCR may be of particular interest to certain customers and, should we engage in rulemaking on this subject in the future, we would consider requiring that manufacturers of bottled water provide this information to customers.

B. Methods We Have Determined Are Appropriate and Feasible for Informing Customers of the Contents of Bottled Water

There are several methods that we have determined are both appropriate and feasible for providing information to customers on the contents of bottled water. In addition, we have determined that it is feasible for bottled water producers to provide CCR-type information on bottled water, updated annually, to customers as public drinking water systems are required to do for their customers.

1. Information by Company Contact

In the draft study, we tentatively determined that a phone number or an address on the label directing customers on how to obtain information from the company is an appropriate and feasible method of providing information to customers. Comments did not provide any information contradicting our tentative determination. Therefore, we have determined that it is both appropriate and feasible to provide CCR-type information to customers through a phone number or an address on the label directing customers on how to obtain information from the company.

2. Information by the Combination Approach

We also believe that the combination approach (i.e., particular pieces of CCR-type information would be placed on the label, and the remainder of the information would be available through contact with the company by phone or mail) is appropriate and feasible. In the draft study, we tentatively determined that this method is appropriate and feasible and has the benefit of delivering certain pieces of information to customers at the point of purchase. The majority of comments agreed with our tentative conclusion.

Therefore, we have determined that the combination approach is an appropriate and feasible method of providing CCR-type information to bottled water customers, provided that the information that appears on the label does not result in excessive information (e.g., contaminant listings that would require considerable additional text to place the information in context for the bottled water customer) in limited label space.

3. Distribution of an Information Package With Bulk Water Deliveries

In the draft study, we tentatively concluded that this is an appropriate and feasible method of informing bulk bottled water customers of the contents of bottled water by distributing an information package with bulk water deliveries. The majority of comments to the draft study agreed with our tentative conclusion.

We have determined that it is both appropriate and feasible for bulk water deliverers to include an information package containing CCR-type information on bottled water with a bill or to deliver the information package with an invoice.

C. Methods We Have Determined Are Not Appropriate and Feasible for Informing Customers of the Contents of Bottled Water

There are several methods that we have determined are not appropriate and feasible for providing information to customers on the contents of bottled water.

1. Information on the Label

In the draft study, we stated that placing information on the label is an appropriate method of conveying information to bottled water customers; however, we questioned the feasibility of placing all CCR-type information, in particular information that might change frequently, on the label of bottled water. Concerns over excessive information in limited label space, potential misbranding and the potential economic burden of frequent label changes led us to tentatively determine that it is not feasible to place all of the information on a bottled water label that would be analogous to information contained in a CCR.

Some comments received on the draft study maintained that customers need CCR-type information in order to be informed and that this information would not crowd the label because the number of contaminants listed would be minimal, even though these comments also advocated information on allowable levels, possible sources of the contaminant, and health effects information to be included on the label. We continue to have concerns about excessive information in limited label space and the cost of frequent label changes. We believe that the amount of information that would need to go on the label to place the contaminant information, as suggested in these comments, in context for the bottled water customer may be considerable and could lead to excessive information in limited label space. Therefore, we have determined that placing all of the information that is analogous to that contained in a CCR on a bottled water label is not an appropriate and feasible method to inform customers of the contents of bottled water.

2. Information in a Pamphlet

In the draft study, we tentatively determined that providing CCR-type information to customers in a pamphlet available at retail may not be the most feasible method of informing customers when other methods are available. We cited concerns over ensuring that the information in the pamphlets is current and that the pamphlets are consistently available at retail. Comments received on the draft study agreed with our assessment. Therefore, we have determined that placing pamphlets containing CCR-type information with bottled water at retail is not a feasible method of informing customers of the contents of bottled water.

3. Information Available on the Internet

In the draft study, we tentatively concluded that the Internet is not appropriate as the sole method of providing information on the contents of bottled water to customers because not all customers may have access to it. Most comments agreed with our tentative conclusion. Therefore, we have determined that the Internet is not appropriate as the sole method of providing information on the contents of bottled water to customers.

Dated: August 21, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–21757 Filed 8–22–00; 3:50 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1149–N]

Medicare Program; September 11 and 12, 2000, Meeting of the Practicing Physicians Advisory Council

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

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for September 11, 2000, from 8:30 a.m. until 5 p.m., and for September 12, 2000, from 8:30 a.m. until 1 p.m., e.d.t.

ADDRESSES: The meetings will be held in the Multipurpose Room/Auditorium, 1st Floor, Health Care Financing Administration Building, 7500 Security Boulevard, Baltimore, Maryland 21244.

FOR FURTHER INFORMATION CONTACT: Paul Rudolf, Executive Director, Practicing Physicians Advisory Council, Room 435-H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 690–7874. News media representatives should contact the HCFA Press Office, (202) 690–6145. Please refer to the HCFA Advisory Committees Information Line (1–877–449–5659 toll free)/(410–786–9379 local) or the Internet (http://www.hcfa.gov/fac) for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare or Medicaid in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term. The Council held its first meeting on May 11, 1992.

The current members are: Jerold M. Aronson, Richard Bronfman, Joseph Heyman, Sandral Hullett, Stephen A. Imbeau, Jerilynn S. Kaibel, Angelyn L. Moultrie, Derrick K. Latos, Dale Lervick, Sandra B. Reed, Amilu Rothhammer, Maisie Tam, Victor Vela, Kenneth M. Viste, Jr., and Douglas L. Wood. The Council Chairperson is Derrick L. Latos.

Council members will be updated on the Provider Enrollment Form, Advance Beneficiary Notices (ABN), Physician Regulatory Issues Team (PRIT), OIG Referrals, Physician Involvement in Beneficiary Education Efforts, and Carrier Contractor National Policy Issues.

The agenda will provide for discussion and comment on the following topic:

- Evaluation and Documentation Guidelines.

For additional information and clarification on the aforementioned topics, call the contact person listed above.

Individual physicians or medical organizations that represent physicians that wish to make 5-minute oral presentations on agenda issues should contact the Executive Director by 12 noon, August 29, 2000, to be scheduled. Testimony is limited to listed agenda issues only. The number of oral presentations may be limited by the time available. A written copy of the presenters' oral remarks should be submitted to the Executive Director no later than 12 noon, September 5, 2000, for distribution to Council members for review prior to the meeting. Physicians and organizations not scheduled to speak may also submit written comments to the Executive Director and Council members.

The meeting is open to the public, but attendance is limited to the space available. Individuals requiring sign language interpretation for the hearing impaired or other special accommodation should contact John Lanigan at (202) 690–7418 at least 10 days before the meeting.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 C.F.R. Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 22, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 00–21787 Filed 8–24–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the President's Cancer Panel.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: President's Cancer Panel.
Date: September 14–15, 2000.
Time: 9 am to 5 pm.
Agenda: Improving Cancer Care for All: Real People—Real Problems.
Place: University of Vermont, Vermont Cancer Center, Medical Alumni Building, 2nd Floor, Burlington, VT 05405.
Contact Person: Maureen O. Wilson, Executive Secretary, National Cancer Institute, National Institutes of Health, 31 Center Drive, Building 31, Room 4A48, Bethesda, MD 20892, 301/496–1148.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–21707 Filed 8–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.
Date: August 24, 2000.
Time: 2:30 pm to 3:30 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Gaithersburg, 2 Montgomery Avenue, Washingtonian Room, Gaithersburg, MD 20879, (Telephone Conference Call).
Contact Person: Priti Mehrotra, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Solar Building, Room 4C14, 6003 Executive Boulevard MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 18, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–21704 Filed 8–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.
Date: August 21, 2000.
Time: 3 pm to 4 pm.
Agenda: To review and evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).
Contract Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529; Bethesda, MD 20892–9529, 301–496–9223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–21705 Filed 8–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.
*Date:*September 12–13, 2000.
Closed: September 12, 2000, 1:00 pm to 4:00 pm.
Agenda: To review and evaluate grant applications.
Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.
Open: September 13, 2000, 9:00 am to 4:00 pm.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative and program developments in the drug abuse field.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Teresa Levitin, Director, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, Bethesda, MD 20892–9547, (301) 443–2755.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: August 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–21706 Filed 8–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 22, 2000.

Time: 10 am to 12 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, Scientific Review Administrator, Center for Scientific Review, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 22, 2000.

Time: 12:15 pm to 1:15 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Micklin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 25, 2000.

Time: 11 am to 1 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Betty Hayden, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, haydenb@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 1, 2000.

Time: 9 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Julian L. Azorlosa, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, MSC 7848, Bethesda, MD 20892, (301) 435–1507.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 5, 2000.

Time: 1 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eugene M. Zimmerman, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, (301) 345–1220, zimmerng@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93,844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–21708 Filed 8–24–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Treatment Improvement Protocols (TIPs) Evaluation Project—Prospective Study—New—Since 1993, SAMHSA's Center for Substance Abuse Treatment has published 37 Treatment Improvement Protocols, which provide administrative and clinical practice guidance to the substance abuse treatment field. This is the third of three major studies and is designed to assess readers' use of TIPs and the impact of TIPs on changing substance abuse treatment practices.

The Prospective Study seeks to determine the most cost effective level of support needed by substance abuse treatment providers to implement in practice the information contained in TIPs. Specifically, this study will

examine the use of TIP #35, ''Enhancing Motivation for Change in Substance Abuse Treatment,'' by treatment professionals in four different areas of the country. The study will use a pretest/post-test experimental design in which treatment facilities will be randomly assigned to one of four conditions: (1) The control group (which will receive the TIP and no additional support); (2) a TIP-plus curriculum group; (3) a TIP-plus curriculum and training group; and (4) a TIP-plus curriculum, training, and ongoing support group.

Data will be collected at baseline and follow-up. Measures will include providers' awareness of TIP 35, their knowledge of the content contained in this TIP, their attitudes toward the TIP and its content, and their use of this TIP an dits impact on practices within their facilities. Burden for State substance abuse (SSA) agency directors in the four areas of the country chosen will consist of information gathering by telephone. Burden for other respondents will consist of completing the pretest and post-test questionnaires. The total estimated burden for this project, to be completed in a 1-year period, is summarized below.

Respondent	Number of respondents	Responses/ respondent	Average burden/ response (hrs.)	Total burden (hrs.)
SSA Directors	10	1	1.0	10
Facility Directors	560	2	.5	560
Clinical Supervisors	560	2	.5	560
Program Counselors	1,680	2	.5	1,680
Total				2,810

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: August 21, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–21712 Filed 8–24–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Comprehensive Conservation Plan and Environmental Assessment for the DeSoto National Wildlife Refuge in Nebraska and Iowa

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a Draft Comprehensive Conservation Plan and Environmental Assessment for the DeSoto National Wildlife Refuge in Nebraska and Iowa will be available for public review on August 21, 2000. Comments and suggestions are requested.

DATES: Written comments are requested by September 25, 2000. A public open house meeting will be held on September 7, 2000.

ADDRESSES: Comments should be addressed to: Mr. Jim Salyer, U.S. Fish and Wildlife Service, 24385 State Highway 51, Puxico, Missouri 63960; Telephone: 800/686–8339 (toll-free) or 573/222–6001; Fax: 573/222–6150; E-Mail: r3planning@fws.gov. Individuals with speech or hearing impairments may call the Missouri Relay Service at 800/735–2966 (TTY).

The public open house will be held at the DeSoto Refuge Visitor Center, 1434 316th Lane, Missouri Valley, Iowa, 51555 from 1:00 p.m. until 8:00 p.m. During the open house, information may be obtained by calling 712/642–4121.

FOR FURTHER INFORMATION CONTACT: Mr. Jimi Salyer or Ms. Judy McClendon, U.S. Fish and Wildlife Service, 24385 State Highway 51, Puxico, Missouri 63960; Telephone: 800/686–8339 (toll-free) or 573/222–6001; Fax: 573/222–6150; E-Mail: r3planning@fws.gov. Individuals with speech or hearing or impairments may call the Missouri Relay Service at 800/735–2966 (TTY).

Individuals who would like copies of the Draft Comprehensive Conservation Plan and Environmental Assessment for review should immediately use the contact information above. Copies of the document have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: Mr. Leon Kolankiewicz, Environmental Planner, The Mangi Environmental Group Inc. (Mangi), is the primary author of this document. The Fish and Wildlife Service (Service), Department of the Interior, has contracted with Mangi to prepare a Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the DeSoto National Wildlife Refuge (Refuge) in Nebraska and Iowa which will guide management of the Refuge for the next 15 years.

The plan describes how the Refuge will provide for migratory and endangered species within its boundaries; work with partners to improve habitats beyond its boundaries; expand opportunities for wildlife viewing and fishing; further develop environmental education and interpretation of natural and cultural history; and provide outreach programs to describe appreciation of fish, wildlife, and the environmental influence of Western settlement.

The Environmental Assessment contains discussion of four alternatives under consideration that were analyzed and evaluated during planning:

(A.) No Action. No major changes in existing management goals and objectives would occur.

(B.) Maximize Restoration and Conservation of Historical Natural Resource Conditions. Management strategies would be to restore and conserve fish and wildlife populations, species and habitat diversity, composition and abundance to levels and conditions existing in the pre-development era (to about the mid-1800's).

(C.) Maximize Compatible Public Use Potentials. The six priority wildlife-dependent uses originating with the Refuge Improvement Act (interpretation, education, observation, photography, hunting, fishing) would be promoted and enhanced.

(D.) Optimize Natural Resource Conditions and Public use Potential (Preferred). This alternative seeks the best or optimal balance between the sometimes competing ideals of wildlife conservation, habitat restoration and public use.

Other government agencies and members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this CCP and EA. Planning involved participation of Refuge staff, Service planners, a consultant to the Service, Refuge neighbors, organizations, local and state governmental agencies, and interested citizens. Planning team and public scoping meetings were held in July, August, September, October, and November 1999, and in January and February 2000. A focus group of 19 participants and 12 participants of an open house session provided comments.

All agencies and individuals are urged to provide comments and suggestions for improving this CCP and EA by September 25, 2000. All comments received by this date will be considered in preparation of the Final CCP and EA.

Dated: August 21, 2000.

William F. Hartwig,

Regional Director.

[FR Doc. 00–21714 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land management

[OR–120: GP0–0306]

Availability of the Record of Decision for the Bal'diyaka Interpretive Center

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability of the Record of Decision for the Bal'diyaka Interpretive Center

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Coos Bay District of the Bureau of Land Management (BLM), in cooperation with the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (Confederated Tribes) had an Environmental Impact Statement prepared to address impacts of constructing and operating the Bal'diyaka Interpretive Center in Coos County, Oregon.

The BLM, in partnership with the Confederated Tribes has chosen the No Action Alternative for this project since current budgets will not support the cost of construction and operation of the Bal'diyaka Interpretive Center as described in the Proposed Action of the subject EIS. The No Action Alternative will leave the three action alternative sites in their original condition, will not foreclose future management options at these sites, and will not impact current budgets.

The Proposed Action in the EIS was to locate the Bal'diyaka Interpretive Center on Gregory Point, which is an approximately 30-acre headland area north of Sunset Bay, west of Cape Arago Highway and south of Lighthouse Way.

A total of four alternatives were explored in the EIS: the No Action Alternative, the Proposed Action, and two alternative locations.

Copies of the Record of Decision will be available for review at the Coos Bay and North Bend Public Libraries, upon request from the BLM, Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459–2000, and the office of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians at 1245 Fulton Avenue, Coos Bay, OR 97420.

DATES: The Record of Decision will be available to the public starting August 14, 2000. An appeal period of 30 days will begin with the printing of the Notice of Availability in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Steven Fowler, Area Manager, 1300 Airport Lane, North Bend, OR 97459–2000.

Sue Richardson,

District Manager, Coos Bay District.

[FR Doc. 00–21696 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–320–1430–00]

Notice of Intent To Amend Land Use Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Alturas Field Office (FO), is proposing a Land Tenure Adjustment Action Plan (LTA) for public lands managed by the Alturas FO in Modoc, Lassen, Shasta and Siskiyou Counties. As part of this process, the following BLM Resource Management Plans (RMP) and Management Framework Plans (MFP) will be amended to reflect any needed changes.

(1) Alturas Resource Management Plan and Environmental Impact Statement (approved 8/28/94).

(2) Cinder Cone Management Framework Plan (approved July, 1973).

(3) Mt. Dome Management Framework Plan (approved 11/24/81).

The BLM Alturas FO is seeking public scoping input into this proposed plan amendment. This planning amendment is being conducted pursuant to section 202 of the Federal Land Policy and Management Act, as amended (43 U.S.C. 1712).

SUPPLEMENTARY INFORMATION: This proposed Land Tenure Adjustment Plan has two general goals: (1) To implement and expand on the land acquisition decisions of the BLM Alturas Management Plans; and (2) to expand on the disposal/exchange decisions of the Alturas Management Plans. This Land Tenure Adjustment (LTA) plan amendment is intended to identify broad areas of public lands for disposal through exchange, and broad areas where private lands may be acquired by land exchange. This LTA plan amendment is intended to implement the goals and objectives identified in the Alturas Management Plans by acquiring private lands with potentially high public resource values which will provide better Federal land management, in exchange for public lands that will meet the needs of State and local people as described in section 206(a) of FLPMA. The exchanges proposed in this plan amendment are intended to result in better Federal land management by the BLM, and in better private land management for the landowners who may acquire the public lands through the exchanges. Public scoping meetings on this proposed plan amendment will be held in towns throughout the affected area.

FOR FURTHER INFORMATION CONTACT: Peter Humm, Realty Specialist, or Tim Burke, Field Manager, Bureau of Land Management, Alturas Field Office, 708 West 12th Street, Alturas, CA 96101 or by phone at (530) 233–4666.

DATES: Public scoping comments on this proposed land amendment must be received by the BLM Alturas Field Office, at the above address, not later than October 11, 2000.

Dated: August 16, 2000.

Timothy J. Burke,

Field Manager.

[FR Doc. 00–21695 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park Bar Harbor, ME; Acadia National Park Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee

Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, September 11, 2000.

The Commission was established pursuant to Public Law 99–420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1:00 PM to consider the following agenda:

1. Review and approval of minutes from the meeting held June 5, 2000.
2. Committee reports, Land Conservation, Park Use, Science.
3. Old business.
4. Superintendent's report.
5. Public comments.
6. Proposed agenda for next Commission meeting, February 7, 2001.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: August 11, 2000.

Paul F. Haertel,

Superintendent, Acadia National Park.

[FR Doc. 00–21700 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Western Geophysical Company Padre Island National Seashore Kleberg County, TX; Availability of Plan of Operations and Environmental Assessment Phase II—3D Seismic Operation

Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Western Geophysical Company a Plan of Operations for the Phase III–3D seismic operation within Padre Island National Seashore, in Kleberg County, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 20301 Park Road 22, Corpus Christi, Texas. Copies are available from the Superintendent, Padre Island National Seashore, Post Office Box 181300, Corpus Christi, Texas 78480–1300, and will be sent upon request. The Environmental Assessment is also available on the Padre Island web page.

If you wish to comment, you may submit your comments by mailing them to the post office address provided above, or, you may hand-deliver comments to the park at the street address provided above. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the decisionmaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the decisionmaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: August 14, 2000.

Jock F. Whitworth,

Superintendent, Padre Island National Seashore.

[FR Doc. 00–21698 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Telecommunications Facilities; Construction and Operation; Golden Gate National Recreation Area, San Francisco, CA

AGENCY: Golden Gate National Recreation Area, NPS, DOI.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the Golden Gate National Recreation Area proposes to consider the application of GTE/Verizon for an amendment extenting an existing agreement for the operation of a wireless communication facility adjacent to the Golden Gate Bridge Toll Plaza located in the Golden Gate Bridge, Transportation and Highway District right-of-way immediately south of the Golden Gate Bridge in San Francisco, CA.

EFFECTIVE DATE: Comments will be accepted on, or before, September 25, 1999.

ADDRESSEES: Interested parties should contact National Park Service, Superintendent's Office, GGNRA, Building 201, Fort Mason, San Francisco, CA 94123. To obtain a copy of the initial application, contact Richard Louthan at (415) 561–4729.

SUPPLEMENTARY INFORMATION: The application made by GTE/Verizon requests that the existing agreement be extended for a period of ten years and the addition of two wireless telephone panels to the wireless telephone facility serving users in the area immediately south of the Golden Gate Bridge.

The Superintendent will consider and evaluate all comments resulting from this public notice before authorizing execution of this agreement.

Dated: August 14, 2000.

Brian O'Neill,

Superintendent, Golden Gate National Recreation Area.

[FR Doc. 00–21721 Filed 8–24–00; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–428]

Certain Integrated Circuit Chipsets, Components Thereof and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') terminating the investigation in its entirety based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3012. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–

205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on February 4, 2000, based on a complaint filed by Intel Corporation of Santa Clara, California (''Intel''). 65 FR 7059 (2000). The complaint named five respondents: VIA Technologies, Inc., of Taipei, Taiwan; VIA Technologies, Inc., of Fremont, California (collectively, ''VIA''); First International Computer, Inc., of Taipei, Taiwan; First International Computer of America, Inc., of Fremont, California (collectively ''FIC''); and Everex Systems, Inc., of Fremont, California (''Everex''). Id.

On July 5, 2000, complainant Intel and respondents VIA, FIC, and Everex filed a joint motion to terminate the investigation by settlement. On July 17, 2000, the Commission investigation attorneys filed a response supporting the joint motion. On July 26, 2000, the presiding ALJ issued an ID (Order No. 16) granting the joint motion. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.42). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

Issued: August 22, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–21768 Filed 8–24–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–888–890 (Preliminary)]

Stainless Steel Angle From Japan, Korea, and Spain

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731-TA–888–890 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan, Korea, and Spain of stainless steel angle, provided for in subheading 7222.40.30 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. § 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by October 2, 2000. The Commission's views are due at the Department of Commerce within five business days thereafter, or by October 10, 2000.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: August 18, 2000.

FOR FURTHER INFORMATION CONTACT: D.J. Na (202–708–4727), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on August 18, 2000, by Slater Steels Corporation, Specialty Alloys Division, Fort Wayne, IN, and the United Steelworkers of America, AFL-CIO/CLC, Pittsburgh, PA.

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. § 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on September 8, 2000, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact D.J. Na (202–708–4727) not later than September 1, 2000, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before September 13, 2000, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later

than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: August 22, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–21769 Filed 8–24–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Review; Comment Request

August 17, 2000.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation for BLS, ETA, PWBA, and OASAM contact Karin Kurz ({202} 219–5096 ext. 159 or by E-mail to Kurz-Karin@dol.gov). To obtain documentation for ESA, MSHA, OSHA, and VETS contact Darrin King ((202) 219–5096 ext. 151 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Type of Review: New Collection.

Agency: Employment and Training Administration.

Title: Disability Employment and Initiatives Grant Program.

OMB Number: 1205–0New.

Affected Public: Business and other for-profit; not-for-profit institutions.

Form	Total respondents	Frequency	Total responses	Average time per response	Estimated total burden hours
ETA 9077	15	Quarterly	60	20 Hrs.	1,200
ETA 9078	15	Annually	15	20 Hrs.	300
Totals			75		1,500

Total annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: Competitive grants are funded for one year, plus two option year periods. The grants are designed to provide innovative training and employment services that address the extremely high rate of unemployment commonly experienced by individuals with disabilities.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–21724 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Office of the Secretary; Submission for OMB Emergency Review; Comment Request

August 21, 2000.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by September 12. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Ira L. Mills ((202) 219–5095, extension 129). Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the ETA, Room 10235, Washington, DC 20503.

The Office of Management and Budget 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.

Agency: Employment and Training Administration and the Employment Standards Administration

Title: Attestations by Facilities Employing H–1C Nonimmigrant Aliens as Registered Nurses

OMB Number: 1205–ONew

Frequency: On Occasion

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; State, Local, or Tribal Government

Number of Respondents: 16

Total Annual Responses: 143

Total Burden Hours: 68

Total Burden Cost: (capital/startup: $0

Total Burden Cost (operating/maintaining): $0

Description: The Nursing Relief for Disadvantaged Areas Act of 1999 creates a temporary visa program for nonimmigrant aliens to work as registered nurses. This information collection contains recordkeeping and reporting requirements for those facilities seeking to hire nonresident alien nurses under the program, and information requirements for those persons wishing to file a complaint that a facility has failed to meet the statutory requirements of the Act.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–21725 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,633] and [NAFTA–3944]

The Holmes Group, Rival Division, Warrensburg, Missouri; Negative Determination Regarding Application for Reconsideration

By application dated July 20, 2000, petitioners request administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) petition number TA–W–37,633, and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA) petition number NAFTA–3944, applicable to workers and former workers of The Holmes Group, Rival Division, Warrensburg, Missouri. The denial notices were signed on June 29, 2000, and published in the **Federal Register** on July 24, 2000, TA–W–37,633 (65 FR 45620) and NAFTA–3944 (65 FR 45621).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

To support the application for reconsideration, the petitioners provided documents related to planned production and budgeted hours for the Warrensburg plant for 1999, and parts and sub-assemblies that went overseas. The petitioner also states that the subject firm stopped parts production within the last year.

Planned production by the subject firm is not a basis for worker group certification under the Trade Act of 1974, as amended. The Department is required to examine sales or production of articles produced by workers of the firm for the time period relevant to the investigation.

During all of 1999 and the early part of 2000, output at the plant was primarily comprised of industrial fans and heaters. Although the company relied on imports of heater components, no worker separations occurred as the result of the company imports. Employees formerly producing components were transferred within the plant to assemble finished heaters. Ultimately, the assembly operations were moved from Warrensburg, Missouri, to other domestic facilities of The Holmes Group.

The workers were denied eligibility to apply for TAA based on the finding that the contributed importantly criterion of the workers group eligibility requirements of Section 222 of the Trade Act of 1974, as amended, was not met. Layoffs of workers producing heaters at the subject firm were attributable to the company's decision to transfer production to other domestic facilities.

The NAFTA–TAA petition investigation for the same worker group revealed that criteria (3) and (4) of paragraph (a)(1) of Section 250 of the Trade Act of 1974, as amended, were not met. The subject firm did not import from Mexico or Canada, articles like or directly competitive with those produced by workers of the firm. There was no shift in production from the Warrensburg plant to Mexico or Canada.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 14th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21730 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of August, 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–37,764; Precision Headed Products, Formerly Mascotech

Forming Technologies, Ypsilanti, MI

TA–W–37,593; Pennzoil-Quaker State Co., Rouseville, PA, A; Oil City, PA, B; Reno, PA, C; Roosevelt, UT, D; Deerfield, OH and E; Rock Hill, SC

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–37,886; Racing Champions ERTL, Inc., Dyersville, PA

TA–W–37,678; Packard Bell/NEC, Inc., (PBNEC), NEC Computer Systems Div. (NEC/CSO), Server Product Group, Boxborough, MA

TA–W–37,860; Weatherford Global Compression, Midland, TX

TA–W–37,892; CRH Catering Co., Inc., Connellsville, PA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–37,508; Meritor Automotive, Oshkosh, WI

TA–W–37,658; Cooper Tools, Statesboro, GA

TA–W–37,584; Quebecor World, Inc., St. Paul, MN

TA–W–37,539; Quebecor World, Inc., Nashville, TN and Aurora, IL

TA–W–37,774; Caporale Engraving, Inc., Hackensack, NJ

TA–W–37,883; Corrpro Companies, Inc., Midland, TX

TA–W–37,819; Modern Engineering Co., Inc., Gallman, MS

TA–W–37,861; Modern Engineering Co. A Div. of Victor Equipment Co., Gallman, MS

TA–W–37,638; Wildon Industries, Mt. Bethel, PA

TA–W–37,709; The Boeing Co., St. Louis, MO

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–37,804; Kellwood Co., Spencer, WV: May 22, 1999.

TA–W–37,827; The Kym Co., Jackson, GA: June 6, 1999.

TA–W–37,895; DeFarr, Inc., New York, NY: July 7, 1999.

TA–W–37,758; Federal Mogul Corp., Milan, MI: May 23, 1999.

TA–W–37,866; Assembly Service, Inc., El Paso, TX: June 26, 1999.

TA–W–37,595; Humpherys, Inc., Chicago, IL: April 3, 1999.

TA–W–37,684; Colby Footwear, Inc., Gonic, NH: May 4, 1999.

TA–W–37,586; Enefco International Limited, Footwear Subdivision, Auburn, ME: April 7, 1999.

TA–W–37,794; The American Fabrics Co., Tylertown, MS: May 6, 2000

TA–W–37,813; Seton Co., Leather Div, Saxton, PA: June 5, 1999

TA–W–37,907; Indiana Knitwear Corp., Greenfield, IN: July 10, 1999.

TA–W–37,738; Goodyear Tire and Rubber Co., Green, OH: May 24, 1999.

TA–W–37,840; LaCrosse Footwear, Inc., Clintonville, WI: June 20, 1999.

TA–W–37,854; P.H. Glatfelter, Ecusta Div., Pisgah Forest, NC: June 20, 1999.

TA–W–37,846; Collins Pine Co., Collins Products, LLC, Klamath Falls, OR: June 23, 2000.

TA–W–37,654; Garan, Inc., Corinth, MS: April 19, 1999.

TA–W–37,869; Johnson Controls, Inc., Control Products Div., Goshen, IN: June 29, 1999.

TA–W–37,713; Vinson Timber Products, Inc., Trout Creek, MT: May 12, 1999.

TA–W–37,841; Braunstein, Inc., New York, NY: June 16, 1999.

TA–W–37,786; Andover Apparel Group, Inc., Formerly Andover Togs, Inc., Pisgah, AL: June 2, 1999.

TA–W–37,659; Climax Molybdenum Co., Henderson Operation, Empire, CO: April 28, 1999.

TA–W–37,759; Interstate Dyeing and Finishing, Passaic, NJ: May 19, 1999.

TA–W–37,652; Monofrax, Inc., Falconer, NY: April 13, 1999.

TA–W–37,719; Southland Manufacturing Co., Inc., including workers of Skilstaff, Inc., Ashland, AL: May 15, 1999.

TA–W–37,775; Ceng, Inc., Formerly Dexter Sportswear, Dexter, GA: June 12, 1999.

TA–W–37,850; Motorola, Inc., Energy Systems Group, Harvard, IL: June 10, 1999.

TA–W–37,452; E2A Technology, Inc., Conyers, GA: February 28, 1999.

TA–W–37,830; Grand Haven Brass Foundry, Grand Haven, MI: June 13, 1999.

TA–W–37,785; J.F. Sportswear, Inc., Scranton, PA: May 31, 1999.

TA–W–37,694; Meritor Automotive, Fairfield, IA: April 28, 1999.

TA–W–37,423 & A; Warren Corp., Stafford Springs, CT and Warren Leasing, New York, NY: February 28, 1999.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of August, 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–03957; J.F. Sportswear, Scranton, PA

NAFTA–TAA–03988; P. H. Glatfelter, Ecusta Div., Pisgah Forest, NC

NAFTA–TAA–03860 & A, B, C, D, E; Pennzoil-Quaker State Co., Rouseville, PA, Oil City, PA, Reno, PA, Roosevelt, UT, Deerfield, OH and Rock Hill, SC

NAFTA–TAA–03919; Jenny K. Fashions, Meriden, CT

NAFTA–TAA–03947; KPT, Inc., Bloomfield, IN

NAFTA–TAA–03992; Precision Headed Products, Formerly Mascotech

Forming Technologies, Ypsilanti, MI

NAFTA–TAA–03821 & A, B; Quebcor World, Inc., Nashville, TN, Aurora, IL and St. Paul, MN

NAFTA–TAA–03892; Schreiber Foods, Inc., Monroe, WI

NAFTA–TAA–03931; Hoff Forest Products, Meridian, ID

NAFTA–TAA–03794; Meritor Automotive, Oshkosh, WI

NAFTA–TAA–03933; Sommers, Inc., Sommers Ribbon Co., Stroudsburg, PA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–4014; CRH Catering Co., Inc., Connellsville, PA

NAFTA–TAA–04045 & A; ACS Shared Services, Inc., Berea, KY and Richmond, KY

NAFTA–TAA–0436; Eliance Corp., Web Center, Minot, ND

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04049; Aircraft and Electronics Specialties, Inc., d/b/a AES Interconnects, Inc., a/k/a HRIS Staff Management, Inc. San Benito, TX: July 28, 1999.

NAFTA–TAA–03910; Competitive Engineering, Inc., Tucson, AR: May 6, 1999.

NAFTA–TAA–03974; Hitachi Koki Imaging Solutions, Inc., (formerly Known as Data Products), Simi Valley, CA: June 2, 1999.

NAFTA–TAA–03986; Triquest Precision Plastics, Vancouver, WA: August 19, 2000.

NAFTA–TAA–03999; Johnson Controls, Inc., Control Products Div., Goshen, IN: June 29, 1999.

NAFTA–TAA–03994; Wildfire Pacific, Inc., Kent, WA: June 30, 1999.

NAFTA–TAA–04026; Austin Products, Inc., Holbrook, NY: July 10, 1999.

NAFTA–TAA–03953; Ceng, Inc., Formerly Dexter Sportswear, Dexter, GA: May 30, 1999.

NAFTA–TAA–03936; Goodyear Tire and Rubber Co., Green, OH: May 24, 1999.

NAFTA–TAA–03989; Indiana Knitwear Corp., Greenfield, IN: June 26, 1999.

NAFTA–TAA–03973; Grand Haven Brass Foundry, Grand Haven, MI: June 15, 1999.

NAFTA–TAA–04011; Meritor Automotive, Fairfield, IA: May 5, 1999.

NAFTA–TAA–03920 & A; Louisiana Pacific Corp., Ketchikan Pulp Co., Ketchikan Sawmill, Ketchikan, AK and Timber Div., Prince of Wales Island, AK: May 12, 1999.

NAFTA–TAA–03985; Frink America, Inc., Clayton, NY: June 12, 1999.

NAFTA–TAA–04018; Federal Mogul Wiper Products, Michigan City, IN: July 6, 1999.

NAFTA–TAA–04015; Optimum Air Corp., Malta, NY: June 25, 1999.

I hereby certify that the aforementioned determinations were issued during the month of August, 2000. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 16, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21727 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,909]

Duke Energy Field Services, Ada, Oklahoma; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 24, 2000, in response to a petition filed by a company official on behalf of workers at Duke Energy Field Services, Ada, Oklahoma.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 8th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21728 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37, 458, 458B, 458C]

House of Perfection, Inc.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Trade Adjustment Assistance on April 13, 2000, applicable to workers of House of Perfection, Inc., Williston Manufacturing Co., Williston, South Carolina. The notice was published in the **Federal Register** on May 11, 2000 (65 FR 30443).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The determination was amended on May 18, 2000 to include workers of the subject firms' Capitol City Manufacturing Co. located in West Columbia, South Carolina. Information shows that worker separations will occur at Manning Manufacturing Co. and Sumter Manufacturing Co. when they close in August and October 2000, respectively. The workers are engaged in employment related to the production of children's apparel such as shorts, tops, blouses and pants for their parent company, House of Perfection, Incorporated, West Columbia, South Carolina.

Accordingly, the Department is amending the certification to cover the workers of Manning Manufacturing Co., Manning, South Carolina and Sumter Manufacturing Co., Sumter, South Carolina.

The intent of the Department's certification is to include all workers of House of Perfection, Incorporated who were adversely affected by increased imports.

The amended notice applicable to TA–W–37,458 is hereby issued as follows:

''All workers of House of Perfection, Incorporated, Williston Manufacturing Co., Williston, South Carolina (TA–W–37,458), Manning Manufacturing Co., Manning, South Carolina (TA–W–37,458B) and Sumter Manufacturing Co., Sumter, South Carolina (TA–W–37,458C) who became totally or partially separated from employment on or after March 3, 1999 through April 13, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 11th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21734 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–37,833]

PED Oil Corporation Midland, TX; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 3, 2000, in response to a worker petition which was filed on behalf of a worker at PED Oil Corporation, Midland, Texas.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21726 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,904]

Staffing Solutions Colorado Springs, CO; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 24, 2000 in response to a worker petition which was filed on behalf of workers at Staffing Solutions, Colorado Springs, Colorado.

An active certification covering the petitioning group of workers is already in effect (TA–W–37,482E, as amended). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 14th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21729 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Availability of Benefit Accuracy Measurement Program Results

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of the Unemployment Insurance (UI) Benefit Accuracy Measurement (BAM) program data for calendar year (CY) 1999.

SUMMARY: UI BAM program data for CY 1999 are published as part of the UI PERFORMS Annual Report, which also includes data from the Benefit Timeliness and Quality and Tax Performance System programs. UI PERFORMS is the Department of Labor's management system for promoting continuous improvement in UI performance.

DATES: The CY 1999 UI PERFORMS Annual Report will be available by August 31, 2000.

ADDRESSES: The CY 1999 UI PERFORMS Annual Report, including State narratives, is posted on the Office of Workforce Security Internet site—*http://workforcesecurity.doleta.gov.* Printed versions of the report are available through the National Technical Information Service (NTIS)—*http://www.ntis.gov.* Orders through the NTIS may be placed by telephone (1–800–553-NTIS (6847) or 703–605–6000), fax (703–605–6900), e-mail *(orders@ntis.fedworld.gov)*, or mail (NTIS, 5285 Port Royal Road, Springfield, Virginia 22161). The printed version will not include State narratives.

FOR FURTHER INFORMATION CONTACT: Andrew Spisak, Office of Workforce Security, Division of Performance Management, 202–219–5223, extension 157. (This is not a toll free number.) E-mail: *aspisak@doleta.gov*

SUPPLEMENTARY INFORMATION: Each State's Employment Security Agency selects weekly random samples of UI benefit payments. The BAM program staff collects information about these payments by contacting claimants, employers, and third parties to determine whether the correct amounts of UI benefits were paid in accordance with State law, policy, and procedure. The results of the payment audits are recorded in electronic databases in each State and in the Department of Labor's National Office in Washington, DC.

The Department of Labor publishes results from the investigations for the 52 jurisdictions participating in the UI BAM program. Five items are reported for each State: (1) The amount of UI benefits paid to the population of claimants; (2) the size of the BAM samples (number of completed cases); and (3) the percentages of proper payments, (4) overpayments, and (5) underpayments in the population estimated from the BAM investigations. Ninety-five percent confidence intervals are presented for each of the three percentages as measures of the precision of the estimates. States may provide narratives to comment on or to clarify the meaning of the data.

The CY 1999 UI PERFORMS Annual Report also includes background information and the data collection methodology for the BAM program. Graphs that display the distribution of overpayment rates for all States, national overpayment rates by year, and national cause and responsibility data for overpayments for the last five years are also provided.

Readers are strongly cautioned that it may be misleading to compare one State's BAM overpayment and underpayment rates with the rates of other States. No two States' written laws, regulations, and policies specifying eligibility conditions are identical. Differences among States in these conditions influence the potential for error. For example, States with stringent, complex provisions will tend to have higher overpayment rates than those with simpler, more straightforward provisions. No performance standards for UI benefit accuracy have been established.

States are not required to publish their BAM program data; however, persons wanting clarification or additional information concerning a specific State's report are encouraged to contact the individuals identified in the following list.

Signed at Washington, D.C., on 2000.

Grace A. Kilbane,

Administrator, Office of Workforce Security.

Unemployment Insurance Benefit Accuracy Measurement State Contacts

Alabama

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[FR Doc. 00–21739 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04028]

Charles Craft, Incorporated, Wadesboro, North Carolina; Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182)

concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on July 18, 2000 in response to a petition filed on behalf of workers at Charles Craft, Incorporated, Wadesboro, North Carolina.

In a letter dated August 1, 2000, the petitioners requested that the petition for NAFTA–TAA be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 10th day of August 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21731 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–03791, NAFTA–03791B and NAFTA 03791C]

House of Perfection, Inc., Williston Manufacturing Co., Williston, South Carolina, House of Perfection, Inc., Manning Manufacturing Co., Manning, South Carolina, and House of Perfection, Inc., Sumter Manufacturing Co., Sumter, South Carolina; Amended Certification Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on April 13, 2000, applicable to workers of House of Perfection, Incorporated, Williston Manufacturing Co., Williston, South Carolina. The notice was published in the **Federal Register** on May 11, 2000 (65 FR 30444).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The determination was amended on May 18, 2000 to include workers of the subject firms' Capitol City Manufacturing Co. located in West Columbia, South Carolina. Information shows that worker separations will occur at Manning Manufacturing Co. and Sumter Manufacturing Co. when they close in August and October, 2000, respectively. The workers are engaged in employment related to the production of children's apparel such as shorts, tops, blouses and pants for their parent company, House of Perfection, Incorporated, West Columbia, South Carolina.

Accordingly, the Department is amending the certification to cover workers of Manning Manufacturing Co., Manning, South Carolina and Sumter Manufacturing Co., Sumter, South Carolina.

The intent of the Department's certification is to include all workers of House of Perfection, Incorporated who were adversely affected by a shift of production to Mexico.

The amended notice applicable to NAFTA—03791 is hereby issued as follows:

''All workers of House of Perfection, Incorporated, Williston Manufacturing, Williston, South Carolina (NAFTA—03791), Manning Manufacturing Co., Manning, South Carolina (NAFTA—03791B)) and Sumter Manufacturing Co., Sumter, South Carolina (NAFTA—03791C) who became totally or partially separated from employment on or after March 8, 1999 through April 13, 2002 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, DC this 11th day of August, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–21732 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution

Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Rhode Island
RI000001 (Feb. 11, 2000)

Volume II

Pennsylvania
PA000005 (FEB. 11, 2000)

Volume III

Alabama
AL000004 (FEB. 11, 2000)
AL000006 (FEB. 11, 2000)
AL000008 (FEB. 11, 2000)
AL000017 (FEB. 11, 2000)
AL000033 (FEB. 11, 2000)
AL000034 (FEB. 11, 2000)
Georgia
GA000053 (FEB. 11, 2000)

Volume IV

Michigan
MI000034 (FEB. 11, 2000)
MI000076 (FEB. 11, 2000)
MI000077 (FEB. 11, 2000)
MI000078 (FEB. 11, 2000)
MI000079 (FEB. 11, 2000)
MI000080 (FEB. 11, 2000)
MI000081 (FEB. 11, 2000)
MI000082 (FEB. 11, 2000)
MI000083 (FEB. 11, 2000)
MI000084 (FEB. 11, 2000)
MI000085 (FEB. 11, 2000)
MI000086 (FEB. 11, 2000)
MI000087 (FEB. 11, 2000)
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MI000091 (FEB. 11, 2000)
MI000092 (FEB. 11, 2000)
MI000093 (FEB. 11, 2000)
MI000094 (FEB. 11, 2000)
MI000095 (FEB. 11, 2000)
MI000096 (FEB. 11, 2000)
MI000097 (FEB. 11, 2000)

Volume V

Iowa
IA000003 (FEB. 11, 2000)
IA000005 (FEB. 11, 2000)
IA000019 (FEB. 11, 2000)
IA000032 (FEB. 11, 2000)
IA000038 (FEB. 11, 2000)
Nebraska
NE000003 (FEB. 11, 2000)
NE000004 (FEB. 11, 2000)
NE000009 (FEB. 11, 2000)
NE000011 (FEB. 11, 2000)
NE000025 (FEB. 11, 2000)

Volume VI

Alaska
AK000001 (FEB. 11, 2000)
Idaho
ID000001 (FEB. 11, 2000)
Oregon
OR000001 (FEB. 11, 2000)
Washington
WA000001 (FEB. 11, 2000)
WA000002 (FEB. 11, 2000)
WA000003 (FEB. 11, 2000)
WA000007 (FEB. 11, 2000)
WA000011 (FEB. 11, 2000)

Volume VII

California
CA000001 (FEB. 11, 2000)
CA000002 (FEB. 11, 2000)
CA000004 (FEB. 11, 2000)
CA000009 (FEB. 11, 2000)
CA000027 (FEB. 11, 2000)
CA000028 (FEB. 11, 2000)
CA000029 (FEB. 11, 2000)
CA000030 (FEB. 11, 2000)
CA000031 (FEB. 11, 2000)
CA000032 (FEB. 11, 2000)
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CA000034 (FEB. 11, 2000)
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CA000037 (FEB. 11, 2000)
CA000038 (FEB. 11, 2000)
CA000039 (FEB. 11, 2000)
CA000040 (FEB. 11, 2000)
CA000041 (FEB. 11, 2000)
Hawaii
HI000001 (FEB. 11, 2000)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 17th day of August 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–21473 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Agency Information Collection Activities; Announcement of the Office of Management and Budget's (OMB) Approvals

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of approval.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces that the Office of Management and Budget (OMB) approved the information collection requirements found in certain sections of 29 CFR parts 1910 and 1915. This document provides the OMB approval numbers and expiration dates for these requirements.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, N.W., Washington, DC 20210, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION: In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew its current extensions of approvals for various information collection (paperwork) requirements in its safety standards for General Industry and Shipyard Employment. In these **Federal Register** announcements, the Agency provided 60-day comment periods for the public to respond to OSHA's burden-hour and cost estimates.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB recently renewed its approval for these information collection requirements, and assigned OMB control numbers to these requirements. The table below provides the following information for each of these OMB-approved requirements: The title of the standard that contains the requirement and, in some cases, the title of the requirement; the **Federal Register** reference (date, volume, and leading

page) to OSHA's request for public comment on its burden-hour and cost estimates, and the OSHA docket number for these comments; the OMB control number, and the new expiration date.

Title	Federal Register reference and OSHA docket No.	OMB control Number	Expiration date
Reports of Injuries to Employees Operating Mechanical Power Presses (29 CFR 1910.217(g)).	12/15/1999, 64 FR 70056; Docket No. ICR–1218–0070(2000).	1218–0070	05/31/2003
Personal Protective Equipment for General Industry (29 CFR 1910.132).	10/22/1999, 64 FR 57127; Docket No. ICR–1218–0205(2000).	1218–0205	05/31/2003
Personal Protective Equipment for Shipyard Employment (29 CFR part 1915, subpart I).	10/21/1999, 64 FR 56812; Docket No. ICR–1218–0215(2000).	1218–0215	05/31/2003
Inspection Certification Records for Slings (29 CFR 1910.184)	09/17/1999, 64 FR 50544; Docket No. ICR–99–18.	1218–0223	06/30/2002
Mechanical Power Presses, Inspection Certification Records (29 CFR 1910.217 (e)(1)(i) and (e)(1)(ii)).	09/10/1999, 64 FR 49248; Docket No. ICR–99–23.	1218–0229	06/30/2002
Aerial Lifts, Manufacturer's Certification Record of Modification (29 CFR 1910.67 (b)(2)).	09/10/1999, 64 FR 49247; Docket No. ICR–99–24.	1218–0230	06/30/2002
Manlifts, Inspection Certification Record (29 CFR 1910.68 (e)(3))	09/02/1999, 64 FR 48209; Docket No. ICR–99–21.	1218–0226	06/30/2002
Forging Machines, Inspection Certification Records (29 CFR 1910.218 (a)(2)(i) and (a)(2)(ii)).	09/02/1999, 64 FR 48209; Docket No. ICR–99–22.	1218–0228	06/30/2002
Overhead and Gantry Cranes, Inspection Certification Records (29 CFR 1910.179 (j)(2)(iii), (j)(2)(iv), (m)(1), and (m)(2)).	09/02/1999, 64 FR 48208; Docket No. ICR–99–19.	1218–0224	06/30/2002
Servicing Multi-Piece and Single Piece Rim Wheels, Manufacturer's Certification Record (29 CFR 1910.177 (d)(3)(iv)).	09/02/1999, 64 FR 48207; Docket No. ICR–99–14.	1218–0219	06/30/2002
Telecommunications, Training Certification Record (29 CFR 1910.268 (c)).	08/27/1999, 64 FR 46960; Docket No. ICR–99–20.	1218–0225	06/30/2002
Derricks, Inspection Certification Records (29 CFR 1910.181 (g)(1) and (g)(3)).	08/18/1999, 64 FR 44962; Docket No. ICR–99–17.	1218–0222	06/30/2002
Portable Fire Extinguishers, Hydrostatic Test Certification Record (29 CFR 1910.157 (f)(16)).	08/11/1999, 64 FR 43734; Docket No. ICR–99–13.	1218–0218	06/30/2002
Shipyard Certification Records (29 CFR 1915.113 (b)(1) and 1915.172(d)).	08/11/1999, 64 FR 43736; Docket No. ICR–99–15.	1218–0220	06/30/2002
Crawler, Locomotive, and Truck Cranes, Inspection Certification Records (29 CFR 1910.180 (d), (g)(1), and (g)(2)(iii)).	08/11/1999, 64 FR 43735; Docket No. ICR–99–16.	1218–0221	06/30/2002
Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).	07/01/1999, 64 FR 35699; Docket No. ICR–99–3.	1218–0202	10/31/2002
Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119).	06/23/1999, 64 FR 33527; Docket No. ICR–99–4.	1218–0200	10/31/2002

Under 5 CFR 1320.5(b), an Agency cannot conduct, sponsor, or require a response to, a collection of information unless: The collection displays a valid OMB control number; and the Agency informs respondents that they are not required to respond to the collection of information unless it displays a currently valid OMB control number.

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, DC, this 16th day of August 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–21812 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required. The Oregon plan also provides for the adoption of Federal standards as State standards by reference.

Electric Power

In response to Federal standard changes, the State has submitted by letter dated August 4, 1994, State standards comparable to 29 CFR 1910.269, Electric Power Generation, Transmission, and Distribution; 29 CFR 1910.137, Electrical Protective Equipment; and 29 CFR 1910.331 and 333, Electrical Safety-Related Work Practices, (59 FR 4435, January 31, 1994), and corrections and stays to the effective dates (59 FR 33658, June 30, 1994). The State adopted the Federal standards by reference except for 29

CFR 1910.269(q)(3), which allows bare-hand work under certain circumstances. Oregon added a State-initiated rule that prohibits live-line bare-hand work. The State also adopted two State-initiated rules requiring more frequent testing of insulating rubber gloves and sleeves and a two worker rule. This submission was adopted and effective August 1, 1994, under OR-OSHA Administrative Order (AO) 3–1994.

Machinery and Machine Guarding

In response to Federal standard changes of March 14, 1988 (53 FR 8353), Definitions related to Machinery and Machine Guarding, the State has submitted by letter dated January 11, 1989, State standard amendments comparable to 29 CFR 1910 Subpart O, Machinery and Machine Guarding. Oregon adopted by reference all of Subpart O, Machinery and Machine Guarding (29 CFR 1910.211 through 1910.222) as OAR 437–02 Subdivision O on December 30, 1988, under Oregon APD Administrative Order 22–1988, effective January 1, 1989, and repealed OAR 437, Divisions 64 and 92, except for some additional State-initiated standards. These standards are: OAR 437–02–242(1) & (2), Refuse Collection and Compaction Equipment; OAR 437–02–242(3), Reciprocating Shear Lines; OAR 437–02–242(4), Lockout/Tagout During Repair, Adjustment, Servicing, Cleanup, Lubrication (repealed in 1990 when Oregon adopted the Federal standard by reference); OAR 437–02–242(5) & (6) Requirements for Woodworking-Type Machinery; OAR 437–02–242(7), Portable Grinders; OAR 437–02–242(8), Definitions; OAR 437–02–242(9), Saw Guards; OAR 437–02–242(10), Radial Saws; and OAR 437–02–242(11) Use of Gloves. On February 27, 1990, at OSHA's request, the State repealed OAR 437–02–242(5) & (6) concerning its definition of woodworking-type machinery, under OR–OSHA Administrative Order 5–1990, adopted and effective February 9, 1990. In addition, on its own initiative, the State has submitted by letter dated January 20, 1995, a recodification, without change, of the independent State standard, Rules for Refuse Collection and Compaction Equipment, from OAR 437–02–242(1) & (2) to OAR 437–02–256(1) & (2) respectively; a repeal of OAR 437–02–242(7), Portable Grinders; and a rearrangement and renumbering of the remaining standards contained in OAR 437–02–242. The change was adopted and effective on September 30, 1994, via Oregon AO 6–1994.

Powered Platforms for Building Maintenance

In response to Federal standard changes, the State has submitted by letter dated January 31, 1990, State standards adopted by reference that are identical to 1910.66, Powered Platforms for Building Maintenance (54 FR 31456, July 28, 1989). In addition, on its own initiative, the State adopted by reference Subparts D, E and the rest of F of 29 CFR 1910. This submission was adopted and effective January 23, 1990, under OR–OSHA Administrative Order 4–1990. The State also repealed OAR Division 56, Vehicles, under the same administrative order. National Office review revealed discrepancies and the submission was returned to the State for correction on November 26, 1991. On January 10, 1995, the State submitted a corrective amendment adopted and effective September 30, 1994 under OR–OSHA AO 6–1994. In Subpart E, Means of Egress, the State has adopted standards covering egress from cold storage rooms which are not contained in the federal standards. This standard for walk-in refrigerators, originally adopted and effective April 1, 1985 under OR–OSHA AO 5–1985, was re-numbered as OAR 437–02–048 as part of the Subpart E adoption by reference.

Crane Operator Training

On its own initiative, the State has submitted by letter dated November 1, 1989, Crane Operator Training Requirements, OAR 437–89–010, adopted in OR–OSHA Administrative Order 1–1989, on October 11, 1989, effective August 1, 1990. On July 13, 1990, an Oregon letter informed OSHA of a change in the effective date of the standard to January 12, 1991 (OR–OSHA AO 15–1990 (temp), July 12, 1990). On August 2, a State letter clarified that the January 12, 1991 effective date was only for construction; this correction was done in OR–OSHA AO 17–1990(temp). On October 24, 1991, a State letter amended OAR 437–89–010(25) and deleted Appendices A & B, changing the scope of the standard to cover general industry only (OR–OSHA AO 11–1991, September 13, 1991, effective October 1, 1991). On December 18, 1991, an Oregon letter submitted OAR 437–03–081, Crane Operator Training Requirements for Construction, adopted under OR–OSHA AO 16–1991, on December 16, 1991, effective January 1, 1992. On January 20, 1995, a State letter amended OAR 437–03–081 to clarify that safety training is specified and to add a new appendix OR–F, via OR–OSHA AO 6–1994, adopted and effective September 30, 1994.

Spray Finishing

On its own initiative, the State has submitted by letters dated March 13, 1992 and May 9, 1994, revisions to State rules comparable to 29 CFR 1910.107, Spray Finishing Using Flammable and Combustible Materials (39 FR 23502, June 24, 1974). The State has repealed OAR 437 Division 119, except for a number of additional requirements not included in the Federal standards, and incorporated 29 CFR 1910.107, Spray Finishing Using Flammable and Combustible Materials, by reference as OAR 437–02–1910.107. The State's readoption by reference also incorporates the Federal amendments to 29 CFR 1910.107 through April 12, 1988. The State's standard was adopted February 6, 1992, effective May 1, 1992 under OR–OSHA Administrative Order 2–1992.

Reinforced Plastics Manufacturing

The State on its own initiative has submitted by letter dated December 20, 1982, an independent State standard to cover Reinforced Plastics Manufacturing (OAR 437–155) under Administrative Order 14–1982. After the exchange of several letters and memoranda concerning problems with the standard, the State has submitted by letter dated March 13, 1992, a revised State standard to cover Reinforced Plastics Manufacturing (OAR 437–02–118) under AO 2–1992, adopted February 6, 1992, effective May 1, 1992.

Explosives and Blasting Agents

On its own initiative, the State has submitted by letters dated March 13, 1992 and May 9, 1994, a revision to State rules comparable to 29 CFR 1910.109, Explosives and Blasting Agents (39 FR 23502, June 24, 1974). The State has repealed OAR 437 Division 45, except for some additional requirements not included in the Federal standards and Tables H–21 and H–22, and incorporated 29 CFR 1910.109, Explosives and Blasting Agents, by reference as OAR 437–02–1910.109. The State's readoption by reference incorporates the Federal amendments to 29 CFR 1910.109 through April 12, 1988. The State standard was adopted February 6, 1992, effective May 1, 1992, under OR–OSHA Administrative Order 2–1992.

Fire Protection and Fire Fighters

On its own initiative, the State of Oregon has submitted by letter dated May 2, 1994, a repeal of Division 61, Fire Protection and adoption by reference of Subpart L, 29 CFR 1910.155–165, Fire Protection; and repeal of Division 151, Fire Fighters and

the adoption of OAR 437–02–182, new rules for Fire Fighters. The State's Fire Protection standard was adopted by reference August 27, 1993, effective November 1, 1993, under OR–OSHA Administrative Order 14–1993. The State's Fire Fighter standard—a section of Division 2/L, Fire Protection—is a State-initiated standard that covers public sector fire departments, which are not covered by Federal OSHA. This standard was adopted under the same Administrative Order. The Fire Fighter standard is comparable to OSHA's Fire Brigade standard contained in 29 CFR 1910.156. The main difference is that protective clothing such as foot, leg, body, hand and head protection must meet the requirements of NFPA rather than the requirements contained in the standard or other organizations. On its own initiative, the State of Oregon has also submitted by letter dated May 21, 1999 additional revisions and additions to its public sector Fire Fighters standard, OAR 437–02–182. The State upgraded its personal protective equipment requirements and required that each fire fighter involved in rescue, fire suppression or other hazardous duties be provided with and use a Personal Alert Safety System (PASS). Oregon also changed the personnel physical requirements for performing work in emergencies, added a requirement for using an Incident Management system in accordance with NFPA 1561, and added a formula to calculate the water supply requirements for live fire training. Oregon's submission was adopted and effective on March 11, 1998 under OR–OSHA AO 2–1998. On its own initiative, Oregon has also submitted on August 7, 2000 further revisions to its Fire Fighters standard which require the sampling of air every six months from respirator compressors. Oregon's submission was adopted and effective on January 28, 2000 under OR–OSHA AO 2–2000. (Oregon has adopted identically the Federal procedures for interior structural fire fighting, as found in OSHA's Respiratory Protection standard at 1910.134. This standard is cross-referenced in the State's Fire Fighters standard.)

Lead

On its own initiative, Oregon submitted by letter dated December 10, 1990, an amendment to 1910.1025, Lead, which was previously approved (54 FR 38300) on September 15, 1989. The State repealed 1910.1025(a), Scope and Application, and adopted OAR 437–02–371, which states that the lead standard applies to all occupational exposures to lead including agriculture and construction. This change was adopted and effective November 30, 1990 in OR–OSHA Administrative Order 26–1990. However, by letter dated January 20, 1995, the State of Oregon submitted an amendment to OAR 437–02–371 that excludes construction from the application of 1910.1025 due to the new lead in construction standard. The change was adopted and effective September 30, 1994 via OR–OSHA AO 6–1994.

Ventilation

Oregon has submitted State and Federal-initiated standard amendments by letters dated March 13, 1992 and May 9, 1994 which are comparable to 29 CFR 1910.94, Ventilation. The significant State-initiated amendments include updating the ANSI reference for air purity, a requirement for blasting nozzles to be equipped with a deadman switch, addition of nine definitions, and venting of fuel burning heating devices. The Federal amendments were published August 6, 1990 (FR 31984). The State adopted its amendments via Administrative Order 2–1992 on February 6, 1992, effective May 1, 1992.

Noise Exposure

On its own initiative, the State has adopted by letter dated April 23, 1993, a readoption of State rules comparable to OSHA standard 29 CFR 1910.95, Occupational Noise Exposure, as amended through June 28, 1983 (48 FR 29687). Oregon's OAR 437 Division 121 noise standard has been repealed in its entirety by the new State standard, OAR 437–02–1910.95. The State had received written comments on its proposed rule which addressed potential workers' compensation issues and the recordability of hearing loss on the OSHA 200 Log of Occupational Illnesses and Injuries. The State's amendment was adopted under OR–OSHA Administrative Order 4–1993 on April 1, 1993, effective May 1, 1993. Although Oregon adopted the Federal noise standard by reference, the State also included the following significant differences in place of several provisions: Oregon adopted OAR 437–02–095 (in lieu of 29 CFR 1910.95(g)(3)), which requires all persons conducting audiometric testing to be certified without exception. The State did not adopt a rule similar to 29 CFR 1910.95(g)(5)(ii), as Oregon does not allow the Mobile Test Van exception. Oregon did not adopt a standard similar to 29 CFR 1910.95(g)(10)(ii) and its references, 29 CFR 1910.95(i)(2)(iii)(A) and Appendix F because Oregon does not make any allowance for presbycusis. The State did not adopt a standard similar to 29 CFR 1910.95(o), because Oregon Revised Statute (ORS) 654.022 requires all-industry compliance with all standards. All other provisions of 29 CFR 1910.95, Occupational Noise Exposure, have been adopted by reference as OAR 437–02–1910.95.

Handling Materials

On its own initiative, Oregon submitted by letter dated October 6, 1993, a recodification and amendment of the State standard, Handling Materials. The State has repealed OAR 437–63, Handling Materials, in its entirety, and adopted by reference the Federal standard, 29 CFR 1910.176, as OAR 437–02–1910.176. The State's readoption by reference also incorporates the Federal Revocation of Selected General and Special Industry Safety and Health Standards (43 FR 49749, October 24, 1978). Although Oregon has adopted the Federal Handling Materials standard by reference, the State has included the following State-initiated provisions: The State-initiated standards OAR 437–63–005(1) through OAR 437–63–185(23), as approved July 17, 1987 (52 FR 27077), were recodified, without change, as OAR 437–02–221(1)(a) through OAR 437–02–221(37)(u). The State standard OAR 437–63–305, also approved July 17, 1987, was amended and recodified as OAR 437–02–221(38)(a) through OAR 437–02–221(38)(c), Automotive Hoists. The Handling Materials amendments were adopted August 20, 1993, effective November 1, 1993, under OR–OSHA Administrative Order 13–1993.

Overhead and Gantry Cranes

On its own initiative, the State submitted by letter dated October 6, 1993, a recodification and amendment of the State standard, Overhead and Gantry Cranes, OAR 437–02–1910.179. The State has repealed OAR 437–89, Overhead and Gantry Cranes, in its entirety, and adopted by reference the Federal standard 29 CFR 1910.179—as amended through August 6, 1990 (55 FR 32015)—as OAR 437–02–1910.1. The State also added some State-initiated standards: OAR 437–89–010(1) through OAR 437–89–210(1) were recodified and included, without change, as OAR 437–02–228(1)(a) through OAR 437–02–229(2)(d). The State also replaced 1910.179(b)(8), designated personnel, with OAR 437–02–229(2), competent personnel. The Overhead and Gantry Cranes amendments were adopted August 20, 1993, effective November 1, 1993, under OR–OSHA Administrative Order 13–1993.

Crawler Locomotive and Truck Cranes

On its own initiative, the State submitted by letter dated October 6, 1993, a recodification and amendment of the State standard, Crawler Locomotive and Truck Cranes, OAR 437–02–1910.180. The State has repealed OAR 437–89, Crawler Locomotive and Truck Cranes, in its entirety, and adopted by reference the Federal standard 29 CFR 1910.180—as amended through July 17, 1987 (52 FR 27077)—as OAR 437–02–1910.180. The State also recodified and added, without change, some existing State-initiated standards: OAR 437–89–265(6) and (8), Load Rating, were recodified as OAR 437–02–230(2)(a) and (b); OAR 437–89–270, Booms, was recodified as OAR 437–02–230(3); and OAR 437–89–375(1), Hydraulic Cranes, was recodified as OAR 437–02–230(4). In addition, the State incorporated a new provision at OAR 437–02–230(1), Definitions for Authorized and Competent Persons. The Crawler Locomotive and Truck Cranes amendments were adopted on August 20, 1993, effective November 1, 1993, under OR–OSHA Administrative Order 13–1993.

General Environmental Controls

On its own initiative, the State of Oregon has submitted by letter dated January 6, 1993, a repeal of the State standards OAR 437, Divisions 54, 112, 113, and 128, General Environmental Controls, and adoption by reference of comparable Federal standards. Oregon has adopted by reference OSHA standards 1910.141, Sanitation; 1910.143, Nonwater Carriage Disposal Systems; 1910.144, Safety Color Code for Marking Physical Hazards; 1910.145, Specifications for Accident Prevention Signs and Tags; 1910.148, Standards Organizations; 1910.149, Effective Dates; and 1910.150, Sources of Standards. The State's standard was adopted December 7, 1992, effective February 1, 1993, through OR–OSHA Administrative Order 13–1992. Oregon's Sanitation standard includes one difference not previously approved: a requirement that toilet facilities at permanent worksites be reasonably accessible.

Commercial Diving Operations

On its own initiative, the State of Oregon has submitted by letter dated May 6, 1993, a repeal of the State standard OAR 437, Division 86, Commercial Diving Operations, and adoption by reference of the Federal standard at 1910.401–.441. The State's standard was adopted May 4, 1993, effective June 1, 1993, through OR–OSHA Administrative Order 5–1993. Oregon's Commercial Diving standard includes these differences not previously approved: requirements for Inland Emergency Aid, for air supply systems, and testing for carbon monoxide in the supplied air.

Sawmills

On its own initiative, the State of Oregon has submitted by letter dated June 23, 1993, a repeal of the State standard OAR Division 79, Lumber, Plywood and Shingle Manufacturing, and adoption by reference of the comparable Federal standard at 1910.265, Sawmills. The State's standard was adopted June 8, 1993, effective August 1, 1993, through OR–OSHA Administrative Order 7–1993. Oregon's Sawmills standard includes two differences not previously approved: (1) Changing the scope to include plywood manufacturers and cooperage and veneer operations; and (2) providing clarification for other equivalent means for releasing binders. In addition, on its own initiative, the State of Oregon submitted by letter dated June 13, 1997, a repeal of one paragraph, OAR 437–02–0313(5)(c), of the State's Sawmills standard, because foot protection is already covered adequately in Division 2/1, Personal Protective Equipment. The State's amendment was adopted and effective on July 22, 1996, under Oregon AO 3–1996.

Air Receivers

On its own initiative, the State submitted by letter dated October 14, 1993, a recodification and amendment of the State standard on Air Receivers, OAR 437–02–1910.169. The State repealed OAR 437–62, Compressed Gas, Compressed Air Equipment and Pressure Vessels, in its entirety, and adopted by reference the Federal standard 29 CFR 1910.169—as amended through February 10, 1984 (49 FR 5322)—as OAR 437–02–1910.169. In addition, Oregon included the previously approved State-initiated standards OAR 437–02–569, 573, 600, 626, and 629, and recodified them without change as OAR 437–02–210(1)(a) and (b), –210(2)(a), –210(3)(a) and (b), respectively. There is one significant difference in the Air Receivers standard: Oregon also incorporated new rules at OAR 437–02–210(2)(b), –210(2)(b)(A), –210(2)(c), –210(2)(c)(A) and –210(2)(d) which reflect current industry standards for the use of plastic pipe for compressed air. Oregon's standard was adopted under OR–OSHA Administrative Order 10–1993 on July 29, 1993, effective September 15, 1993.

Definitions

On its own initiative, the State submitted by letter dated October 13, 1993, an adoption by reference of the OSHA standard, 29 CFR 1910.241, Definitions, as amended through October 24, 1978 (43 FR 49705). The State, which previously did not have a comparable standard, has adopted the Federal standard by reference as OAR 437–02–1910.241. Oregon also incorporated OAR 437–02–262 (formerly OAR 437–93–005), Additional Definitions. Oregon's standard was adopted under OR–OSHA Administrative Order 10–1993 on July 29, 1993, effective September 15, 1993.

Guarding of Portable Powered Tools

On its own initiative, the State submitted by letter dated October 13, 1993, a recodification and amendment of the State standard, Guarding of Portable Powered Tools, OAR 437–02–1910.243. Oregon has repealed OAR 437–65, Hand Tools, Portable Power Tools and Equipment, and Power Lawn Mowers, in its entirety, and adopted by reference the Federal standard, 29 CFR 1910.243—as amended through February 1, 1985 (50 FR 4649)—as OAR 437–02–1910.243. Oregon's adoption by reference of the Federal standards added some previously approved State-initiated standards that were re-codified without change: OAR 437–65–040(2) through (5), 437–62–040(7), 437–65–040(8), 437–65–040(11) and (12), were recodified as OAR 437–02–266(3)(a) through (i), respectively; and OAR 437–65–045(1) through (7) was recodified as OAR 437–02–266(4)(a) through (g), respectively. The State also incorporated some additional requirements at OAR 437–02–266(1), Lower Guard; and 437–02–266(2)(a) through (e), Power Chain Saws, that were not previously approved. Oregon's standard was adopted under OR–OSHA Administrative Order 10–1993 on July 29, 1993, effective September 15, 1993.

All of these standards amendments were incorporated as part of the Oregon State plan upon adoption.

2. *Decision.* OSHA has determined that these State standard amendments are at least as effective as the comparable Federal standards, as required by section 18(c)(2) of the Act. The following standards amendments have been in effect since these dates (only the latest amendment date is shown): Electric Power Generation/Transmission/Distribution, Electrical Protective Equipment and Electrical Safety-Related Work Practices (August

1, 1994), Machinery and Machine Guarding (September 30, 1994), Powered Platforms for Building Maintenance (September 30, 1994), Crane Operator Training (September 30, 1994), Spray Finishing (May 1, 1992), Reinforced Plastics Manufacturing (May 1, 1992), Explosives and Blasting Agents (September 30, 1994), Fire Protection and Fire Fighters (January 28, 2000), Lead (September 30, 1994), Ventilation (May 1, 1992), Noise Exposure (May 1, 1993), Handling Materials (November 1, 1993), General Environmental Controls, including Sanitation (February 1, 1993), Commercial Diving (June 1, 1993), Sawmills (July 22, 1996), Air Receivers (September 15, 1993), and Guarding of Portable Powered Tools (September 15, 1993). During that time OSHA has received no indication of significant objection to the State's different standards either as to their effectiveness in comparison to the Federal standard or as to their conformance with the product clause requirements of section 18(c)(2) of the Act. (A different State standard applicable to a product which is distributed or used in interstate commerce must be required by compelling local conditions and not unduly burden interstate commerce.) Oregon's Fire Protection and public sector Fire Fighters standards have been in effect since 1993, although the Fire Fighters standard was amended in March 1998 and January 2000. The private sector Fire Protection standard is identical to the Federal. Since the public sector Fire Fighters standard is at least as effective as the comparable Federal standards, is not specifically applicable to products used or distributed in interstate commerce, and is limited in scope to the public sector in Oregon, OSHA has determined that further opportunity for public comment is not appropriate. OSHA has also determined that the differences between the following State standards amendments and the Federal amendments are minor: Overhead and Gantry Cranes, Crawler Locomotive and Truck Cranes, and Definitions (1910.241).

OSHA therefore approves all the standards and amendments contained in this notice; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101–3212; Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, Salem, Oregon 97310; and the Office of State Programs, Occupational Safety and Health Administration, Room N–3700, 200 Constitution Avenue, NW, Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard amendments are at least as effective as the federal standards which were promulgated in accordance with the federal law, including meeting requirements for public participation.

2. The standard amendments were adopted in accordance with the procedural requirements of State law and further public participation would be repetitious.

This decision is effective August 25, 2000.

(Sec. 18, Pub. L. 91–596, 84 STAT. 6108 [29 U.S.C. 667]).

Signed at Seattle, Washington, this 15th day of August, 2000.

Richard S. Terrill,

Regional Administrator.

[FR Doc. 00–21694 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

111th Full Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plan; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 111th open meeting of the full Advisory Council on Employee Welfare and Pension Benefit Plans will be held Tuesday, September 12, 2000, in Room N–5437 A–D, U.S. Department of Labor Building, Third and Constitution Avenue, NW, Washington, DC 20210.

The purpose of the meeting, which will begin at 1:30 p.m. and end at approximately 3:00 p.m., is for the three working groups to provide progress reports on their study topics and for Leslie Kramerich, the acting Assistant Secretary for the Pension and Welfare Benefits Administration, to update members on employee benefit legislative and regulatory activities.

Members of the public are encouraged to file a written statement pertaining to any topics the Council elected to study for the year by submitting 20 copies on or before September 4, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, NW, Washington, DC 20210.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 4 at the address indicated.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 4, 2000.

Signed at Washington, DC this 21st day of August 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–21735 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Benefit Continuity After Organizational Restructuring Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group of the Advisory Council on Employee Welfare and Pension Benefit Plans studying benefit continuity after organizational restructuring will hold an open public meeting on Tuesday, September 12, 2000, in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:00 a.m. to approximately noon, is for Working Group members to explore the employee perspective on the issue.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 4, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 4, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 4.

Signed at Washington, D.C. this 21st day of August, 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–21736 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Long-Term Care Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Monday, September 11, 2000, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group studying long-term care.

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for working group members to receive testimony on expansion of LTC insurance and future Medicaid expenditures as well as a summary of legislative proposals before Congress.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 4, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 4, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 4.

Signed at Washington, DC, this 21st day of August, 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–21737 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Phased Retirement Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held on Monday, September 11, 2000, of the Working Group on Phased Retirement of the Advisory Council on Employee Welfare and Pension Benefit Plans.

The purpose of the open meeting, which will run from 9:00 a.m. to approximately 12:30 p.m. in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue NW., Washington, DC 20210, is for working group members to complete taking testimony for its study on phased retirement.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before September 4, 2000, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by September 4, at the address indicated in this notice.

Organizations or individuals also may submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before September 4.

Signed at Washington, D.C. this 21st day of August 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–21738 Filed 8–24–00; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation, et al.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–35 and Facility Operating License No. NPF–52 issued to Duke Energy Corporation, *et al.,* (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendment would temporarily revise Technical Specification (TS) 3.5.2 Emergency Core Cooling System (ECCS); TS 3.6.6 Containment Spray System (CSS); TS 3.6.17 Containment Valve Injection Water System (CVIWS); TS 3.7.5 Auxiliary Feedwater (AFW) System; TS 3.7.7 Component Cooling Water (CCW)

System; TS 3.7.8 Nuclear Service Water System (NSWS); TS 3.7.10 Control Room Area Ventilation System (CRAVS); TS 3.7.12 Auxiliary Building Filtered Ventilation Exhaust System (ABFVES), and TS 3.8.1 AC Sources—Operating, for Catawba Nuclear Station Unit 2. The proposed TS changes will allow the ''A'' and ''B'' Nuclear Service Water System (NSWS) headers to be sequentially taken out of service for 12 days each for cleaning and pipe replacement. This cleaning and pipe replacement is scheduled to occur while Unit 1 will be in refueling outage in fall 2000 and Unit 2 will be at power operation.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Catawba is currently pursuing a project to clean and modify the nuclear service water system (NSWS) piping for both units. This is necessary to maintain the long-term reliability of the NSWS. This project represents a challenge in that it is not possible to isolate, drain, clean, restore and test the NSWS during the current TS action time frame. The purpose of this submittal is to request a temporary change to the existing TS for the systems affected during the project. This will permit an orderly and efficient project implementation during the refueling outage 1EOC12 and during power operation on Unit 2. The specific change is to extend the TS required action time from 72 hours to 288 hours.

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

The cleaning and modification project for the NSWS and proposed TS changes have been evaluated to assess their impact on normal operation of the systems affected and to ensure that the design basis safety functions are preserved. During the cleaning the other NSWS train will be operable and no major maintenance or testing will be done on the operable train. The operable train will be protected to help ensure it would be available if called upon.

This cleaning and modification project will increase the available flow margin in the NSWS system. This increase in margin will ensure that each NSWS header has an increased flow margin to enhance its ability to comply with design basis requirements. This will allow Catawba to reduce the amount of unavailability for the NSWS system in the future and increase the overall reliability for many years.

Currently, Catawba periodically performs flow tests to ensure that the required design flow is maintained from the NSWS to the AFW system. This has resulted in an increase in the unavailability of the AFW system. By completing this project, Catawba will be able to increase the NSWS flow margin for the AFW system and reduce the amount of flow testing that will be required in the future. This will result in a decrease in the unavailability of the AFW system and improvement in its overall reliability. This will result in an improved safety margin for Catawba.

The increased NSWS train unavailability that results from the implementation of this amendment does involve a one time increase in the probability or consequences of an accident previously evaluated during the time frame the NSWS headers are out of service for cleaning. Considering this small time frame for each NSWS train outage with the increased reliability and the decrease in unavailability of the NSWS and AFW systems in the future because of this project, the overall probability or consequences of an accident previously evaluated will decrease.

Second Standard

Implementation of this amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed temporary TS changes do not affect the basic operation of the ECCS, CSS, CVIWS, NSWS, AFW, CCW, CRAVS, ABFVES, or EDG systems. The only change is increasing the required action time frame from 72 hours to 288 hours (ECCS, CSS, NSWS, AFW, CCW, and EDG) or from 168 hours to 288 hours (CVIWS, CRAVS and ABFVES). During the project, contingency measures will be in place to provide additional assurance that the affected systems will be able to complete their design functions.

No new accident causal mechanisms are created as a result of NRC approval of this amendment request. No changes are being made to the plant, which will introduce any new accident causal mechanisms.

Third Standard

Implementation of this amendment would not involve a significant reduction in a margin of safety. Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of these fission product barriers will not be impacted by implementation of this proposed temporary TS amendment. During the outages for each NSWS header, the affected systems will still be capable of performing their required functions and contingency measures will be in place to provide additional assurance that the affected systems will be maintained in a condition to be able to complete their design functions. Therefore, there is not a significant reduction in the margin of safety.

Based upon the preceding discussion, Duke Energy has concluded that the proposed amendment for a temporary one time TS change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of

Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 25, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Ms. Lisa F. Vaughn , Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 25, 2000, as supplemented by letters dated July 31, August 8, and August 17, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 21st day of August 2000.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management.

[FR Doc. 00–21759 Filed 8–24–00; 8:45 am]

BILLING CODE 7590–01–P

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.

Extension: Rule 17Ad–11; SEC File No. 270–261; OMB Control No. 3235–0274.

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 existing collection of information to the Office of Management and Budget for extension and approval.

• Rule 17Ad–11 Reports Regarding Aged Record Differences, Buy-ins, and Failure to Post Certificate Detail to Master Securityholder Files

Rule 17Ad–11 requires approximately 150 transfer agents to report to issuers and the appropriate regulatory agency in the event that aged record differences exceed certain dollar value thresholds. An aged record difference occurs when an issuer's records do not agree with those of security owners as indicated, for instance, on certificates presented to the transfer agent for purchase, redemption or transfer. In addition, the rule requires transfer agents to report to the appropriate regulatory agency in the event of a failure to post certificate detail to the master securityholder file within 5 business days of the time required by rule 17Ad–10. Also, transfer agents must maintain a copy of each report prepared under Rule 17Ad–11 for a period of three years following the date of the report. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule.

Because the information required by Rule 17Ad–11 is already available to transfer agents, any collection burden for small transfer agents is minimal. The staff estimates that the average number of hours necessary to comply with Rule 17Ad–11 is one hour annually. The total burden is 150 hours annually for transfer agents, based upon past submissions.

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 shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques 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, N.W., Washington, DC 20549.

Dated: August 21, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21742 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24601; 812–12074]

First American Insurance portfolios, Inc., et al.

August 18, 2000.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (''1940 Act'') granting exemptive relief from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Summary of Application: Applicants seek an order to permit shares of any current or future series of First American Insurance Portfolios, Inc. (the ''Company'') and shares of any future fund that is designed to fund variable insurance products and for which U.S. Bank National Association (''U.S. Bank'') or any person controlling, controlled by or under common control with U.S. Bank may serve as investment adviser, investment subadviser, administrator, manager, principal underwriter or sponsor (a ''Future Company'') to be offered and sold to and held by: (1) Separate accounts funding variable annuity and variable life insurance contracts (''Variable Contracts'') issued by both affiliated and unaffiliated life insurance companies; (2) qualified pension and retirement plans outside of the separate account context (''Qualified Plans''); and (3) the Company's or Future Company's investment adviser or a person related to such investment adviser (representing seed money investments in the Company or Future company). (Hereinafter, the term ''Company'' refers to the Company and/or any Future company, as applicable.)

Applicants: First American Insurance Portfolios, Inc.; U.S. Bank National Association.

Filing Date: The application was filed on April 25, 2000, and amended and restated on July 11, 2000.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 12, 2000, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, c/o James D. Alt, Esq., Dorsey & Whitney LLP, 220 South Sixth Street, Minneapolis, Minnesota 55402.

FOR FURTHER INFORMATION CONTACT: Jane G. Heinrichs, Senior Counsel, at (202) 942–0699, or Keith E. Carpenter, Branch Chief, at (202) 942–0679, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. The Company is a corporation organized under the laws of Minnesota on August 27, 1999. The Company is registered under the 1940 Act as an open-end, management investment company. The Company initially offers shares in three separate series, each of which has its own investment objective and policies (such series, together with any future series of the Company or a Future Company, the ''Funds'').

2. U.S. Bank, acting through its First American Asset Management group, serves as the investment adviser to each Fund. U.S. Bank is a national banking association headquartered in Minneapolis, Minnesota, and is a wholly-owned subsidiary of U.S. Bancorp, a publicly held bank holding company registered under the Bank Holding Company Act of 1956. The First American Asset Management group within U.S. Bank provides investment

management services to several open-end and closed-end management investment companies in addition to the Funds and to private accounts such as pension funds, charitable foundation, and trusts.

3. The Company intends to offer its shares to insurance companies as the investment vehicle for their separate accounts that fund variable annuity contracts. Applicants propose that shares of each Fund also be offered to affiliated and unaffiliated insurance companies for their separate accounts as the investment vehicle to fund either variable annuity or variable life insurance contracts. Separate accounts owning shares of the Funds and their insurance company depositors are referred to herein as ''Participating Separate Accounts'' and ''Participating Insurance Companies,'' respectively.

4. The Participating Insurance Companies will establish their own Participating Separate Accounts and design their own Variable Contracts. Each Variable Contract is likely to have certain unique features and to differ from other Variable Contracts supported by the Funds with respect to insurance guarantees, premium structure, charges, options, distribution method, marketing techniques, sales literature and other aspects. Each Participating Insurance Company will enter into a participation agreement with the Company on behalf of its Participating Separate Account, and will have the legal obligation of satisfying all applicable requirements under state and federal law. The role of the Company under this agreement, as far as the federal securities laws are applicable, will be limited to that of offering its shares to separate accounts of various insurance companies and complying with any conditions the Commission may impose upon granting the order requested herein.

5. Applicants state that shares of each Fund also may be offered directly to Qualified Plans outside of the separate account context. The Qualified Plans will be pension or retirement plans intended to qualify under sections 401(a) and 501(a) of the Internal Revenue Code of 1985, as amended (''Code''). Many of the Qualified Plans will include a cash or deferred arrangement (permitting salary reduction contributions) intended to qualify under section 401(k) of the Code. The Qualified Plans also will be subject to, and will be designed to comply with, the provisions of the Employee Retirement Income Security Act of 1974 (''ERISA''). Applicants assert that the Qualified Plans therefore will be subject to the regulatory requirements under the Code and ERISA including, for example, reporting and disclosure, participation and vesting, funding, fiduciary responsibility, and enforcement provisions.

6. Qualified Plans may choose one or more Funds as their sole investments or as one or more of several other investments. Fund shares sold to the Qualified Plans would be held by the trustees of such Plans as required by section 403(a) of ERISA. The trustees or other fiduciaries of the Qualified Plans may vote Fund shares held by the Qualified Plans in their own discretion or, if the applicable Qualified Plan so provides, vote such shares in accordance with instructions from participants in such Plans.

7. Fund shares also may be offered and sold to a Fund's investment adviser or an affiliate thereof, pursuant to Treasury Regulation 1.817–5(f)(3)(ii). Applicants state that this regulation permits such sales as long as the return on shares held by the adviser or such an affiliate is computed in the same manner as for shares held by a separate account; the adviser or such affiliate does not intend to sell shares of the Fund held by it to the public; and the adviser or such affiliate holds such shares only in connection with the creation or management of the Fund. The Applicants anticipate that sales to the adviser or such as affiliate in reliance on this regulation generally will be made for the purpose of providing the seed capital to the Company required by section 14(a) of the 1940 Act.

Applicants' Legal Analysis

1. Applicants request that the Commission issue an order pursuant to section 6(c) of the 1940 Act exempting scheduled and flexible premium variable life insurance separate accounts (and, to the extent necessary, any investment adviser, sub-adviser, principal underwriter and depositor of such an account) from sections 9(a), 15(a) and 15(b) of the 1940 Act, and Rules 6e–3(T)(b)(15) thereunder, to the extent necessary to permit shares of the Funds to be offered and sold to variable annuity and variable life insurance separate accounts, to Qualified Plans, and to the Company's investment adviser or a person related to such investment adviser (representing seed money investments required by the 1940 Act).

2. Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the 1940 Act, or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust, Rule 6e–2(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The exemptions granted to a separate account by Rule 5e–2(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares exclusively to variable life insurance separate accounts of the life insurer or any affiliated life insurance company. Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an investment company that also offers its shares to a variable annuity or flexible premium variable life insurance separate account of the same company or of an affiliated insurance company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of a single insurance company (or of two or more affiliated insurance companies) is referred to as ''mixed funding.''

4. The relief granted by Rule 6e–2(b)(15) also is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying investment company that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common investment company as the underlying investment for variable annuity and/or variable life insurance separate accounts of unaffiliated insurance companies is referred to as ''shared funding.'' Moreover, the relief under Rule 6e–2(b)(15) is not available if the scheduled premium variable life insurance account owns shares of an underlying investment company that also offers its shares to Qualified Plans. The use of a common investment company as the underlying investment medium for variable annuity and variable life insurance separate accounts of affiliated and unaffiliated insurance companies and Qualified Plans is referred to as ''extended mixed and shared funding.''

5. In connection with the funding of flexible premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust, Rule 6e–3(T)(b)(15) provides partial exemptions from section 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. These exemptions are available only where all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled or flexible premium variable life insurance contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company. Thus, Rule 6e–3(T)(b)(15) permits mixed funding, but precludes shared funding or selling shares to Qualified Plans. In addition, neither Rule 6e–2(b)(15) nor Rule 6e–3(T)(b)(15) contemplates ''seed capital'' being provided by the investment adviser of a funding vehicle which is not sponsored or advised by an insurance company offering Variable Contracts.

6. Applicants state that current tax law permits the Funds to increase their asset bases through the sale of shares to Qualified Plans. Section 817(h) of the Code imposes certain diversification standards on the underlying assets of the separate accounts funding the Variable Contracts. The Code provides that the Variable Contracts will not be treated as annuity contracts or life insurance contracts for any period in which the underlying assets are not adequately diversified in accordance with regulations issued by the Treasury Department. The regulations generally provide that to meet the diversification requirements, all of the beneficial interests in the underlying investment company must be held by the segregated asset accounts of one or more insurance companies. The regulations do contain, however, certain exceptions to this requirement, one of which permits shares of an investment company to be held by trustees of a Qualified Plan without adversely affecting the ability of shares in the same investment company also to be held by the separate accounts of insurance companies in connection with their Variable Contracts. Treas. Reg. 1.817–5(f)(3)(iii). As a result, applicants assert that Qualified Plans may select the Funds as investment options without endangering the tax status of Variable Contracts issued through Participating Insurance Companies. Similarly, the regulations provide for ''seed capital'' investments by a funding vehicle's manager or by a person related to such manager without endangering the tax status of such Variable Contracts. Treas. Reg. 1.817–5(f)(3)(ii).

7. Applicants state that the promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) preceded the issuance of the Treasury regulations permitting extended mixed and shared funding. Applicants assert that the sale of shares of the same underlying investment company to both separate accounts and Qualified Plans therefore was not contemplated at the time the Commission adopted these Rules.

8. Section 9(a)(3) of the 1940 Act provides that it is unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in sections 9(a)(1) or 9(a)(2). Rules 6e–2(b)(15) (i) and (ii) and 6e–3(T)(b)(15) (i) and (ii) provide partial exemptions from section 9(a) under certain circumstances. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management or administration of the underlying investment company.

9. Applicants state that the partial relief from section 9(a) found in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) in effect limits the amount of monitoring necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of that section. Applicants state that the exemptions recognize that applying the pr9ovisions of section 9(a) to the many individuals who may be involved in a large insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies funding the Participating Separate Accounts, is not necessary or appropriate in the public interest nor is it necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants submit that the fact that Participating Insurance Companies may engage in mixed and shared funding does not alter this conclusion. Applicants further state that the sale of shares of an underlying fund to Qualified Plans does not change the fact that applying the prohibitions of section 9(a) to individuals who have no involvement in the underlying fund does not advance the purposes of the 1940 Act.

10. Subparagraph (b)(15)(iii) of Rules 6e–2 and 6e–3(T) under the 1940 Act provide partial exemptions from sections 13(a), 15(a), and 15(b) of the 1940 Act to the extent that those sections are deemed to require ''pass-through'' voting with respect to the shares of an underlying fund, by allowing an insurance company to disregard the voting instructions of contract owners with respect to several significant matters, assuming the limitations on mixed and shared funding are observed. Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that a Participating Insurance Company may disregard the voting instructions of its contract owners if such instructions would require an underlying fund's shares to be voted to cause such underlying fund to make (or to refrain from making) certain investments which would result in changes in the sub classification or investment objectives of such underlying fund or to approve or disapprove any contract between such underlying fund and an investment adviser when required to do so by an insurance regulatory authority (subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of the Rules). Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) provide that a Participating Insurance Company may disregard contract owners' voting instructions if the contract owners initiate any change in the underlying fund's investment objectives, principal underwriter or any investment adviser (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraph (b)(5)(ii) and (b)(7)(ii)(B) and (C) of the Rules).

11. Applicants assert that Rules 6e–2(b)(15) and 6e–3(T)(b)(15) recognize that a Variable Contract is primarily an insurance contract, and as such is subject to extensive state insurance regulation. In adopting Rule 6e–2(b)(15)(iii), the Commission recognized that state insurance regulators have authority, pursuant to state insurance laws or regulations, to disapprove or require changes in the underlying fund's investment policies, investment advisers, or principal underwriters. The Commission also expressly recognized that state insurance regulators have authority to require an insurance company to draw from its general account to cover costs imposed on it by a change approved by contract owners over the insurance company's objection. The Commission, therefore, considered the exemptions provided by Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) necessary ''to assure the solvency of the life insurer and performance of its

contractual obligations by enabling an insurance regulatory authority or life insurer to act when certain proposals reasonably could be expected to increase the risks undertaken by the life insurer.'' Applicants assert that Rule 6e–3(T)'s corresponding provisions for flexible premium VLI Contracts presumably were adopted in recognition of the same factors. Applicants submit that these considerations are not less important or necessary when an insurance company funds its separate accounts in connection with mixed and shared funding, and that such funding does not compromise the goals of the insurance regulatory authorities or of the Commission.

12. Applicants assert that the sale of shares of an underlying fund to a Qualified Plan presents no potential for irreconcilable conflicts of interest among the Qualified Plan participants and Variable Contract holders also owning shares of the underlying fund. Under section 403(a) of ERISA, shares of an underlying fund sold to a Qualified Plan must be held by the trustee(s) of the Qualified Plan, and such trustee(s) must have exclusive authority and discretion to manage and control the Qualified Plan with two exceptions: (a) When the Qualified Plan expressly provides that the trustee(s) are subject to the direction of a named fiduciary who is not a trustee, in which case the trustee(s) are subject to proper directions made in accordance with the terms of the Qualified Plan and not contrary to ERISA, and (b) when the authority to manage, acquire, or dispose of assets of the Qualified Plan is delegated to one or more investment managers pursuant to section 402(c)(3) of ERISA. Unless one of the above two exceptions applies, the exclusive authority and responsibility for voting shares of an underlying fund is vested in the plan trustees. Where a named fiduciary to a Qualified Plan appoints an investment managers, the investment manager has the responsibility to vote the shares held unless the right to vote such shares is reserved to the plan trustees or the named fiduciary. Where a Qualified Plan does not provide participants with the right to give voting instructions, the applicants submit that there is no potential for material irreconcilable conflicts of interest between or among holders of Variable Contracts and participants in Qualified Plans with respect to voting of an underlying fund's shares.

13. Applicants assert that even where a Qualified Plan provides participants with the right to give voting instructions, there is no reason to believe that participants in Qualified Plans generally or those in a particular Qualified Plan, either as a single group or in combination with participants in other Qualified Plans, would vote in a manner that would disadvantage holders of Variable Contracts. Therefore, applicants assert that the purchase of shares of the Company by Qualified Plans that provide voting rights to participants does not present any complications not otherwise occasioned by mixed or shared funding.

14. Applicants assert that the presence of both VLI Accounts and VA Accounts as shareholders of an underlying fund will not lead to a greater probability of material irreconcilable conflicts than if the underlying fund did not engage in mixed funding. They submit that each type of insurance product is designed as a long-term investment program, and that there is no reason to believe that different features of various types of contracts, including the ''minimum death benefit'' guarantee under certain VLI Contracts, will lead to different investment policies for different types of Variable Contracts. In addition, applicants submit that if an underlying fund engages in mixed funding, there is no reason why the underlying fund would be managed to favor one class of investors over another. Regardless of the type of shareholder in the Company, the investment manager is obligated to manage a Fund solely and exclusively in accordance with that Fund's investment objectives, policies, and restrictions as well as any guidelines established by the Board of Directors responsible for such Fund. Thus, the Funds will be managed in the same manner as any other fund and there is no incentive for any Fund's investment manager to invest to benefit a particular class of shareholders.

15. Applicants also assert that shared funding does not present any issues that do not already exist where an underlying fund sells its shares to a single insurance company which is licensed to do business in several or all states. Where insurers offer their contracts in different states, the state insurance regulatory body in one state in which the contracts are offered could require the insurer to take action that is inconsistent with the requirements of insurance regulators of other states in which the contracts also are offered. Applicants assert that the fact that unaffiliated insurers may be domiciled in different states does not create a significantly different or enlarged problem. Shared funding by unaffiliated insurers is, in this respect, no different from the use of the same investment company as the funding vehicle for affiliated insurers, a situation to which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) provide relief under various circumstances. In any event, applicants contend that the proposed conditions to the order are designed to safeguard against and provide procedures for resolving any adverse effects that differences among state regulatory requirements may produce.

16. Applicants assert that the right of an insurance company in certain circumstances to disregard contract owners' voting instructions regarding shares of an underlying fund that engages in shared funding raises no different issues from those raised by the authority of state insurance administrators over Participating Separate Accounts. Under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), an insurer can disregard contract owner voting instructions only with respect to certain specified items and under certain specified conditions. Requiring that only affiliated insurance companies invest in the funds does not eliminate the potential for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contract owners. Moreover, the potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that an insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations. However, applicants state that a particular Participating Insurance Company's disregard of voting instructions nevertheless could conflict with the majority of contract owner voting instructions. The Participating Insurance Company's action arguably could be different from the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the contract owners' voting instructions should prevail, and could either preclude a majority vote approving the change or could represent a minority view. Under the proposed conditions, if the insurer's judgment represents a minority position or would preclude a majority vote, the insurer may be required, at the election of the relevant Fund, to withdraw its Participating Separate Account's investment in such Fund, and no charge or penalty would be imposed as a result of such withdrawal.

17. Applicants assert that the sale of the shares of the Company to Qualified Plans will not increase the potential for material irreconcilable conflicts of interest between or among different types of investors. Section 817(h) of the

Code imposes certain diversification standards on the underlying assets of VA Contracts and VLI Contracts held in the portfolios of management investment companies. Treasury Regulation 1.817–5(f)(3)(iii), which established diversification requirements for such portfolios, specifically permits, among other things, ''qualified pension or retirement plans'' and separate accounts to invest in the same underlying fund without jeopardizing the tax status of VLI and VA Accounts. Therefore, applicants argue, neither the Code, the Treasury Regulations, nor Revenue Rulings thereunder present any inherent conflicts of interest if Qualified Plans, VA Accounts, and VLI Accounts all invest in the same underlying fund.

18. Applicants contend that, while there are differences in the manner in which distributions are taxed for VA Contracts, VLI Contracts, and Qualified Plans, the differing tax consequences do not raise any conflicts of interest. When distributions are to be made and the Participating Separate Account or the Qualified Plan cannot net purchase payments to make the distributions, the Participating Separate Account or the Qualified Plan will redeem shares of the Funds at their net asset value. The Qualified Plan then will make distributions in accordance with the terms of the Qualified Plan and the Participating Insurance Company will make distributions in accordance with the terms of the Variable Contract. Therefore, applicants contend, distributions and dividends will be declared and paid by the Funds without regard to the character of the shareholder.

19. Applicants contend that the Company's ability to sell its shares directly to Qualified Plans does not create a ''senior security'' as defined under section 18(g) of the 1940 Act, with respect to any contract owner as opposed to a participant under a Qualified Plan. Regardless of the rights and benefits of participants under Qualified Plans or Variable Contract owners, the Qualified Plans and Participating Separate Accounts have rights only with respect to their respective shares of the Funds. They can only redeem such shares at their net asset value. No shareholder of the Funds will have any preference over any other shareholder with respect to the distribution of assets or payment of dividends.

20. With respect to voting rights, applicants assert that it is possible to provide an equitable means of giving such voting rights to Variable Contract owners and to the trustees of Qualified Plans. The transfer agent for the Funds will inform each Participating Insurance Company of its share ownership in each Participating Separate Account, as well as inform the trustees of Qualified Plans of their holdings. Each Participating Insurance Company then will solicit voting instructions in accordance with Rules 6e–2 and 6e–3(T), as applicable, and its participation agreement with the relevant Funds. Shares held by Qualified Plans will be voted in accordance with applicable law. The voting rights provided to Qualified Plans with respect to shares of the Funds will be no different from the voting rights that are provided to Qualified Plans with respect to shares of funds sold to the general public.

21. Applicants assert that the veto power of state insurance commissioners over an underlying fund's investment objectives does not create any inherent conflicts of interest between the contract owners of the Participating Separate Accounts and Qualified Plan participants. Applicants note that the basic premise of corporate democracy and shareholder voting is that not all shareholders may agree with a particular proposal. Although the interests and opinions of shareholders may differ, this does not mean that inherent conflicts of interest exist between or among such shareholders. State insurance commissioners have been given the veto power in recognition of the fact that insurance companies usually cannot simply redeem their separate accounts out of one fund and invest in another. Generally, time-consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. In contrast, the trustees of Qualified Plans or the participants in participant-directed Qualified Plans can quickly decide to redeem their interest in the Trust and reinvest in another funding vehicle without the same regulatory impediments faced by separate accounts or, as is the case with most Qualified Plans, even hold cash pending suitable investment. Thus, applicants state, even if issues arise where the interest of contract owners and the interests of Qualified Plans are in conflict, the issues can be almost immediately resolved since the trustees of (or participants in) the Qualified Plans can, on their own, redeem their shares from the Funds.

22. Applicants also assert that the investment of seed capital in the Company presents no potential for irreconcilable conflicts of interest. Seed capital for the Company will be provided by the Company's investment adviser or a person related to such investment adviser (as permitted by Treas. Reg. 1.817–5(f)(3)(ii)) or by the participating insurance companies. Applicants note that Rule 14a–2(b) provides an exemption from the seed capital requirement for investment companies that are sponsored by an insurance company. Because U.S. Bank is not an insurance company, the exemption is not available to the Company, to the extent it might be deemed the sole promoter of the Company.

23. Applicants contend that permitting the Company to engage in mixed, shared, and extended mixed and shared funding subject to the proposed conditions will benefit the Company's shareholders. First, they state, permitting mixed, shared, and extended mixed and shared funding will provide a greater variety of investment options with lower costs to Participating Insurance Companies and Variable Contract owners. They note that various factors, including the costs of organizing and operating a funding medium, the lack of expertise with respect to investment management (principally with respect to stock and money market investments), and the lack of name recognition by the public of certain insurers as investment experts to whom the public feels comfortable entrusting their investment dollars, have limited the number of insurance companies that offer VA Contracts and VLI Contracts. Applicants assert that use of the Funds as common investment vehicles for Variable Contracts could reduce or alleviate these concerns. In addition, Participating Insurance Companies will benefit from the cost efficiencies and investment flexibility afforded by a larger pool of funds. Therefore, making the Funds available for mixed and shared funding may encourage more insurance companies to offer Variable Contract design and pricing, which can be expected to result in greater product variation and lower charges. Applicants contend that the sale of shares of the Funds to Qualified Plans in addition to Participating Separate Accounts also could result in an increased amount of assets available for investment by the Funds, again promoting economies of scale and greater diversification.

Applicants' Conditions

Applicants have consented to the following conditions:

1. A majority of the Board of Directors of the Company (''Board'') will consist of persons who are not ''interested persons'' of the Company, as defined by section 2(a)(19) of the 1940 Act and the rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met

by reason of the death, disqualification, or bona fide resignation of any Director or Directors, then the operation of this condition shall be suspended: (a) For a period of 45 days, if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days, if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Funds for the existence of any material irreconcilable conflict between the interests of the contract owners of all Participating Separate Accounts and of the participants in Qualified Plans investing in the Funds and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Funds are being managed; (e) a difference in voting instructions given by variable annuity contract owners and variable life insurance contract owners and trustees of the Qualified Plans; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions of its participants.

3. Participating Insurance Companies, U.S. Bank, or any other investment adviser of the Funds, and any Qualified Plans that execute a fund participation agreement upon becoming an owner of 10% or more of a Fund's assets (''Participants'') will report any potential or existing conflicts to the Board. Participants will be responsible for assisting the Board in carrying out its responsibilities under these conditions by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation of each Participating Insurance Company to inform the Board whenever it has determined to disregard contract owner voting instructions and, when pass-through voting is applicable, an obligation of each Qualified Plan to inform the Board whenever it has determined to disregard voting instructions from Qualified Plan participants. The responsibilities to report such information and conflicts and to assist the Board will be contractual obligations of all Participating Insurance Companies and Qualified Plans under their agreements governing participation in the Funds, and such agreements shall provide, in the case of Participating Insurance Companies, that these responsibilities will be carried out with a view only to the interests of contract owners, and in the case of Qualified Plans, that these responsibilities will be carried out with a view only to the interests of Qualified Plan participants.

4. If it is determined by a majority of the Board, or by a majority of its disinterested Directors, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Qualified Plans will, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested Directors), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, which steps could include: (a) Withdrawing the assets allocable to some or all of the Participating Separate Accounts from the applicable Fund or Funds and reinvesting such assets in a different investment medium, which may include another Fund, or submitting the question of whether such reinvestment should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.,* variable annuity contract owners or variable life insurance contract owners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participated Insurance Company's decision to disregard contract owners' voting instructions, and that decision represents a minority position or would preclude a majority vote, then that insurer may be required, at the Fund's election, to withdraw its separate account's investment in the Fund, and no change or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the Fund's election, to withdraw its investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal. To the extent permitted by applicable law, the responsibility of taking remedial action in the event of a Board determination of material irreconcilable conflict and bearing the costs of such remedial action will be a contractual obligation of all Participating Insurance Companies and Qualified Plans under their agreements governing participation in the Funds and these responsibilities will be carried out with a view only to the interests of contract owners and Qualified Plan participants, respectively.

5. For purposes of Condition 4, a majority of the disinterested Directors will determine whether or not any proposed action adequately remedies any material irreconcilable conflict, but in no event will the Company or U.S. Bank be required to establish a new funding medium for any Variable Contract. No Participating Insurance Company shall be required by Condition 4 to establish a new funding medium for any Variable Contract is an offer to do so has been declined by vote of a majority of contract owners materially and adversely affected by the material irreconcilable conflict. Further, no Qualified Plan will be required by Condition 4 to establish a new funding medium for the Qualified Plan if: (a) an offer to do so has been declined by vote of a majority of Qualified Plan participants materially and adversely affected by the material irreconcilable conflict; or (b) pursuant to governing Qualified Plan documents and applicable law, the Qualified Plans makes such decision without a vote of its participants.

6. Any Board's determination of the existence of a material irreconcilable conflict and its implications will be made known promptly and in writing to all Participants.

7. Participating Insurance Companies will provide pass-through voting privileges to contract owners who invest in Participating Separate Accounts so long as the Commission interprets the 1940 Act to require pass-through voting for contract owners. Accordingly, the Participating Insurance Companies will vote shares of the Funds held in their Participating Separate Accounts in a manner consistent with voting instructions timely received from contract owners. Participating Insurance Companies will be responsible for assuring that each of the Participating Separate Accounts calculates voting privileges in a manner consistent with all other Participating Insurance

Companies. The obligation to calculate voting privileges in a manner consistent with all other Participating Separate Accounts will be a contractual obligation of all Participating Insurance Companies under the agreements governing participation in the Funds. Each Participating Insurance Company will vote shares for which it has not received timely voting instructions, as well as shares attributable to it, in the same proportion as it votes shares for which it has received instructions.

8. Each Qualified Plan will vote as required by applicable law and governing Qualified Plan documents.

9. All reports of potential or existing conflicts received by a Board, and all Board action with regard to: (a) determining the existence of a conflict; (b) notifying Participants of a conflict; and (c) determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records. Such minutes or other records shall be made available to the Commission upon request.

10. The Company will notify all Participants that disclosure in separate account prospectuses or any Qualified Plan prospectuses or other Qualified Plan disclosure documents regarding potential risk of mixed and shared funding may be appropriate. The Company will disclose in its prospectus that: (a) The Funds are intended to be funding vehicles for variable annuity and variable life insurance contracts offered by various insurance companies and Qualified Plans; (b) due to differences of tax treatment and other considerations; the interests of various contract owners participating in the Funds and the interests of Qualified Plans investing in the Funds may conflict; and (c) the Board will monitor for the existence of any material conflicts and determined what action, if any, should be taken.

11. The Company will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in shares of the Fund), and, in particular, the Company will either provide for annual meetings (except to the extent that the commission may interpret section 16 of the 1940 Act not to require such meetings) or comply with section 16(a) and, if applicable, section 16(b) of the 1940 act. Further, the Company will act in accordance with the Commission's interpretation of the requirements of section 16(a) with respect to periodic elections of directors and with whatever rules the Commission may promulgate with respect thereto.

12. If and to the extent that Rules 6e–2 and 6e–3(T) are amended (or if Rules 6e–3 under the 1940 Act is adopted) to provide exemptive relief from any provision of the 1940 Act, or the rules thereunder, with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested by applicants, then the Company and/or Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with the Rules 6e–2 and 6e–3(T), as amended, or Rules 6e–3, as adopted, to the extent applicable.

13. As long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners, the investment adviser or its affiliate holding shares in a Fund will vote such shares in the same proportion as all contract owners having voting rights with respect to the Fund; provided, however, that such investment adviser or affiliate shall vote its shares in such other manner as may be required by the Commission or its staff.

14. Any shares of a Fund purchased by the investment adviser or its affiliate will be automatically redeemed if and when the adviser's investment advisory agreement terminates, to the extent required by applicable Treasury regulations. Neither the investment adviser nor its affiliates will sell such shares of the Fund to the public.

15. No less than annually, the Participants shall submit to the Board such reports, materials or data as the Board may reasonably request so that the Board may carry out fully the obligations imposed upon its by the Conditions contained in the Application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participants to provide these reports, materials and data to the Board when it so reasonably requests shall be a contractual obligation of all Participants under the agreements governing their participation in the Funds.

16. In the event that a Qualified Plan should ever become an owner of 10% or more of the assets of a Fund, such Qualified Plan will execute a participation agreement with the Fund with includes the conditions set forth herein, to the extent applicable. A Qualified Plan will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of a Fund.

Conclusion

For the reasons summarized above, applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21752 Filed 8–24–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27215]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 21, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by **September 14, 2000,** to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After **September 14, 2000**, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

CP&L Energy, Inc., et al. (70–9659)

CP&L Energy, Inc.(''CP&L Energy''), a public utility holding company claiming an exemption under section 3(a)(1) of the Act under rule 2 under the Act,

Carolina Power & Light Company (''CP&L''), an electric public utility subsidiary of CP&L Energy, North Carolina Natural Gas Corporation (''NCNG''), a gas public utility subsidiary of CP&L Energy, Strategic Resource Solutions Corp., a nonutility subsidiary, of CP&L Energy, all located at 411 Fayetteville Street Mall, Raleigh, North Carolina 27601, and Florida Progress Corporation (''Florida Progress''), a public utility holding company claiming an exemption under section 3(a)(1) of the Act under rule 2 under the Act, its utility subsidiary Florida Power Corporation (''Florida Power''), and its nonutility subsidiaries Progress Capital Holdings, Inc., Florida Progress Funding Corporation, and FPC Del, Inc. (collectively, ''Applicants''), all located at One Progress Plaza, St. Petersburg, Florida 33701, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), and 13(b) of the Act and rules 43, 45(a), 46, 87, 90, and 91 under the Act.

I. Summary and Background

In a separate proceeding before the Commission in file no. 70–9643, CP&L Energy is seeking authority to acquire Florida Progress (''Merger''). Following consummation of the Merger, CP&L Energy will directly or indirectly own all of the issued and outstanding common stock of three public utilities, CP&L, Florida Power and NCNG (collectively, ''Utility Subsidiaries'') and will register under section 5 of the Act. In connection with the Merger and subsequent registration, Applicants request authority to engage in a variety of financing and other transactions involving CP&L, the Utility Subsidiaries and CP&L's nonutility Subsidiaries (''Nonutility Subsidiaries'') [1] through September 30, 2003 (''Authorization Period'').

The proceeds from the financing proposed by Applicants will be used for general corporate purposes, including (i) financing, in part, investments by and capital expenditures of CP&L Energy and its Subsidiaries, including, without limitation, the funding of future investments in exempt wholesale generators (''EWGs''), foreign utility companies (''FUCOs''),[2] and rule 58 subsidiaries, (ii) repayment, redemption, refunding or purchase by CP&L Energy or any Subsidiary of any of its own securities in accordance with rule 42, and (iii) financing working capital requirements of CP&L Energy and its Subsidiaries.

II. Financing Transactions

Applicants request authority to engage in a variety of financing transactions through September 30, 2003 (''Authorization Period'').

A. CP&L Energy

CP&L Energy requests authority to issue and sell from time to time its common stock (''Common Stock''), preferred securities (''Preferred Securities'') and debentures (''Debentures''). The amount of these securities issued will not in an aggregate amount exceed $3.8 billion (''Debenture and Stock Limitation''), in addition to outstanding amounts owed under credit facilities more particularly described below established to fund the Merger (''Acquisition Debt''). In addition, CP&L Energy proposes to incur short-term debt (''Short-Term Debt'') in amounts not to aggregate more than $1 billion at any one time outstanding. CP&L Energy states that the aggregate outstanding principal amount of the Acquisition Debt, Debentures, and Short-Term Debt will not exceed $5 billion.

1. Acquisition Debt

CP&L Energy states that the Acquisition Debt will be incurred through unsecured borrowings from banks or other institutional lenders under credit lines totaling $3.75 billion. Applicants request authority for CP&L to maintain these credit arrangements, and to renew or extend the maturities of borrowings under these facilities. These borrowings will have maturities of up to three years.

2. Common Stock

Applicants request authority for CP&L Energy to issue and sell up to $3.8 billion worth of its common stock (''Common Stock''). The price and terms of sales of Common Stock will be negotiated, or will be based upon or determined by competitive capital markets. CP&L Energy may also issue Common Stock or options, warrants or other stock purchase rights exercisable for Common Stock in public or privately-negotiated transactions as consideration for the equity securities or assets of other companies, provided that the acquisition of any such equity securities or assets has been either authorized by the Commission or is exempt under the Act or the rules under the Act.[3]

CP&L Energy also proposes to issue Common Stock and/or purchase shares of Common Stock in the open market for purposes of reissuing such shares under plans maintained for stockholders, employees and directors. Specifically, CP&L Energy will adopt and maintain for its shareholders CP&L's existing Automatic Dividend Reinvestment and Customer Stock Purchase Plan (''DRP''), dated January 15, 1993. The DRP will provide CP&L Energy's shareholders and other parties with a simple and convenient method of purchasing shares of Common Stock. The purchase price of shares purchased under the DRP on the open market will be the weighted average price (including brokerage commissions) of all shares acquired by the managing bank during the relevant investment period. The purchase price of original issue shares will be the average of the high and low sale prices for Common Stock (on the composite tape as reported in The Wall Street Journal) on the day on which such shares are purchased.

CP&L Energy also intends to maintain in effect CP&L's existing equity incentive plan (''Incentive Plan''), which authorizes grants of common stock, stock options and other stock-based awards to eligible executives and other key employees, as well as to directors of the company and its subsidiaries. The Incentive Plan is a broad umbrella plan that will allow CP&L Energy to adopt various sub-plans under which it may issue non-qualified stock options, incentive stock options, stock appreciation rights, restricted stock, performance units, performance shares and other stock unit awards or stock-based forms of awards. For example, CP&L has adopted and issues performance-based shares under a performance share sub-plan. It also issues restricted stock under restricted stock agreements with individual employees.

Shares issued under the Incentive Plan and the DRP are subject to the Debenture and Stock Limitation. For purposes of this limitation, shares

[1] As used in this notice, the term ''Nonutility Subsidiaries'' means each of the direct and indirect nonutility subsidiaries of CP&L Energy as of the effective date of the Merger. The term ''Nonutility Subsidiaries'' also includes any direct or indirect nonutility subsidiary acquired or formed by CP&L Energy after the effective date of the Merger in a transaction that either has been approved by the Commission in this or a separate proceeding or is exempt under the Act or the rules under the Act. The Utility Subsidiaries and Nonutility Subsidiaries are referred to in this notice as the ''Subsidiaries''.

[2] Applicants state that the aggregate amount of proceeds of financing and guarantees proposed in this matter which are used to fund investments in EWGs and FUCOs will not, when added to CP&L Energy's ''aggregate investment'' (as defined in rule 53) in all such entities at any point in time, exceed 50% of CP&L Energy's ''consolidated retained earnings'' (also as defined in rule 53).

[3] For purposes of the Debenture and Stock Limitation, Common Stock will be valued either at its market value on the day before closing of the acquisition, or at the average high and low market price for a period prior to the closing, as negotiated by the parties.

issued under all stock-based plans will be valued at the closing price on the New York Stock Exchange on the last trading day before the award and other securities will be valued using a reasonable and consistent method applied at the time of the award.

3. Preferred Securities and Debentures

CP&L Energy states that it may issue Preferred Securities and Debentures directly or through one or more special purpose financing subsidiaries more particularly described below. Preferred Securities may be issued in one or more series with rights, preferences, and priorities as may be designated in the instrument creating each series, as determined by CP&L Energy's board of directors. All Preferred Securities will be redeemed no later than 50 years after the date of issuance thereof.

The maturity dates, interest rates, redemption and sinking fund provisions and conversion features, if any, with respect to the Debentures of a particular series, as well as any associated placement, underwriting or selling agent fees, commissions and discounts, if any, will be established by negotiation or competitive bidding. Debentures will have maturities ranging from one to 50 years.

4. Short-Term Debt

Applicants state that Short-Term Debt may take the form of commercial paper, which will be sold to dealers at the annual discount rate prevailing at the date of the sale for commercial paper of comparable quality and maturities. Short-Term Debt may also include lines of credit from banks. Applicants state that Short-Term Debt will mature in one year or less from the date of issuance.

5. Guarantees

Applicants request authority for CP&L Energy to provide guarantees and other forms of credit support on behalf of or for the benefit of its subsidiaries in an aggregate principal or nominal amount not to exceed $750 million at any one time outstanding (''CP&L Energy Guarantee Limit''), subject to the limitations of rules 53 and 58. Applicants state that CP&L Energy will charge its subsidiary a fee for each guarantee that is provide on its behalf that will not exceed the cost of obtaining the liquidity necessary to perform the guarantee for the period of time that guarantee remains outstanding.

B. Utility Subsidiaries

1. Debt and Preferred Securities

Applicants request authority for CP&L and NCNG to issue and reissue notes evidencing up to $1 billion and $125 million of indebtedness outstanding at any one time, respectively, having maturities of two years or less. In addition, Applicants request authority for NCNG to sell long-term debt securities and trust preferred securities having maturities of up to 50 years. NCNG will not issue more than $750 million of these securities at any time outstanding.

2. Utility Money Pool

NCNG and CP&L propose to borrow from CP&L Energy, Florida Power and each other, and Florida Power and CP&L Energy propose to lend to the other Utility Subsidiaries through a system money pool which Applicants propose to establish (''Utility Money Pool'').[4] CP&L and NCNG requests authority to borrow through the Utility Money Pool up to $400 million and $125 million, respectively, at any time outstanding. Loans would be repayable on demand and, in any event, not later than one year after the date of the loan.

Under the proposed terms of the Utility Money Pool, short-term funds would be available from surplus funds in the treasuries of the Utility Money Pool participants (''Internal Funds'') and proceeds from bank borrowings or the sale of commercial paper (''External Funds''). Utility Money Pool participants that borrow would borrow *pro rata* from each participant that lends, in the proportion that the total amount loaned by each such lending company bears to the total amount then loaned through the Utility Money Pool. In addition, when more than one fund source is used for Utility Pool loans, each borrower would borrow pro rata from each such fund source in the same proportion that the amount of funds provided by that fund source bears to the total amount of funds available to the Utility Money Pool.

The interest rate applicable to loans of Internel Funds will be the rates for high-grade unsecured 30-day commercial paper sold through dealers by major corporations as quoted in The Wall Street Journal. The interest rate applicable of loans of External Funds will equal the lending company's cost for such External Funds.[5] The rate applicable to loans comprised of both Internal and External Funds will be a weighted average of the rates determined as described above.

The cost of compensating balances, if any, and fees paid to banks to maintain credit lines and accounts by Utility Money Pool participants lending External Funds to the Utility Money Pool would initially be paid by the participants maintaining such lines. The portion of these costs that are allocable to loans in the Utility Money Pool will be retroactively allocated every month to the companies borrowing those External Funds, in proportion of their respective daily outstanding borrowings of those funds.

Funds not required by the Utility Money Pool to make loans (with the exception of funds required to satisfy the Utility Money Pool's liquidity requirements) would ordinarily be invested in one or more short-term investments, including: (1) Interest-bearing accounts with banks; (ii) obligations issued or guaranteed by the U.S. government and/or its agencies and instrumentalities, including obligations under repurchase agreements; (iii) obligations issued or guaranteed by any state or political subdivision of that state, provided that those obligations are rated not less than ''A'' by a nationally recognized rating agency; (iv) commercial paper rated not less than ''A–1'' or ''P–1'' or their equivalent by a nationally recognized rating agency; (v) money market funds; (vi) bank certificates of deposit; (vii) Eurodollar funds; and (viii) such other investments as are permitted by section 9(c) of the Act and Rule 40 under the Act.

CP&L Energy's service company subsidiary, CP&L Service Company LLC, will administer the Utility Money Pool on an ''at-cost'' basis.

C. Nonutility Subsidiaries

1. Money Pool

CP&L Energy intends to lend to and the Nonutility Subsidiaries intend to borrow from CP&L Energy and each other money through a system money pool (''Nonutility Money Pool'').[6] Applicants state that the Nonutility Money Pool will be operated on the same terms as the Utility Money Pool, except that CP&L Energy's funds made available to the two Money Pools will be made available to the Utility Money Pool first and afterwards to the Nonutility Money Pool.

2. Other Borrowings

Applicants request authority for each Nonutility Subsidiary that is not wholly

[4] Applicants state that borrowings by Florida Power under the Utility Money Pool are exempt under rule 52(a).

[5] The applicable interest rate on loans of External Funds provided by more than one Utility Money Pool participant will be a composite rate equal to the weighted average of the costs incurred by those participants.

[6] Applicants state that borrowings by the Nonutility Subsidiaries under the Nonutility Money Pool will be exempt under rule 52.

owned by CP&L Energy to borrow from CP&L Energy and the other Nonutility Subsidiaries at interest rates and maturities designed to provide a return of not less than the lending company's effective cost of capital. Applicants state that none of these borrowing Nonutility Subsidiaries will sell any services to any associated Nonutility Subsidiary (unless that company falls within one of the categories, described below, of companies to which goods and services may be sold on an other than at-cost basis).

3. Existing Guarantees

Applicants request authority for Florida Progress and its nonutility subsidiaries to continue, extend and/or replace all guarantees and other forms of credit support outstanding on the date the proposed Merger is effected relating to credit facilities, other financing arrangements of certain nonutility subsidiaries, and other existing obligations, described in Exhibit A to this notice (''Existing Guarantees''). The aggregate maximum exposure under the Existing Guarantees is approximately $2.2 billion.

4. New Guarantees

In addition to the Existing Guarantees, the Nonutility Subsidiaries request authority to provide guarantees and other forms of credit support on behalf of or for the benefit of other Nonutility Subsidiaries in an aggregate principal or nominal amount not to exceed $500 million at any one time outstanding (''Nonutility Subsidiary Guarantee Limit''), subject to the limitations of rule 58. A Nonutility Subsidiary will charge its associate company a fee for each guarantee that is provided on its behalf that will not exceed the cost of obtaining the liquidity necessary to perform the guarantee for the period of time the guarantee remains outstanding.

D. Hedging Transactions

CP&L Energy and the Subsidiaries request authority to enter into hedging transactions (''Interest Rate Hedges'') with respect to their existing indebtedness. Interest Rate Hedges will involve the use of financial instruments commonly used in capital markets, such as interest rate swaps, caps, collars, floors, and structured notes (*i.e.,* a debt instrument in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations. Applicants state that the transactions will be for fixed periods and stated notional amounts that in no case will the notional principal amount of any interest rate swap exceed that of the underlying debt instrument and related interest rate exposure.

In addition, Applicants request authority for CP&L Energy and the Subsidiaries to enter into Anticipatory Hedges. The Anticipatory Hedges would be utilized to fix and/or limit the interest rate risk associated with any new issuance through: (1) A forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury obligations and/or a forward swap; (ii) the purchase of put options on U.S. Treasury obligations (''Put Options Purchase''); (iii) a Put Options Purchase in combination with the sale of call options on U.S. Treasury obligations; and (iv) transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations; and/or other derivative or cash transactions, including, but not limited to structured notes, caps and collars.

E. Energy-Related Activities

Nonutility Subsidiaries request authority to invest up to $500 million (''Investment Limitation'') in the acquisition or construction of certain types of nonutility energy-related assets that are incidental to their energy marketing brokering or trading activities (''Energy-Related Assets'') or in the equity securities of existing or new companies substantially all of whose physical properties consist or will consist of those Energy-Related Assets.[7] Applicants state that, if common stock is issued in connection with these acquisitions, the market value of that stock on the date of its issuance will be used for purposes of the Investment Limitation.

F. Financing Subsidiaries

CP&L Energy and the Subsidiaries request authority to acquire the equity securities of one or more special-purpose subsidiaries (''Financing Subsidiaries''), each of which will be organized solely to issue securities to support the businesses of CP&L Energy and the Subsidiaries. Applicants state that financing Subsidiaries may dividend, loan or otherwise transfer the proceeds of such financings to or as directed by the financing Subsidiary's parent company; provided, however, that a Financing Subsidiary of a Utility Subsidiary will dividend, loan or otherwise transfer proceeds of a financing only to that Utility Subsidiary.

Applicants state that the amount of long-term debt or preferred securities issued by a Financing Subsidiary will be counted against the limitation on amounts of similar types of securities applicable to the Financing Subsidiary's parent company, to the extent the parent company is a guarantor of the securities. Applicants propose that guarantees by a Financing Subsidiary's parent company not be counted toward the guaranty limit applicable to it described above, if any.

G. Payment of Dividends by Nonutility Subsidiaries

Applicants note that there may be situations in which it or one or more Nonutility Subsidiaries will have unrestricted cash available for distribution in excess of the company's current and retained earnings. Accordingly, Applicants also request authority for each Nonutility Subsidiary to pay dividends with respect to its securities, and/or acquire, retire or redeem any of its securities held by associate companies from time to time out of capital and unearned surplus (including revaluation reserve), to the extent permitted under applicable corporate law.

III. Other Transactions

A. Intermediate Subsidiaries

Applicants request authority for CP&L Energy to acquire, directly or indirectly, the one or more intermediate subsidiaries (''Intermediate Holding Companies'') to be organized exclusively for the purpose of acquiring, financing, and holding the securities of existing or future Nonutility Subsidiaries. The Intermediate Subsidiaries may also engage in certain development and administrative activities during the Authorization Period relating to the Nonutility Subsidiaries.[8] Applicants request authority for the Intermediate Subsidiaries to expend up to $250

[7] Energy-Related Assets include natural gas production, gathering, processing, storage and transportation facilities and equipment, liquid oil reserves and storage facilities, and associated facilities.

[8] Applicants state that development activities include: Due diligence and design review; market studies; preliminary engineering; site inspection; preparation of bid proposals, including posting of bid bonds; application for required permits and/or regulatory approvals; acquisition of site options and options on other necessary rights; negotiation and execution of contractual commitments; negotiation of financing commitments; and other preliminary activities as may be required in connection with the purchase, acquisition, financing or construction of facilities or the acquisition of securities of or interests in new businesses. Applicants also state that administrative activities include ongoing personnel, accounting, engineering, legal, financial, and other support activities necessary to manage CP&L Energy's investments in Nonutility Subsidiaries.

million during the Authorization Period on these activities.

B. Changes in Capital Structure

Applicants request that each of the wholly-owned Subsidiaries be authorized to change the terms of its authorized stock capitalization by an amount deemed appropriate by CP&L Energy or its direct parent company. As examples, Applicants state that a Subsidiary may choose to change the par value of a capital security or engage in a reverse stock split. Any change in capitalization will be subject to the approval of the State commission in the State in which the Subsidiary is incorporated and doing business.

C. Rule 58 Subsidiaries Operation Outside the United States

Applicants also request authority for Subsidiaries engaged or formed in engage in activities permitted by rule 58 to engage in those activities, including energy marketing, energy management services and consulting services, anywhere outside the United States.[9]

D. Payment of Dividends by CP&L Energy and NCNG

Applicants request authority: (1) For CP&L Energy to pay dividends out of capital and unearned surplus in an amount equal to the sum of (a) CP&L's consolidated retained earnings prior to the establishment of CP&L Energy as the holding company over CP&L (''Reorganization''),[10] (b) Florida Progress's retained earnings prior to the Merger,[11] and (c) NCNG's retained earnings prior to the acquisition of NCNG by CP&L,[12] and (2) for NCNG to pay dividends out of capital and unearned surplus in an amount equal to its retained earnings just prior to its acquisition by CP&L in July 1999.

Applicants state that NCNG seeks authority to pay dividends to CP&L Energy out of capital and unearned surplus in an amount equal to NCNG's retained earnings prior to its acquisition because its retained earnings were recharacterized as capital due to ''push down'' accounting when the company was acquired. Applicants state that authority is sought for CP&L Energy to pay dividends out of capital and unearned surplus in amounts equal to the sum of CP&L's pre-Reorganization consolidated retained earnings, Florida Progress' pre-Merger retained earnings, and NCNG's retained earnings prior to the acquisition of NCNG by CP&L because dividends by CP&L and Florida Progress out of their retained earnings, and by NCNG out of its capital and unearned surplus in amounts equal to its preexisting retained earnings, will be reflected on CP&L Energy's books as returns of capital, not as increases in earnings.[13]

Applicants also request authority for CP&L Energy to pay dividends out of earnings before the amortization of goodwill resulting from the Merger[14] and the acquisition of NCNG, and for NCNG to pay dividends out of earnings before the amortization of goodwill resulting from its acquisition by CP&L.[15] CP&L Energy states that its request to pay dividends of amounts reflecting NCNG's exclusion of its amortization of goodwill from earnings is based on the fact that dividend payments by NCNG of those amounts may be recorded as a return of capital of CP&L Energy, not an increase in its earnings. Applicants state that this goodwill will be amortized over a period of up to 40 years.[16]

E. Tax Allocation Agreement

Applicants request authority for an agreement that does not fully comply with the requirements of rule 45(c) for the allocation between CP&L Energy and the Subsidiaries of consolidated taxes. Applicants state that, under the proposed agreement, CP&L Energy would retain the benefit of tax losses created by CP&L Energy's interest expense on the Acquisition Debt.

F. Intrasystem Transactions

Applicants propose that certain Nonutility Subsidiaries provide services and/or sell goods to each other at fair market prices determined without regard to cost under certain circumstances. Specifically, Applicants request an exemption where the purchasing Nonutility Subsidiary is:

(1) a FUCO or foreign EWG which derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale within the United States;

(2) an EWG which sells electricity at market-based rates which have been approved by the Federal Energy Regulatory Commission (''FERC''), provided that the purchaser is not one of the Utility Subsidiaries;

(3) a qualifying facility (''QF'') within the meaning of the Public Utility Regulatory Policies Act of 1978, as amended (''PURPA'') that sells electricity exclusively (a) at rates negotiated at arms-length to one or more industrial or commercial customers purchasing such electricity for their own use and not for resale, and/or (b) to an electric utility company (other than one of the Utility Subsidiaries) at the purchaser's ''avoided cost'' as determined in accordance with the regulations under PURPA;

(4) a domestic EWG or QF that sells electricity at rates based upon its cost of service, as approved by FERC or any state public utility commission having jurisdiction, provided that the purchaser thereof is not one of the Utility Subsidiaries; or

[9] Energy marketing activities include the brokering and marketing of electricity, natural gas and other energy commodities. Energy management services include the marketing, sale, installation, operation and maintenance of various products and services related to energy management and demand-side management, including energy and efficiency audits; facility design and process control and enhancements; construction, installation, testing, sales and maintenance of (and training client personnel to operate) energy conservation equipment; design, implementation, monitoring and evaluation of energy conservation programs; development and review of architectural, structural and engineering drawings for energy efficiencies, design and specification of energy consuming equipment; general advice on programs; the design, construction, installation, testing, sales and maintenance of new and retrofit heating, ventilating, air conditioning, electrical and power systems, alarm and warning systems, motors, pumps, lighting, water, water-purification and plumbing systems, and related structures, in connection with energy-related needs; and the provision of services and products designed to prevent, control, or mitigate adverse effects of power disturbances on a customer's electrical systems. Consulting services include engineering, consulting and other technical support services with respect to energy-related businesses, as well as for individuals. These services include technology assessments, power factor correction and harmonics mitigation analysis, meter reading and repair, rate schedule design and analysis, environmental services, engineering services, billing services (including consolidation billing and bill disaggregation tools), risk management services, communications systems, information systems/data processing, system planning, strategic planning, finance, feasibility studies, and other similar services.

[10] The Commission recently authorized the establishment of CP&L Energy as the holding company over CP&L. *See* Holding Co. Act Release No. 27188 (June 15, 2000).

[11] Applicants state that, as of June 30, 2000, the retained earnings of Florida Progress was approximately $819 million.

[12] Applicants state that NCNG's had approximately $63.3 million retained earnings prior to its acquisition.

[13] Over time, CP&L Energy will record its share of the earnings of its subsidiaries under the equity method of accounting as prescribed in rule 26(c) under the Act.

[14] Applicants state that CP&L Energy will record the amortization of goodwill arising from the Merger on its own books because ''push down'' accounting will not be used to account for the Merger, under an exception provided by accounting guidelines for companies with significant amounts of publicly-held debt and preferred stock.

[15] As noted above, NCNG is recording the amortization of goodwill resulting from its acquisition by CP&L because ''push down'' accounting was used to account for the acquisition.

[16] Applicants state that approximately $240 million was recorded as goodwill on NCNG's books as a result of the company being acquired in July of 1999, and approximately $3 billion could be allocated to goodwill on CP&L Energy's books as a result of the Merger.

(5) either (a) partially-owned by CP&L Energy, provided that the ultimate purchaser of such goods or services is not a Utility Subsidiary or CP&L Services (or any other entity that CP&L Energy may form whose activities and operations are primarily related to the provision of goods and services to the Utility Subsidiaries or CP&L Services), (b) engaged solely in the business of developing, owning, operating and/or providing services or goods to Nonutility Subsidiaries described in clauses (1) through (4) above, or (c) not a public utility operating within the United States and does not derive any material part of its income from sources within the United States.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

Exhibit A

Existing Guarantees

Florida Progress has unconditionally guaranteed all indebtedness of Progress Capital Holdings, Inc. (''Progress Capital''), one of its direct subsidiaries. Progress Capital currently has in place a $600 million commercial paper facility supported by three revolving bank credit facilities: one $100 million facility and one $200 million facility under each of which Progress Capital may make borrowings with a term of up to 364 days, and a $300 million facility under which it may make borrowings with a term of up to five years. The $100 million facility and the $200 million facility have a current expiration date of November 16, 2000 and July 16, 2000, respectively, and the 5-year facility expires November 30, 2003. As of March 31, 1999, Progress Capital had issued an outstanding $366.6 million in commercial paper. These lines of credit were not drawn upon. In addition, Progress Capital has uncommitted bank bid facilities authorizing it to borrow and re-borrow, and has outstanding at any one time, up to $300 million principal amount of indebtedness with maturities of up to one year. As of March 31, 2000, there were $35 million in loans outstanding under these bid facilities. Progress Capital also has a private medium-term note program providing for the issuance of up to $844 million of fixed or floating interest rate notes with maturities ranging from nine months to 30 years. As of March 31, 2000, there were $444 million of notes outstanding under this program.

Progress Capital has itself guaranteed an aggregate of $198.6 million of payment obligations of an indirect subsidiary, MEMCO Barge Line, Inc. (''MEMCO''), under a synthetic lease covering barges and towboats. Florida Progress, Progress Capital, Electric Fuels and other subsidiaries of Progress Capital have guaranteed obligations and/or provided other forms of credit support in an aggregate amount of $133 million on behalf of subsidiaries, including the obligations of MEMCO under various operating leases covering barges, obligations of Progress Capital and Electric Fuels under stand-by letters of credit covering workers' compensation, black lung and similar liabilities, and a guarantee of tax-exempt bonds issued by an industrial development authority in Louisiana to finance port facilities.

Further, Florida Progress has also unconditionally guaranteed the sale of $300 million of quarterly income preferred securities indirectly issued by Progress Funding Corporation, one of its direct subsidiaries. Quarterly distributions are payable at the annual rate of 7.10%.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27214]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 21, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the applicant(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 14, 2000, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After September 14, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Exelon Corporation (70–9645)

Exelon Corporation (''Exelon'' or ''Applicant''), a Pennsylvania corporation located at 10 South Dearborn Street, Chicago, Illinois 60603, and a subsidiary of PEPCO Energy Company (''PECO''), a combination electric and gas utility holding company claiming exemption from registration under section 3(a)(1) of the Act by rule 2, has filed an amended application-declaration under sections 3(a)(1), 4, 5, 6(a), 7, 8, 9(a)(1), 9(a)(2), 9(c)(3), 10, 11(b), 12, and 13, and rules 43, 44, 54, and 80 through 92 under the Act.

Under the terms of an Agreement and Plan of Exchange and Merger (''Merger Agreement''), dated September 22, 1999 and amended and restated on January 7, 2000. Exelon proposes to acquire all of the issued and outstanding shares of common stock of PECO and of Unicom Corporation (''Unicom''), a public utility holding company exempt from registration under section 3(a)(1) of the Act by order of the Commission,[1] through a two-step process. First, the Merger Agreement provides for a mandatory share exchange of the outstanding common stock of PEPO for common stock of Exelon. Following this exchange, Unicom will merge with and into Exelon, with Exelon as the surviving corporation. Together, these two transactions are referred to as the ''Merger.'' After the Merger, Exelon will register as a holding company under the Act. In addition, Exelon proposes to engage in various related transactions, including intrasystem transactions.

Exelon further seeks authority to engage in certain corporate restructurings following consummation of the Merger, including (1) Re-aligning the ownership of its nonutility subsidiary companies; (2) transferring all of its generating capacity to Exelon Generation Company, LLC (''Genco''), a subsidiary company to be organized by Exelon; and (3) creating two additional subsidiary utility holding companies (together, the ''Restructurings''). [2]

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[1] HCAR No. 26900 (July 22, 1994).

[2] Exelon states that the Restructurings are subject to certain federal and state regulatory approvals and other actions that may be completed at the time the Merger is otherwise ready to close. Accordingly, Exelon requests authority to complete the Merger with or without the Restructurings.

I. Parties to the Merger

A. Exelon

Exelon currently has no assets and has conducted no business operations to date. Under the terms of the Merger Agreement, Exelon will become the parent holding company of PECO, Unicom's electric-utility subsidiary Commonwealth Edison Company (''ComEd''), Genco, the electric-utility subsidiaries of ComEd and PECO, and the nonutility subsidiaries of Unicom and PECO.

B. PECO

PECO provides retail electric service to approximately 1.5 million customers in the City of Philadelphia and five nearby counties. PECO has an estimated aggregate net installed electric generating capacity of 9,262 megawatts (''MW''), and its transmission facilities are within the Pennsylvania-New Jersey-Maryland (''PJM'') control area. PECO also provides natural gas distribution service to over 400,000 retail customers in southeastern Pennsylvania. For the year ended December 31, 1999, PECO had electric utility revenues of $4.85 billion and gas utility revenues of $481 million.

As of December 31, 1999, PECO had 1,930,920 shares of cumulative preferred stock of various series issued and outstanding, and, as of May 5, 2000, PECO had 169,570,844 shares of common stock outstanding. Its consolidated assets as of December 31, 1999 totaled approximately $13 billion, representing $4 billion in net electric utility property, plant and equipment; $931 million in net gas utility property, plant and equipment; $138 million in nonutility subsidiary assets; and $8 billion in other corporate assets, PECO is subject to regulation by the Pennsylvania Public Utility Commission with respect to retail rates, accounting, service standards, issuance of securities, and other matters, by the Federal Energy Regulatory Commission (''FERC'') with respect to wholesale electric and electric transmission rates and other matters, and by the Nuclear Regulatory Commission (''NRC'') with respect to the ownership and operation of its nuclear generating stations.

PECO directly owns all of the issued and outstanding common stock of two public utility companies: (1) Susquehanna Electric Company (''SECO''); and (2) PECO Energy Power Company (''PEPCO''). PEPCO is a registered holding company that wholly owns another public utility company, Susquehanna Power Company (''SPCO''). All three of these subsidiaries are exclusively engaged in owning and operating the Conowingo Hydroelectric Project on the Susquehanna River at the Pennsylvania/Maryland border (''Conowingo Project'').

PECO is engaged in various nonutility businesses through subsidiaries and through affiliated business ventures, including the following: (1) System financing; (2) exempt wholesale generators (''EWGs''), as defined in section 32 of the Act; (3) telecommunications; (4) real estate development and management; (5) investment in various businesses providing energy services and other services; (6) infrastructure services; (7) other energy services relating to cogeneration facilities and natural gas distribution.[3]

C. Unicom

Unicom's principal subsidiary is ComEd,[4] an electric utility that is also a holding company exempt from registration under section 3(a)(1) of the Act by order of the Commission[5] and by rule 2. ComEd provides retail electric service to approximately 3.4 million customers in and around Chicago. ComEd recently sold all of its fossil fuel-fired generating capacity, but it retains 9,550 MW of nuclear generating capacity from its ten remaining nuclear generating units. ComEd participates in both the Mid-America Interconnected Network and the Midwest Independent System Operator, Inc.[6] ComEd is subject to regulation by the Illinois Commerce Commission with respect to retail electric rates and charges, issuance of most of its securities, service and facilities, affiliated transactions, and other matters, by FERC with respect to wholesale electric and electric transmission rates and other matters, and by the NRC with respect to the operation of its nuclear generating stations.

ComEd's only utility subsidiary is Commonwealth Edison of Indiana (the ''Indiana Company''). The Indiana Company originally was formed to hold a generating station built on the Indiana side of the Illinois-Indiana border near Chicago. The generating station was sold in 1997, and the Indiana Company now has no customers. Currently, its only business is holding a small amount of electric transmission property in Indiana.

For the year ended December 31, 1999, Unicom had electric utility revenues of $6.8 billion. As of March 31, 2000, Unicom had 177,646,782 shares of common stock outstanding.[7] Its consolidated assets as of December 31, 1999 totaled approximately $23.4 billion, representing $12.1 billion in net electric property, plant and equipment; $521.3 million in nonutility subsidiary property, plant and equipment; and $10.8 billion in other corporate assets.

Unicom's direct and indirect nonutility businesses include the following: (1) Mechanical services; (2) leasehold investments; (3) energy services and marketing; (4) district cooling/district energy systems; (5) intra-system insurance and health-care management; (6) system financing; and (7) real estate development.[8]

II. Description of Merger

A. Merger Agreement

Under the Merger Agreement, each outstanding share of Unicom common stock will be exchanged for 0.875 shares of Exelon common stock and $3.00 in cash,[9] and each outstanding share of PECO common stock will be exchanged for one share of Exelon common stock.[10] Following the Merger, PECO's former shareholders will own about 54% of Exelon, and Unicom's former shareholders will own approximately 46%. On June 27 and 28, 2000, the shareholders of PECO and Unicom approved the Merger.

Exelon will account for the Merger under the ''purchase method'' of accounting, with PECO being deemed to have acquired Unicom. The total purchase price consideration will be $5.759 billion, including PECO's estimated transaction costs.[11] Exelon estimates that the premium paid for goodwill will be $2.293 billion, which will be amortized over a 40-year period.

The Merger Agreement provides that, after the Merger takes effect, Exelon's principal corporate office will be located in Chicago, Illinois. Exelon will

[3] The names of PECO's nonutility subsidiaries, investments, and other businesses are listed in Exhibit A to this notice.

[4] Unicom owns all but 4,859 shares of the outstanding common stock of ComEd.

[5] HCAR No. 26090 (July 22, 1994).

[6] ComEd has applied to FERC for approval of a proposed plan to transfer control of its transmission assets to an independent transmission company.

[7] Under the Merger Agreement, Unicom has agreed to repurchase $1.0 billion of its common stock. As of March 31, 2000, Unicom had acquired 14 million shares.

[8] A complete list of the names of the nonutility businesses in which Unicom has an interest is provided in Exhibit A.

[9] No new long-term debt is expected to be issued to finance the approximately $500 million cash payment to Unicom shareholders.

[10] The existing debt securities and preferred stock of ComEd and PECO will remain outstanding without change.

[11] The Merger consideration includes approximately 145.6 million shares of Exelon common stock at a price of $35.89 per share based on the average closing price of PECO common stock between January 3 and 12, 2000.

also maintain PECO Energy's corporate headquarters in Philadelphia, and Exelon's generation business will be headquartered in southeastern Pennsylvania.

B. Proposed Restructurings and Combined Operations

As stated above, Exelon proposes to restructure its post-Merger operations by realigning the ownership of its various utility and nonutility businesses. As part of these Restructurings, Exelon seeks approval to form two intermediate holding companies, Exelon Ventures Company (''Ventures'') and Exelon Energy Delivery Company (''Exelon Delivery''). It also proposes to create one nonutility subsidiary holding company, Exelon Enterprises Company, LLC (''Enterprises''). Ventures will own both Genco and Enterprises, and Exelon Delivery will hold both PECO and ComEd.[12] Enterprises, in turn, will own the existing nonutility interests of both PECO and Unicom.[13]

Exelon seeks Commission authority to retain the existing nonutility businesses and interests of ComEd and PECO after the Merger, including those nonutility investments that are ''energy related'' within the meaning of rule 58 under the Act. Exelon further requests that the Commission not include its existing ''energy related'' nonutility businesses in any calculation of the investment limitations set forth in rule 58 under the Act.[14]

At or about the time of the Merger, ComEd and PECO will transfer all of their generating facilities to Genco, a public utility company that will supply power both to its affiliates and to non-affiliated customers (''Genco Restructuring''). Genco therefore will become the parent of PEPCO, SECO, and PEPCO's subsidiary SPCO, which collectively hold and operate the Conowingo Project.[15]

The Applicant states that Genco will coordinate the efficient use of the generation formerly held by ComEd and PECO for the benefit of the Exelon system. Exelon Delivery, through its ownership of ComEd an PECO, will hold the transmission and distribution functions of the Exelon system.

Exelon states that it expects all necessary approvals to be in place shortly after completion of the Merger. However, in the event there is a delay between closing of the Merger and completion of the Genco Restructuring, the Applicant seeks authority to engage in a system of interim operations pending the transfer of the generating assets of ComEd and PECO to Genco.

The Applicant states that the electric utility properties will be operated as a single integrated system.[16] Exelon intends to interconnect the electric utility systems via a 100 MW firm, west to east, contract path (''Contract Path'') over American Electric Power (''AEP''), Virginia Power, and PJM transmission systems.[17] The Contract Path, which commences on November 1, 2000, will extend from the interface of the AEP and ComEd transmission systems to the interface of the Virginia Power and PJM transmission systems, and through PJM's system to PECO. Exelon commits to keep the Contract Path in place for three years after the date of the order in this case, or until the Commission determines that an alternate path or some other arrangement is adequate to keep Exelon in compliance with the integration requirement of the Act.

The Applicant states that it will not use traditional joint economic dispatch of the systems of ComEd and PECO as do other registered systems that effectively operate as tight power pools. Given that ComEd and PECO are in separate ''control areas,'' Exelon states that this true joint dispatch would not be feasible. However, Exelon will centralize all its generating assets and activities in Genco. Genco will provide power to ComEd and PECO as one of several competing options to meet those companies' bundled load or provider of last resort load obligations. Because of this organizational structure, Exelon states that it will have no need for the type of ''joint operating agreement'' that many registered public utility systems, have. Exelon states that, while those agreements may be necessary to achieve integrated operations among several separate subsidiary utility companies, in Exelon's case all generation resources are controlled in a single entity and these types of agreements are not required. The Applicant states that Genco would conduct marketing efforts, both as a buyer and a seller, for the Exelon system.

Exelon further states that it expects to achieve the coordination and integration of the combined system through the coordination and integration of information system networks; customer service; procurement organizations; organizational structures for power generation, energy delivery and customer relations; and support services.

III. Affiliate Transactions

A. Exelon Business Services Company

Exelon requests that the Commission authorize the designation of Exelon Business Services Company (''Exelon Services'') as a subsidiary service company in accordance with rule 88(b) under the Act.[18] After the Merger, Exelon Services proposes to provide Exelon, ComEd, PECO, Genco and Exelon's nonutility subsidiaries with various corporate, administrative, management and support services, including services relating to support of electric and gas plant operations.[19]

Exelon Services will enter into a service agreement with PECO, ComEd, Genco and other affiliates, including nonutility affiliates (''General Service Agreement''), which will be structured to comply with the requirements of section 13 of the Act and the Commission's rules under the Act. Under the General Service Agreement, charges for services provided by Exelon Services to affiliated utility companies will be at cost, in compliance with rules 90 and 91 under the Act. Except for certain requested exceptions discussed below, services provided by Exelon Services to affiliated nonutility companies will also be charged at cost.

Exelon requests authority for Exelon Services and Exelon's nonutility subsidiaries to provide certain construction, goods or services at fair market value, under certain circumstances, to any nonutility associate company in the Exelon system.

[12] Exelon further requests a finding by the Commission that Exelon Delivery, Ventures and Genco would not be considered ''holding companies'' or ''subsidiary companies'' solely for purposes of section 11(b)(2) of the Act.

[13] Following the Merger and the Restructurings, Exelon Delivery, Ventures and Genco each will register as holding companies under the Act.

[14] Rule 58(a)(1)(ii) provides that a registered holding company system's investments in nonutility activities that are exempt under rule 58 cannot exceed 15% of the consolidated capitalization of the registered holding company.

[15] PEPCO, as the parent of SPCO, will remain a registered holding company.

[16] Exelon states that it proposes to retain PECO's gas utility operations as an additional single, integrated gas utility system.

[17] With respect to the PJM leg of the Contract Path, Exelon will rely on PECO's rights as a Load-Serving Entity to use ''Secondary Service'' as defined by section 28.4 of the PJM Open Access Transmission Tariff rather than obtain from PJM 100 MW of firm point-to-point transmission service. Secondary Service has rights equivalent to firm point-to-point service.

[18] In addition, Exelon requests that the Commission find that this application is deemed to constitute a filing on Form U–13–1 for purposes of rule 88 under the Act, or, alternatively, that the filing of a Form U–13–1 is not necessary under the Act.

[19] Exelon also may establish a specialized service company for Genco operations (''GenServCo''). Genco would reimburse GenServCo for its expenses on a full cost basis in compliance with the requirements of section 13 of the Act. Exelon will provide information regarding GenServCo by pre- or post-effective amendment to this application.

Exelon Services will be staffed primarily by transferring existing personnel from the current employee rosters of Unicom, PECO, and their subsidiaries. Exelon Services will be headquartered in Chicago and will conduct substantial operations in both Chicago and Philadelphia. Exelon states that Exelon Services' capitalization will consist of not more than 1,000 shares of common stock, and that Exelon Services' total equity capital will not exceed $10,000.

Exelon expects Exelon Services to be operational within 30 days after the effective date of the Merger. However, in order to allow time to develop all required systems, the Applicant seeks authority to delay the full implementation of all services and systems applicable to Exelon Services under the Act for a period of not longer than 12 months following the effective date of the Merger.

B. Other Affiliate Transactions

Both ComEd and PECO currently participate in certain transactions with affiliates at rates that may exceed cost under existing arrangements. Exelon requests an interim exemption from the cost standards of rules 90 and 91 under the Act to allow PECO and ComEd to continue participating in these arrangements for a period of not longer than 15 months following the date of the Commission's order in this matter. Exelon also states that ComEd, PECO, and PECO's subsidiaries will continue to provide energy services to U.S. governmental agencies at rates approved by their respective state public utility commissions, where these companies act as ''conduits'' for the services being provided.

Exelon also seeks approval under rule 87(a)(3) under the Act or other applicable authority for: (1) Genco, any future subsidiary of Genco, and AmerGen Energy Company, L.L.C., a nonutility subsidiary of PECO, to provide certain energy-related services to each other at cost; (2) Genco, ComEd and PECO to provide certain energy-related services to each other at cost; and (3) Exelon Infrastructure Services, Inc. (''EIS'') and Unicom Mechanical Services (''Mechanical Services''), presently nonutility subsidiaries of, respectively, PECO and Unicom, to provide services to ComEd, PECO and Genco. Exelon further requests an exemption from the cost standards of the Act for EIS and Mechanical Services to provide services to ComEd, PECO, Genco, and any other Exelon utility subsidiary, as well as any subsidiary that is involved in directly providing goods, construction, or services to these companies, at market prices for a period of not longer than 15 months following the date of the Commission's order in this matter.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

Exhibit A

Nonutility Businesses

Subsidiaries and Investments of Unicom

Unicom owns directly or indirectly all of the outstanding equity securities of the following nonutility subsidiaries: Unicom Enterprises, Inc. is a first tier holding company for Unicom's non-regulated investments which fall in the following general categories:

Mechanical Services Business

The following companies are in the mechanical services businesses: Unicom Mechanical Services Inc., Access Systems, Inc., Hoekstra Building Automation, Inc., Metropolitan Mechanical Contractors Inc., and Reliance Mechanical Corp.

Like-Kind Exchange Tax Advantaged Transaction

The following companies are engaged in tax-advantaged transactions related to the sale of ComEd's fossil generation: Unicom Investment Inc., Scherer Holdings 1, LLC; Scherer Holdings 2, LLC; and Scherer Holdings 3, LLC; Wansley Holdings 1, LLC and Wansley Holdings 2, LLC, Spruce Holdings G.P. 2000 LLC and Spruce Holdings L.P. 2000 LLC, Spruce Equity Holdings L.P., and Spruce Holdings Trust.

Energy Services/Marketing

The following companies are engaged in energy services or marketing: Unicom Energy Services Inc., Unicom Energy Inc., Unicom Energy Ohio, Inc., and Unicom Power Marketing Inc.

District Cooling/District Energy Systems

The following companies are engaged in district cooling or district energy businesses: UT Holdings Inc. (''UT''), Unicom Thermal Development Inc., Unicom Thermal Technologies Inc., Unicom Thermal Technologies Houston Inc., Unicom Thermal Technologies Boston Inc., Unicom Thermal Technologies North America Inc., UTT National Power Inc., UTT Nevada Inc., and UTT Phoenix, Inc. Unicom Thermal Technologies Boston Inc. holds a 25% membership interest in Northwind Boston LLC. Unicom Thermal Technologies Houston Inc. holds a 25% membership interest in Northwind Houston LLC. Northwind Houston LLC, in turn, holds 25% of the partnership in Northwind Houston LP. Unicom Thermal Technologies North America Inc. operates in Canada through its subsidiary Northwind Thermal Technologies Canada Inc. and its subsidiary Unicom Thermal Technologies Inc. Northwind Midway LLC is a subsidiary of UTT National Power Inc. UTT Nevada Inc. holds a 75% membership interest in Northwind Aladdin LLC, and a 50% membership interest in Northwind Las Vegas LLC. UT holds a 50% membership interest in Northwind Chicago LLC. UTT Phoenix, Inc. holds 50% membership interests in Northwind Arizona Development LLC and in Northwind Phoenix LLC.

Others

Unicom Power Holdings Inc., Unicom HealthCare Management Inc., Unicom Resources Inc. (inactive), and Unicom Assurance Company Limited (''UACL''), a direct subsidiary of Unicom.

Subsidiaries of Commonwealth Edison

Special Purpose Financing Subsidiaries/Trusts

ComEd Financing I, ComEd Financing II, ComEd Funding, LLC, ComEd Transitional Funding Trust, and Edison Finance Partnership.

Real Estate/Real Estate Joint Ventures

Edison Development Company owns 50% of Lincoln Commerce Center, the Commerce Distribution Center Joint venture, the Concepts II Building joint venture, and the Concepts III Building joint venture.

Others

Commonwealth Research Corporation, Concomber Ltd., and Edison Development Canada Inc.

Non-Subsidiary investments of Unicom

Except for Pantellos Corporation, of which Unicom owns 5.4% of the equity, Unicom has less than 5% of the common stock of the following entities: Apeco Corporation, Chicago Community Ventures, Inc., Chicago Equity Fund, Dearborn Park Corporation, I.L.P. Fund C/O Chicago Capital Fund, Illinois Venture Fund (Unibanc Trust), Boston Financial Institutional Tax Credit Fund X, Related Corporate Partners IV. L.P., Boston Financial Institutional Tax Credit Fund XIX, Related to Corporate Partners XII, L.P., Boston Capital Corp. XIV, Boston Financial Institutional Tax Credit Fund XXI, Related Corporate Partners XIV, L.P., Summit Corporate Tax Credit Fund II, USA Institutional Tax Credit Fund XXII, Pantellos Corporation (5.4% of the equity),

Automated Power Exchange, UTECH Climate Challenge Fund, L.P., Utility Competitive Advantage Fund I, LLC and Utility Competitive Advantage Fund II, LLC

Subsidiaries and Investment of PECO

Financing Subsidiaries

The following are special purpose financing subsidiaries: PECO Energy Capital Corp. (PECC); PECO Energy Capital, L.P. (PECLP) (3% is held by PECC); PECO Energy Capital Corp. Trust 2; PECO Energy Capital Corp. Trust 3; PECO Energy Transition Trust (PETT); ATNP Finance Company (ATNP), wholly-owned by PECO Wireless, LLC (PEWI); and PEC Financial Services, LLC (PEC), which is wholly-owned by PEWI.

Exempt Wholesale Generators

AmerGen Energy Company, LLC (50% LLC membership interest held by PECO); AmerGen Vermont, LLC (owned by AmerGen).

Telecommunications Companies

PECO Wireless, LLC (PEWI) is a wholly-owned LLC which serves as a holding company of PECO's telecommunications ventures and interests. AT&T Wireless PCS of Philadelphia, LLC (PPC), in which PEWI holds a 49% LLC membership interest, is a joint venture with AT&T Wireless Services. PECO Hyperion Telecommunications (d/b/a PECO Adelphia Communications) is a general partnership in which PECO is a 50% partner.

Real Estate Companies

Eastern Pennsylvania Development Company (EPDC), EPDC owns Adwin Realty Company

Investments

Energy Assets (f/k/a Energy Performance Services, Inc., f/k/a Heatac Energy) (EDPC owns a 10% interest); Adwin (Schuykill) Cogeneration, Inc. (inactive); Utility Competitive Advantage Fund I, LLC, (11% ownership interest); Enertech Capital Partners II (6.4% ownership interest); Energy Trading Company (ETC), wholly-owned by PECO, holds interests in: (1) WorldWide Web NetworX Corporation and (2) Entrade, Inc.; Exelon Ventures Corp., wholly-owned by PECO, is currently the holding company of Exelon Capital Partners. Exelon Ventures owns: UniGridEnergy LCC, a 50% joint venture and Exelon Capital Partners, Inc. Exelon Capital Partners, Inc. holds (1) a 12% interest in Extant, Inc., (2) a 14.9% interest in Permits Now (f/k/a Softcomp), (3) a 50% interest in CIC Global, LLC, (4) a ~ 16.8% interest in VITTS Network Group Inc., (5) a 34.88% interest (preferred stock) in OmniChoice.com, Inc. and (6) $500,000 of financing to Exotrope.

Infrastructure Service Companies

Exelon Infrastructure Services, Inc. (EIS), owned approximately 95% by PECO, directly or indirectly holds all of the following companies: Exelon Infrastructure Services of PA, Inc., Chowns Communications, Inc. (CCI), Fischbach and Moore Electric, Inc., Syracuse Merit Electric, Inc., NEWCOTRA, Inc., Fischbach and Moore Electric, Incorporated (FMI), Fischbach and Moore Electical Contracting, Inc., T.H. Green Electric Co., Inc., Trinity Industries, Inc., OSP Consultants, Inc., International Communications Services, Inc., OSP Inc., OSP Servicios, S.A. de C.V. (Mexico), OSP Telecom, Inc., OSP Telcomm de Mexico, S.A. de C.V. (Mexico), OSP Telcom de Colombia, LTDA (in the process of liquidation), OSP Telecommunications, Ltd. (Bermuda), RJE Telecom, Inc., Utility Locate & Mapping Services, Inc., Dashiell Holdings Corp., Dashiell Corporation, Dacon Corporation, VSI Group Inc., International Vital Solutions Group, Inc., Michigan Trenching Service, Inc., and Lyons Equipment, Inc. The OSP foreign subsidiaries are inactive.

Other Energy Services Companies

Adwin Equipment Company (AECO), Horizon Energy Company (f/k/a PECO Gas Supply Company) (inactive), and East Coast Natural Gas Cooperative, LLP (16.66% LLP interest).

Miscellaneous Companies

Exelon Corporation (f/k/a NEWHOLDCO Corporation f/k/a PECO Energy Corporation), a wholly-owned inactive subsidiary of PECO will become the parent registered holding company in the Exelon system upon the consummation of the Merger, Exelon (Fossil) Holdings, Inc. (inactive), and The Proprietors of the Susquehanna Canal (inactive).

[FR Doc. 00–21751 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43165; File No. S7–24–89]

Joint Industry Plan; Solicitation of Comments and Order Approving Amendment No. 11 to Reporting Plan for Nasdaq/National Market Securities Traded on an Exchange on an Unlisted or Listed Basis, Submitted by the National Association of Securities Dealers, Inc., and the Boston, Chicago, Philadelphia, and Cincinnati Stock Exchanges and the Pacific Exchange

August 16, 2000.

I. Introduction

On July 5, 2000, the National Association of Securities Dealers, Inc. (''NASD''), on behalf of itself and the Boston Stock Exchange, Inc. (''BSE'') the Chicago Stock Exchange, Inc. (''CHX''), the Philadelphia Stock Exchange, Inc. (''PHLX''), the Pacific Exchange (''PCX'') and the Cincinnati Stock Exchange (''Cincinnati'') submitted to the Securities and Exchange Commission (''Commission'' or ''SEC'') Amendment No. 11 to a joint transaction reporting plan (''Plan'') [1] for Nasdaq/National Market (''Nasdaq/NM'') (previously referred to as Nasdaq/NMS) securities traded on an exchange on an unlisted or listed basis.[2] This notice and order approves the amendment, which would add PCX as a Participant to the Plan and make a change to the section of the Plan entitled ''Symbols for Market Identification for Quotation Information and Transaction Reports'' to indicate

[1] Section 12(f) of the Securities Exchange Act of 1934 (''Act'') describes the circumstances under which an exchange may trade a security that is not listed on the exchange, *i.e.,* by extending unlisted trading privileges (''UTP'') to the security. *See* 15 U.S.C. 78*l*(f). Section 12(f) required exchanges to apply to the Commission before extending UPT to any security. In order to approve an exchange UTP application for a registered security not listed on any exchange (''OTC/UTP''), Section 12(f) required the Commission to determine that various criteria had been met concerning fair and orderly markets, the protection of investors, and certain national market initiatives. Section 12(f) was amended on October 22, 1994, the amendment removed the application requirement. OTC/UTP is now allowed only purusant to a Commission order or rule, which is to be issued or promulgated under essentially the same standards that previously applied to Commission review of UTP applications. The present order fulfills these Section 12(f) requirements.

[2] The signatories to the Plan, *i.e.,* the NASD, the CHX (previously, the Midwest Stock Exchange, Inc.), the PHLX, and the BSE, are the ''Participants.'' The BSE, however, joined the Plan as a ''Limited Participant,'' and reports quotation information and transaction reports only in Nasdaq/NM securities listed on the BSE. Originally, the American Stock Exchange, Inc., was a Participant to the Plan, but did not trade securities pursuant to the Plan, and withdrew from participation in the Plan in August 1994.

that PCX should be referred to as ''Pacific Stock Exchange.''

II. Background

The Commission originally approved the Plan on June 26, 1990.[3] The Plan governs the collection, consolidation and dissemination of quotation and transaction information for Nasdaq/NM securities listed on an exchange or traded on an exchange pursuant to a grant of UTP.[4] The Commission originally approved trading pursuant to the Plan on a one-year pilot basis, with the pilot period to commence when transaction reporting pursuant to the Plan commenced. Accordingly, the pilot period commenced on July 12, 1993.[5] The Plan has since been in operation on an extended pilot basis.[6]

III. Description of the Plan

The Plan provides for the collection from Plan Participants and the consolidation and dissemination of vendors, subscribers and others of quotation and transaction information in ''eligible securities.''[7] The Plan contains various provisions concerning its operation, including: Implementation of the Plan; Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information; Reporting Requirements (including hours of operation); Standards and Methods of Ensuring Promptness, Accuracy and Completeness of Transaction Reports; Terms and Conditions of Access; Description of Operation of Facility Contemplating by the Plan; Method and Frequency of Processor Evaluation; Written Understandings of Agreements Relating to Interpretation of, or Participation in, the Plan; Calculation of the Best Bid and Offer; Dispute Resolution, and Method of Determination and Imposition, and Amount of Fees and Charges.[8]

IV. Discussion

The Commission finds that it is consistent with Section 11A[9] of the Act to add PCX as a Participant to the Plan and to change the section of the Plan entitled ''Symbols for Market Identification for Quotation Information and Transaction Reports'' to indicate that PCX should be referred to as ''Pacific Exchange'' instead of ''Pacific Stock Exchange.'' Section 11A directs the Commission to facilitate the development of a national market system for securities, ''having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets,'' and cities as an objective of that system the ''fair competition * * * between exchange markets and markets other than exchange markets.''[10] When the Commission first approved the plan on a pilot basis, it found that the Plan ''should enhance market efficiency and fair competition, avoid investor confusion, and facilitate surveillance of concurrent exchange and OTC trading.''[11] The Commission now finds that adding a Participant to the Plan furthers these same goals.

Section 1C of the Plan provides that a national securities exchange in whose market eligible securities become traded, may become a Participant, provided that the exchange executes a copy of the Plan and pays its share of development costs as specified in Section XIV of the Plan. PCX has filed an executed copy of the Plan with the Commission, and the Participants have represented to the Commission that PCX has paid its share of the development costs specified in Section XIV of the Plan. Accordingly, the Commission finds that the PCX has satisfied the requirements listed in the Plan to become a Participant.

The Commission also finds that the technical amendment to the Plan is consistent with the Act. The Commission believes that the Plan should accurately reflect the Participants. Thus, it is appropriate that all references to the Pacific Stock Exchange are changed to the Pacific Exchange.

V. Solicitation of Comment

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed amendment that are filed with the Commission, and all written communications relating to the proposed amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. All submissions should refer to File No. S7–24–89 and should be submitted by September 15, 2000.

VI. Conclusion

It Is Therefore Ordered, pursuant to Sections 12(f) and 11A of the Act and paragraph (c)(2) of Rule 11Aa3–2 thereunder, that Amendment No. 11 to the Plan, is approved.

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[3] *See* Securities Exchange Act Release No. 28146 (June 26, 1990), 55 FR 27917 (July 6, 1990) (''1990 Approval Order'').

[4] *See* Section 12(f)(2) of the Act. *See also* December 1998 Extension Order, *infra* note 6, for a more in depth description of the Plan.

[5] *See* letter from David T. Rusoff, Foley & Lardner, to Betsy Prout, Division of Market Regulation SEC, dated May 9, 1994.

[6] *See* Securities Exchange Act Release No. 34371 (July 13, 1994), 59 FR 37103 (July 20, 1994); Securities Exchange Act Release No. 35221 (January 11, 1995), 60 FR 3886 (January 19, 1995); Securities Exchange Act Release No. 36102 (August 14, 1995), 60 FR 43626 (August 22, 1995); Securities Exchange Act Release No. 36226 (September 13, 1995), 60 FR 40929 (September 21, 1995); Securities Exchange Act Release No. 36368 (October 13, 1995), 60 FR 54091 (October 19, 1995); Securities Exchange Act Release No. 36481 (November 13, 1995), 60 FR 58119 (November 24, 1995); Securities Exchange Act Release No. 36589 (December 13, 1995), 60 FR 65696 (December 20 1995); Securities Exchange Act Release No. 36650 (December 28, 1995), 61 FR 358 (January 4, 1996); Securities Exchange Act Release No. 36934 (March 6, 1996), 61 FR 10408 (March 13, 1996); Securities Exchange Act Release No. 36985 (March 18, 1996), 61 FR 12122 (March 25, 1996); Securities Exchange Act Release 37689 (September 16, 1996), 61 FR 50058 (September 24, 1996); Securities Exchange Act Release No. 37772 (October 1, 1996), 61 FR 52980 (October 9, 1996); Securities Exchange Act Release No. 38457 (March 31, 1997) 62 FR 16880 (April 8, 1997; Securities Exchange Act Release No. 38794 (June 30, 1997) 62 FR 36586 (July 8, 1997); Securities Exchange Act Release No. 39505 (December 31, 1997) 63 FR 1515 (January 9, 1998); Securities Exchange Act Release No. 40151 (July 1, 1998) 63 FR 36979 (July 8, 1998); Securities Exchange Act Release No. 40869 (December 31, 1998), 64 FR 1834 (January 12, 1999) (''December 1998 Extension Order''); Securities Exchange Act Release No. 41392 (May 12, 1999), 64 FR 27839 (May 21, 1999) (''May 1999 Approval Order''); Securities Exchange Act Release No. 42268 (December 23, 1999) 65 FR 1202 (January 7, 2000); and Securities Exchange Act Release No. 43005 (June 30, 2000) 65 FR 42411 (July 10, 2000).

[7] The Plan defines ''eligible security'' as any Nasdaq/NM security as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Act or that is listed on a national securities exchange. On May 12, 1999, the Commission expanded the number of eligible Nasdaq/NM securities that may be traded by the CHX pursuant to the Plan from 500 to 1000. *See* May 1999 Approval Order, *supra* note 6.

[8] The full text of the Plan, as well as a ''Concept Paper'' describing the requirements of the Plan, are contained in the original filing which is available for inspection and copying in the Commission's public reference room.

[9] 15 U.S.C. 78k–1. In approving this amendment, the Commission has considered the amendment's impact on efficiency, competition, and capital formations. 15 U.S.C. 78(c)(f).

[10] 15 U.S.C. 78k–1(a)(1)(C)(ii).

[11] *See supra* note 3.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21744 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release 34–43182; File No. 600–23; International Series Release No. 1230]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Notice of Filing and Order Approving a Request for an Extension of Temporary Registration as a Clearing Agency

August 18, 2000.

Notice is hereby given that on July 10, 2000, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') an application pursuant to Section 19(a) of the Securities Exchange Act of 1934 (''Act'')[1] requesting that the Commission extend EMCC's temporary registration as a clearing agency.[2] The Commission is publishing this notice and order to solicit comments from interested persons and to extend EMCC's temporary registration as a clearing agency through August 31, 2001.

On February 13, 1998, pursuant to Sections 17A(b) and 19(a)(1) of the Act[3] and Rule 17Ab2–1 promulgated thereunder,[4] the Commission granted EMCC's application for registration as a clearing agency until August 20, 1999.[5] The Commission subsequently extended EMCC's registration as a clearing agency until August 20, 2000.[6] EMCC was created to facilitate the clearance and settlement of transactions in U.S. dollar denominated Brady Bonds.[7] Since that time, EMCC has added certain sovereign debt to the list of eligible securities that may be cleared and settled at EMCC.[8]

EMCC began operating on April 6, 1998, with ten dealer members. EMCC currently has 21 members. During 1999, EMCC's members achieved an average trade-date matching rate of 89 percent and an average settlement-date success rate of over 92 percent.[9]

As part of EMCC's initial temporary registration, the Commission granted EMCC temporary exemption from Section 17A(b)(3)(B) of the Act because EMCC did not provide for the admission of some of the categories of members required by that section.[10] To date, EMCC continues to limit the categories of entities eligible for membership to U.S. broker-dealers, United Kingdom broker-dealers, U.S. banks, and non-U.S. banks. As the Commission noted in the Registration Order, the Commission believes that providing for limited categories of members is appropriate at least during a clearing agencies initial phases of operations especially when no one in a category not covered by EMCC desires to be a member. Accordingly, the Commission is extending EMCC's temporary exemption from Section 17A(b)(3)(B).

The Commission also granted EMCC a temporary exemption from Sections 17A(b)(3)(A) and 17A(b)(3)(F) of the Act to permit EMCC to use, subject to certain limitations, ten percent of its clearing fund to collateralize a line of credit at Euroclear to finance on an intraday basis the receipt by EMCC of eligible instruments from one member that EMCC will redeliver to another member.[11] The Registration Order limited EMCC's use of clearing fund deposits for this intraday financing to the earlier of one year after EMCC commenced operations or the date on which EMCC begins its netting service. On April 2, and May 17, 1999, the Commission approved rule changes that permitted EMCC to implement a netting service and that extended EMCC's ability to use clearing fund deposits for intraday financing at Euroclear until all EMCC members are netting members (as opposed to the date on which netting services were made available or EMCC's first anniversary).[12] Accordingly, the Commission is extending EMCC's temporary exemption from Section 17A(b)(3) (A) and (F).

Interested persons are invited to submit written data, views, and arguments concerning the foregoing application. Such written data, views, and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Section 19(a)(1) of the Act.[13] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the amended application for registration and all written comments will be available for inspection at the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. All submissions should refer to File No. 600–30 and should be submitted by September 15, 2000.

It Is Therefore Ordered, pursuant to Section 19(a) of the Act, that EMCC's registration as a clearing agency (File No. 600–30) be and hereby is temporarily approved through August 31, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21749 Filed 8–24–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43186; File No. SR–CBOE–99–37]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2 and 3 to the Proposed Rule Change Establishing a Membership Ownership Requirement and a Capitalization Transfer Fee Applicable to Designated Primary Market Makers

August 21, 2000.

I. Introduction

On July 9, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act

[12] 17 CFR 200.30–3(a)(29).

[1] 15 U.S.C. 78s(a).

[2] Letter from Merrie Faye Witkin, Assistant Secretary, EMCC (July 7, 2000).

[3] 15 U.S.C. 78q–1(b) and 78s(a)(1).

[4] 17 CFR 240.17Ab2–1.

[5] Securities Exchange Act Release No. 39661 (February 13, 1998), 63 FR 8711 (''Registration Order'').

[6] Securities Exchange Act Release No. 41733 (August 12, 1999), 64 FR 44982.

[7] Brady bonds are restructured bank loans. They were first issued pursuant to a plan developed by then U.S. Treasury Secretary Nicholas Brady to assist debt-ridden countries restructure their sovereign debt into commercially marketable securities. The plan provided for the exchange of bank loans for collateralized debt securities as part of an internationally supported sovereign debt restructuring. Typically, the collateral would be U.S. Treasury securities.

[8] Securities Exchange Act Release Nos. 41618 (July 14, 1999), 64 FR 39181 and 40363 (August 25, 1998), 63 FR 46263.

[9] EMCC 1999 Annual Report.

[10] Registration Order at 8716.

[11] Registration Order at 8720.

[12] Securities Exchange Act Release Nos. 41247 (April 2, 1999), 64 FR 17705 (April 12, 1999) and 41415 (May 17, 1999), 64 FR 27841 (May 21, 1999).

[13] 15 U.S.C. 78s(a)(1).

[14] 17 CFR 200.30–3(a)(16)

of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change adding provisions to the designated primary market maker (''DPM'') program. On July 13, 1999, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] The proposed rule change was published in the **Federal Register** on September 21, 1999.[4] The Commission received 19 comment letters on the proposed rule change.[5] On December 20, 1999, the CBOE submitted Amendment No. 2 to the proposed rule change.[6] On August 9, 2000, the CBOE submitted Amendment No. 3 to the proposed rule change.[7] This order approves the proposed rule change and approves Amendment Nos. 2 and 3 to the proposed rule change on an accelerated basis. The Commission is also soliciting comment on Amendment Nos. 2 and 3 to the proposed rule change.

II. Description of the Proposed Rule Change

The CBOE proposes two new requirements for DPMs. The first will require that each DPM own at least one Exchange membership. The second will assess a transfer fee on a DPM that undergoes a change in its capitalization during a set period of time.

A. Requirement That a DPM Own an Exchange Membership

The Exchange proposes to add paragraph (e) to CBOE Rule 8.85, which is the current rule governing the Modified Trading System. This new proposal would require DPMs to own at least one Exchange membership. Each current DPM would have 18 months from the proposal's effective date to satisfy the ownership requirement. The ownership requirement may be satisfied either by owning a transferable regular CBOE membership, or a Chicago Board of Trade full membership that is effectively exercised pursuant to Article Fifth of the CBOE's Certificate of Incorporation. A single membership, however, may not be used to satisfy the ownership requirement for more than one DPM. The ownership requirement would be satisfied if a senior principal of a DPM owns the membership.

B. Assessment of Transfer Fee

The proposal also adds Interpretation and Policy .02 to CBOE Rule 8.89. Under this Interpretation, the Exchange proposes to assess a transfer fee on DPMs that undergo changes in its capitalization during a determined five-year period. The transfer fee would only be assessed on those DPMs that have been allocated one or more options classes that have traded on the CBOE prior to June 29, 1999. Furthermore, the transfer fee would only be imposed on those DPMs that have been allocated on pre-June 29, 1999 options class after June 29, 1999. The five-year period would begin as of the date of allocation to the DPM of the first pre-June 29, 1999 option class.

The Exchange proposes to define a change in capitalization to include any sale, transfer, or assignment of any ownership interest in the DPM or any change in the DPM's capital structure, voting authority, or distribution of profits or losses.

As proposed, the transfer fee would generally be equivalent to an applicable percentage of the larger of: (1) The dollar amount of the change in a DPM's capitalization attributable to pre-June 29, 1999 option classes allocated to the DPM after June 29, 1999, or (2) the value of the change in the DPM's capitalization attributable to the business gained because of the pre-June 29, 1999 options class that was allocated to the DPM after June 29, 1999, as determined by a formula for ascertaining an approximate value of that portion of the transaction. The applicable percentage to be applied in determining the transfer fee will be: 50% in the first year of the five-year period during which the DPM is subject to this transfer fee, 40% in the second year, 30% in the third year, 20% in the fourth year, and 10% in the fifth year.

III. Summary of Comments

The Commission received nineteen comment letters opposing the proposed rule change. Eighteen were submitted by DPMs, and one by members of the Board of the DPM Members Association of the CBOE.[8] The Exchange submitted one letter in response.[9]

Three of the commenters stated that the proposed rule change had not been adequately explained by the CBOE staff, and that it was broader in its scope than they had previously understood.[10] Five commenters argued that the rule change was actually meant to mollify or protect certain members of the Exchange at the expense of newer or smaller DPMs, and not simply to ensure a long-term commitment to the CBOE.[11]

In response to these objections, the Exchange stated that the proposed rule change was developed as part of an initiative to expand its DPM system, after substantial input from the Exchange membership, including meetings of each CBOE trading crowd

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Arthur B. Reinstein, Assistant General Counsel, CBOE, to Kelly Riley, Attorney, Division of Market Regulation (''Division''), SEC, dated July 12, 1999 (''Amendment No. 1'').

[4] Securities Exchange Act Release No. 41872 (September 13, 1999), 64 FR 51158.

[5] *See* note 8 *infra.*

[6] Letter from Arthur B. Reinstein, Assistant General Counsel, CBOE, to Kelly Riley, Attorney, Division, SEC, dated December 17, 1999 (''Amendment No. 2''). In Amendment No. 2, the Exchange amended the proposed transfer fee to provide that options traded on other exchanges before June 29, 1999 that have been allocated to DPMs will not be considered when determining whether the proposed transfer fee applies to a capitalization transfer. In addition, the Exchange clarified its use of the multiplier of two in one of the proposed transfer fee formulas. Finally, the CBOE committed that it would not consider financial information that relates to a DPM's non-DPM business activities in the calculation of the capitalization transfer fee.

[7] *See* letter from Arthur B. Reinstein, Associate General Counsel, CBOE, to Kelly Riley, Division, SEC, dated August 8, 2000 (''Amendment No. 3''). In Amendment No. 3, the CBOE proposed to renumber the proposed rules so that they are consistent with the current CBOE rules.

[8] *See* letters to Kelly Riley, Attorney, Division, SEC, from Lee E. Tenzer, Chairman, Lee E. Tenzer Trading Company, dated January 20, 2000 (''Tenzer Letter''); Thomas Bartlett, Managing Partner, Trade Mark Financial Group, dated February 11, 2000 (''Bartlett Letter''); Jack Callahan, Callahan DPM, LLC, dated February 12, 2000 (''Callahan Letter''); John M. Saliba, Managing Member, Saliba Partners DPM, dated February 14, 2000 (''Saliba Letter''); Ethan Schwartz, Schwartz Trading Group LLC, dated February 16, 2000 (''Schwartz Letter''); Keith Hoglung, General Partner, Rathunas Trading, L.L.C., dated February 26, 2000 (''Hoglund Letter''); Thomas M. O'Donnell, Member, Specialist DPM, LLC, dated February 17, 2000 (''O'Donnell Letter''); Ed Zareck and Michael Hoban, General Partners, ZH Partners, JV, dated February 27, 2000 (''ZH Partners Letter''); Joseph Feldman, Partner, Bridgeport Securities and Bridge port DPM, L.L.C., dated February 17, 2000 (''Feldman Letter''); Michael R. Benson and Edward V. Dolinar, Managing Members, Big Blue Trading LLC, dated February 17, 2000 (''Big Blue Letter''); Randy Emer, Managing Partner, Eclipe JV, dated February 17, 2000 (''Emer Letter''); Jeff Cesarone, Terry Herlihy, Robert Maine, Robert Murphy, John Witten and Scott Witten, Members, Hiland Capital I, LLC/DPM, dated February 17, 2000 (''Hiland Letter''); Daniel F. O'Neill and Peter J. Gancer, Managing Members, Midway Securities, L.L.C., dated February 17, 2000 (''Midway Letter''); Timothy J. Werner, Member, RTB Derivates L.L.C., undated, received February 18, 2000 (''Werner Letter''); William J. Gorman and Orlando Alfonso, Partners, Copper Trading J.V., and William Johnson, Partner, Johnson Trading, J.V., dated February 18, 2000 (''Cooper-Johnson Letter''); Jim Murphy, Managing Partner, Option Funding Group, LP, dated February 18, 2000 (''Murphy Letter''); Jeff Melgard, Prime Markets Group, LLC, dated February 18, 2000 (''Melgard Letter''); Jesse Stamer, TradeNet, LLC, dated February 18, 2000 (''Stamer Letter''); and Daniel Koutris, Managing Member, KFT DPM, LLC, *et al.*, Members of the Board of the DPM Members Association of the CBOE, dated February 15, 2000 (''DPM Board Members Letter''); Copies of the comment letters are available in the Commission's Public Reference Room in File No. SR–CBOE–99–37.

[9] *See* letter from Arthur B. Reinstein, Assistant General Counsel, CBOE, to Kelly Riley, Attorney, Division, SEC, dated April 18, 2000 (''CBOE Response'').

[10] *See* Hoglund Letter; Feldman Letter; and DPM Board Members Letter.

[11] *See* Tenzer Letter; Schwartz Letter; Murphy Letter; Stamer Letter; and DPM Board Members Letter.

and general open membership meetings. The CBOE stated that the initiative included work by a task force of seventeen members, four of whom were among the commenters now opposing the rule. Finally, the CBOE noted that the rule change had been approved by its Board of Directors, and by its membership by a vote of 654 for, 372 against, and 4 abstentions. The CBOE further noted that the proposed rule change was approved by a vote of its membership before any allocation of the subject option classes. The CBOE therefore argued that DPMs that accepted such allocations knew or should have known of the rule.[12]

In response to the argument that the rule had not been adequately explained, the CBOE noted that a circular describing the rule was distributed, which clearly stated that the fee would be imposed for ''any change in capitalization,'' and that the text of the proposed rule itself defined what would constitute such a change.[13]

Finally, the Exchange submitted that the rule was not meant to disadvantage any particular DPMs. The Exchange stressed that the proposed rule was meant to serve three purposes: (1) To provide an incentive for owners to sufficiently capitalize their DPMs; (2) to ensure a long-term commitment to the CBOE; and (3) to return value to the CBOE for any sale of a valuable asset which the DPM received at no cost.[14]

Five commenters argued that the proposed rule change was poorly drafted and vague. They stated that these deficiencies could lead to subjective interpretation, and uneven application of the proposed rule.[15] One letter argued, for example, that it was not clear whether a change in capital structure would include, or how the proposed fee formula would assess, the conversion of subordinated debt to equity, or a change of structure from a partnership to a limited liability corporation.[16]

In response, the Exchange stated that the proposed rule, by its own terms, was clear that it would apply to any change in a firm's capitalization, including any sale, transfer, or assignment of ownership, or any change in its capital structure, voting authority, or distribution of its profits or losses. The Exchange specified that the proposed rule would, therefore, apply to the conversion of consolidated debt to equity, since this would involve a change in ownership. On the other hand, so long as the DPM's capital structure, voting, and profit and loss distribution remained otherwise the same, the conversion of a partnership to a limited liability corporation would not implicate the fee, because there would be not be a change in ownership. Finally, the Exchange asserted that the methods of calculation of the fee were also clear, and noted that a DPM may appeal an assessment of the fee to the Exchange's Appeals Committee, and from there to the CBOE's Board of Directors.[17]

All the commenters asserted that the proposed rule change hindered DPMs from changing their business structures in order to remain competitive. They argued that the proposed rule would, for example, prevent a DPM from acquiring a strategic partner, or from rewarding an employee with a share of ownership. Five of the commenters asserted that the rule would disadvantage new DPMs relative to older firms, and would disadvantage DPMS at the CBOE relative to specialists on other Exchanges, which do not have such rules.[18] Four commenters also argued that the proposed rule change would disadvantage the CBOE as well, because fewer firms would be willing to become, or could effectively complete as, DPMs.[19]

Finally, five commenters argued that the proposed rule change could be detrimental to customers. They asserted that DPMs that could not acquire capital without incurring the associated fee for a change in capital structure might not be able to compete effective with other DPMs or specialists on other Exchanges. These commenters stated that this would lead to a reduction in competition, increasingly illiquid markets, and wider bid-ask spreads.[20]

In response to these objections, the CBOE argued that differing rules among exchanges reflected competition and ongoing efforts by each exchange to better serve its customers. The CBOE stated that the proposed rule did not prevent DPMs from raising capital, but merely added to the cost of doing so. The Exchange stated that it had contemplated the effect of the proposed rule change on business at the CBOE, but concluded that its benefits outweighed any potential costs.[21]

Finally the Exchange noted that changes to the proposed rule could be considered in the future, but asserted that it should be approved now. The Exchange argued that, with greater experience applying the rule, its staff and affected DPMs could later propose changes to the appropriate Exchange authorities, if necessary.[22]

IV. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[23] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[24] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

A. Membership Requirement

The proposed rule change will require DPMs to own an Exchange membership. The Commission believes that this ownership requirement should provide stability in the Exchange's options market. By requiring each DPM to own an Exchange membership, the Exchange is seeking to ensure that DPMs have a long-term commitment to the Exchange. The proposal should discourage entities from seeking short-term DPM appointments, which could be disruptive to the trading of allocated options classes, because DPMs will be required to make a substantial financial commitment to the Exchange. DPMs that own a membership in the Exchange should be more willing to invest the time, effort, and funding needed to build and foster a stable market place for the trading of their allocated options classes. This should provide enhanced trading benefits to investors by increasing liquidity and trading stability. Moreover, the proposal should help to preserve the integrity of the Exchange because DPMs will have a vested interest in ensuring that the Exchange maintains high standards.

[12] *See* CBOE Response.

[13] Id.

[14] *Id.*

[15] *See* Tenzer Letter; Emer Letter; Hoglund Letter, Bartlett Letter; and DPM Board Members Letter.

[16] *See* DPM Board Members Letter.

[17] *See* CBOE Response.

[18] *See* Tenzer Letter, Hiland Letter; Copper-Johnson Letter, Bartlett Letter; and DPM Board Members Letter.

[19] *See* Tenzer Letter; Saliba Letter; Murphy Letter; and DPM Board Members Letter.

[20] *See* Hiland Letter; ZH Partners Letter; Saliba Letter; Copper-Johnson Letter; and Stamer Letter.

[21] *See* CBOE Response.

[22] *Id.*

[23] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78f(b)(5).

B. Capitalization Transfer Fee

The Commission finds that the proposed capitalization transfer fee is consistent with the requirements of the Act because it also seeks to provide stability to the DPM program on the CBOE. DPMs will be assessed a transfer fee if it seeks to change its capitalization during the initial five years after it has been allocated a pre-June 29, 1999 options class. The transfer fee will only apply to business attributable to options classes that have been trading on the CBOE before June 29, 1999 that have been allocated to a DPM after June 29, 1999.

This proposal should discourage DPMs from seeking allocations in established options classes and then quickly seeking to sell its interest to other parties. Allowing a DPM to sell the established business of an allocated options class may be inequitable to the Exchange. Many existing options classes have significant established order flow and contract volume that is not attributable to the newly appointed DPM's efforts. It may be inequitable to allow a newly appointed DPM to profit from this order flow and contract volume without having contributed to its development. Moreover, by discouraging DPMs from selling its interest in established options classes, the transfer fee should encourage long-term commitments to the Exchange, which should enhance stability in DPM allocated securities.

The transfer fee should also serve as an incentive to a DPM to ensure its financial well-being. The transfer fee should ensure that a DPM has sufficient capital before seeking an allocation of a pre-June 29, 1999 options class because during the first five years after allocation, it will be subject to a significant transfer fee if the DPM should require financial restructuring. This should help in providing investors with a stable, liquid market in options classes allocated to DPMs.

The Commission notes that the comment letters received regarding the transfer fee were all opposed to the proposed transfer fee. The Commission has carefully considered the issues raised by the commenters but finds that the proposed transfer fee is consistent with the requirements of the Act.

First, the Commission notes that the proposed transfer fee was approved by a majority of CBOE's members. The transfer fee was developed as a component of the CBOE's DPM expansion initiative. According to the CBOE, the transfer fee, as part of the DPM expansion initiative, was developed with extensive member input. Member input was secured by way of the Floor Directors Committee, which developed the initiative to expand the DPM program, as well as general membership meetings. In addition, a member task force was convened to further consider the DPM expansion, including the transfer fee. Before the member vote, the CBOE distributed an Information Circular describing the expansion of the DPM program, which included a description of the proposed transfer fee and specifically set forth the two proposed formulas. Further, the Information Circular stated the proposed transfer fee would apply to ''any change in capitalization of the firm.'' Therefore, the Commission believes that the members of the CBOE, which approved the proposal by a majority vote, were sufficiently informed of the proposal and its ramifications.

Second, the transfer fee will be applied only to options allocated to DPMs after June 1999 that have options traded on the CBOE before June 29, 1999. Thus, the CBOE has tailored this proposed fee to apply only to DPMs that are allocated options classes that have established order flow on the CBOE. Further, according to the CBOE, each DPM is notified before it is allocated an existing option class. Moreover, a DPM can choose not to apply to receive allocations of existing CBOE options classes and therefore, to not be subject to the transfer fee.

Finally, the Commission notes that the Act does not mandate that the SROs have the same rules. On the contrary, each SRO is free to tailor its own rules to meet the requirements of its individual marketplace, so long as its rules are consistent with the requirements of the Act. In fact, one of the ways the SROs compete with one another for listings and members is by way of their individual business structures, which includes trading and membership rules.

The Commission believes that the proposed transfer fee should provide incentives to DPMs that are allocated existing CBOE options to maintain sufficient capital to operate as a DPM, which should result in greater liquidity and investor protections in those options classes. Further, the CBOE has an interest in securing long-term commitments to the Exchange because members that are committed to the Exchange should have greater incentives to ensure the orderly and effective operation of the market. Finally, the Commission recognizes that the existing order flow in options classes that have traded on the Exchange for a period of time is a valuable commodity for which the Exchange and its members are not compensated by the DPMS allocated such classes. Thus, the Commission finds that it is reasonable for the Exchange to limit the compensation that a DPM may receive by virtue of a capitalization change for those options classes that have business that was established by a person or entities other than the DPM.

C. Amendment Nos. 2 and 3

The Commission finds good cause for approving Amendment Nos. 2 and 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register.** The Commission notes that in Amendment No. 2, the CBOE proposed to narrow the application of the transfer fee to apply to capitalization changes of DPMs that have been allocated options classes traded only on the CBOE before June 29, 1999. DPMs that have been allocated options classes traded on other options exchanges before June 29, 1999 will not be subject to a transfer fee on the business generated by such options.[25] The Commission believes that this amendment is reasonable because a DPM that has been allocated an options class that is new to the CBOE but that may have traded on another exchange may have to expend significant time and resources to establish order flow and contract volume on the CBOE. Therefore, applying the transfer fee to options classes that have traded on another options exchange does not raise the same inequitable concerns that maybe raised by a capitalization transfer after an allocation of an established CBOE options class.

Amendment No. 2 also clarifies that when calculating the transfer fee, the Exchange will not consider financial information that is reflected in the FOCUS Data Reports that does not relate to a DPM's business as such. The Commission believes that it is appropriate to exclude this financial information because it does not relate to the DPM's business in allocated options classes or its profitability per contract in an allocated options class.

Finally, Amendment No. 2 clarifies the use of the multiplier of two in one of the transfer fee formulas. According to the Exchange, this type of multiplier is frequently used in the industry when determining the value of a DPM's business. The multiplier is, in essence, an multiple of earnings and is intended

[25] The Commission notes that a DPM may still be subject to a transfer fee if it also has been allocated an options class that traded on the CBOE before June 29, 1999.

to represent two calendar years of assumed DPM operation. The Commission finds that the use of this multiplier to determine the value of a DPM's business as such is reasonable because it seeks to approximate the multiple of earnings that parties utilize to value DPM units in the marketplace.

Since Amendment No. 2 only modifies that the scope and clarifies the application of the proposed rule change, but did not change the intent of the proposal, the Commission believes that good cause exists, consistent with Sections(b)(5) [26] and 19(b) of the Act [27] to accelerate approval of Amendment No. 2.

In Amendment No. 3, the CBOE proposed to renumber the proposed rules to make them consistent with recently approve changes to the CBOE's DPM rules. [28] The CBOE did not make substantive changes to the proposed rules in Amendment No. 3. Therefore, the Commission believes that good cause exists, consistent with Sections 6(b)(5) [29] and 19(b) of the Act, [30] to approve Amendment No. 3 on an accelerated basis.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 2 and 3, including whether the amendments are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–99–37 and should be submitted by September 15, 2000.

[26] 15 U.S.C. 78f(b)(5).

[27] 15 U. S.C. 78s(b).

[28] *See* Securities Exchange Act Release No. 43004 (June 30, 2000), 65 FR 43060 (July 12, 2000).

[29] 15 U.S.C. 78f(b)(5).

[30] 15 U.S.C. 78s(b).

VI. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, [31] that the amended proposed rule change (SR–CBOE–99–37) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [32]

Margaret H. McFarland,

Deputy Secretary.

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[31] 15 U.S.C. 78s(b)(2).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43185; File No. SR–CBOE–00–30]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Routing of Cancel Replace Orders

August 21, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 14, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On August 10, 2000, the CBOE submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to implement a systems change to its Order Routing System (''ORS'') to provide for the automatic rerouting of cancel replace orders.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Timothy Thompson, Assistant General Counsel, Legal Department, CBOE, to Kelly Riley, Division of Market Regulation, SEC, dated August 9, 2000 (''Amendment No. 1''). In Amendment No. 1, the CBOE clarified the purpose section and set forth its anticipated implementation schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to implement a systems change to provide for the automatic rerouting of cancel replace orders.

a. *Background*. Currently, when orders residing on the Exchange's electronic book (''Ebook'') are replaced at the market, the original order will be canceled and the marketable replace order will be placed on the ''Live Ammo'' trading screen. Previously, this marketable replace order has waited on the Live Ammo screen until, one by one, each order was traded. The replace order was not immediately displayed as part of the best book bid or ask, and was not reflected in the market quote until the order was individually addressed by either the designated primary market maker (''DPM'') or order book official (''OBO'') handling the Ebook.[4]

To provide for certain of these Live Ammo orders to be addressed in a more automated and expedited fashion, the Exchange developed a system [5] that allows for a Live Ammo order (or a group of Live Ammo orders) to be manually selected by the DPM or OBO. Once selected, the system developed by the Exchange evaluates each selected order and routes it to one of three locations depending on the routing parameters then in place and the terms of the particular order. If the order is marketable and otherwise meets all of the eligibility criteria for execution on the Exchange's Retail Automatic Execution Systems (''RAES''), the order will be routed to RAES and executed

[4] In most cases, staff of the DPM operates Ebook for the option classes assigned to them.

[5] The Commission approved the Exchange's Live Ammo processing system on a pilot basis earlier this year. The pilot expires October 31, 2000. Securities Exchange Act Release No. 42379 (February 2, 2000), 65 FR 6665 (February 10, 2000) (File No. SR–CBOE–98–27).

automatically. If the order is not RAES-eligible, it will be routed to Ebook or back to Live Ammo depending on the existing routing parameters in place.

b. *Proposed System Changes to Address Commission Expectations.* In the Commission's order approving the Exchange's Live Ammo processing system on a plot basis, the Commission stated that it expects ''that the Exchange will make the necessary systems enhancements to ensure that a maximum number of customer orders in the CBOE system are matched against one another.'' [6] The Exchange began to address the Commission's desire for customer order matching opportunities and its own desire to more efficiently process customer orders even before the Commission issued the Live Ammo approval order by developing and implementing an Automated Book Priority (''ABP'') system that trades incoming RAES orders against orders in the Exchange's limit order book.[7] The Exchange also will continue to consider other system changes to provide for further matching opportunities for customer orders.

The Commission further stated in its approval order that it expects ''that the Exchange will develop the necessary systems enhancements to ensure that . . . RAES-eligible orders will be routed directly to RAES without the interim step of appearing first on the Live Ammo screen.'' [8] The Exchange believes that the proposed system change, discussed below, addresses the Commission's expectations for a system to route orders to RAES without the interim step of appearing first on the Live Ammo screen.

c. *New System.* The proposed new system would process a cancel replace order for an order residing on Ebook by routing the cancel replace order through the Exchange's ORS as a new order, after the cancel portion has been completed. Normal parameter routing would be evaluated for this order, including the firm volume edits. The replace order, as with any new incoming order, may be eligible for RAES execution, crossing with other Ebook orders through ABP, routing directly into the book (automatically updating the quote if it improves the market), or routing to a broker's Public Automated Routing (''PAR'') terminal or Booth Automated Routing terminal (''BART'') for potential price improvement.

The Exchange believes that the proposed system change will have a number of benefits including a reduction of order flow to Live Ammo where manual intervention is required for execution,[9] and fair pricing, increased speed and efficiency of execution for customer replace orders. The system also will ensure that orders that are rerouted to the book will be reflected in the best bid or offer in a timely manner.

d. *Implementation.* The Exchange intends to implement the proposed systems change as soon as the required testing has been completed. The Exchange anticipates that the system will be implemented at the end of August 2000 or the beginning of September 2000. Once implemented, the system will be active for every options class traded on the Exchange.

2. Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5) of the Act [10] because it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and subparagraph (f)(5) of Rule 19b–4 [12] under the Act as a systems change that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting the access to or availability of the system. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–00–30 and should be submitted by September 15, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

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[6] *See supra* note 5.

[7] *See* Securities Act Release No. 41995 (October 8, 1999), 64 FR 56547 (October 20, 1999).

[8] *See supra* note 5.

[9] According to the Exchange, although the majority of orders on the Exchange's Live Ammo screen are cancel replace orders to the market or to some marketable limit, orders can appear on the Live Ammo screen in a few other situations. Consequently, although the number of Live Ammo orders should be substantially reduced, there occasionally may still be circumstances when the DPM staff may have reason to reroute live ammo orders manually pursuant to this system.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3).

[12] 17 CFR 240.19b–4(f)(5).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43175; File No. SR–CHX–00–24]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Inc., Relating to the Exchange's SuperMAX Plus Price Improvement Program and Amendment No. 1 Thereto

August 18, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder[2] notice hereby is given that on July 21, 2000, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'') or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On August 8, 2000, the Exchange filed Amendment No. 1 to the proposal.[3]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the current CHX rule governing its SuperMAX Plus price improvement program. Specifically, the Exchange proposes to amend Article XX, Rule 37(d) to provide for additional price improvement opportunities, by deleting the requirement that the last primary market sale be at least 1/16th of a point away from the ITS Best Bid or Offer (''ITS BBO''). The text of the proposed rule change is available upon request from the Commission or the CHX.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 22, 1995, the Commission approved a proposed CHX rule change that allows specialists on the Exchange, through the Exchange's MAX system, to provide order execution guarantees that are more favorable than those required under CHX Rule 37(a), Article XX.[5] That approval order contemplated that the CHX would file with the Commission specific modifications to the parameters of MAX that are required to implement various options under this new rule.

SuperMAX, Enhanced SuperMAX, SuperMAX Plus and Derivative SuperMAX are four existing CHX programs within the MAX system that use computerized algorithms to provide automated price improvement.[6] The primary purpose of this proposed rule change is to increase the number of orders that are eligible for SuperMAX Plus price improvement.

The Exchange believes that it is important to remain competitive by increasing, where possible, opportunities for price improvement and by responding in a swift and meaningful fashion to the price improvement considerations articulated by the Exchange's order sending firms and their customers. To this end, the Exchange proposes the following change to its SuperMAX Plus price improvement program.

Under the current version of SuperMAX Plus, agency market orders of 100–199 shares for Dual Trading System issues[7] are eligible for automatic price improvement of 1/16th of a point if: (a) The spread between the ITS Best Bid and ITS Best Offer is 1/8th of a point or greater; and (b) the last primary market sale is at least 1/16th of a point away from the ITS Best Bid or Offer (''BBO''). The proposal would delete the conditions relating to last primary market sales and thereby increase the number of orders eligible for price improvement.[8]

If approved, the amended SuperMAX Plus algorithm would become operative when systems changes are implemented in late August or early September. The Exchange will announce the effective date of this new algorithm in a Notice to Members.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5)[9] of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments Regarding the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing including whether the proposal is consistent with the Act. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Ellen J. Neely, Vice President and General Counsel, CHX, to Jennifer Colihan, Attorney, Division of Market Regulation, Commission, dated August 7, 2000. (''Amendment No. 1'') In Amendment No. 1, the Exchange revised the proposed rule language for clarity. No substantive changes were made.

[4] Certain provisions of Article XX, Rule 37(d) are the subject of a CHX submission currently pending before the Commission as part of the CHX's decimalization-related rule filings. *See* SR–CHX–00–22 (filed July 17, 2000).

[5] *See* Securities Exchange Act Release No. 35753 (May 22, 1995), 60 FR 28007 (May 26, 1995) (File No. SR–CHX–95–08).

[6] Each of these price improvement programs has been approved by the Commission on a permanent basis. *See* Securities Exchange Act Release Nos. 40017 (May 20, 1998), 63 FR 29277 (May 28, 1998); 40235 (July 17, 1998), 63 FR 40147 (July 27, 1998) (File No. SR–CHX–98–9) (orders approving revised SuperMAX and Enhanced SuperMAX algorithms); 41480 (June 4, 1999), 64 FR 32570 (June 17, 1999) (order approving revised SuperMAX Plus algorithm); and 42565 (March 22, 2000), 65 FR 16442 (March 28, 2000) (order approving Derivative SuperMAX algorithm).

[7] Dual Trading System issues are issues that are traded on the Chicago Stock Exchange and either the New York Stock Exchange or the American Stock Exchange.

[8] After this change, the SuperMAX Plus algorithm would provide equivalent levels of price improvement for Dual Trading System and Nasdaq/NM issues. Nasdaq/NM issues are already entitled to price improvement under this algorithm if the spread between the National Best Bid and National Best Offer is 1/8th of a point or greater, without reference to the last sale in another market.

[9] 15 U.S.C. 78f(b)(5).

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–00–24 and should be submitted by September 15, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Exchange believes the accelerated implementation of the amended SuperMAX Plus algorithm will insure to the benefit of investors by providing a greater number of investors with an enhanced opportunity for price improvement, and has therefore requested that the Commission grant accelerated approval of the proposed rule change. After careful review, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange,[10] and that accelerated approval is appropriate.

Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[11] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission believes that the proposed SuperMax Plus price improvement algorithm will provide investors with enhanced investment opportunities because price improvement from the ITS BBO will be available regardless of the last primary market sale price in both Dual Trading System issues and Nasdaq NM securities. The Commission notes that while SuperMax Plus is a voluntary program that specialists choose to participate in, providing a greater number of investors an opportunity to achieve price improvement is compatible with the views expressed in the Order Handling Release.[12] Because price improvement should encourage small investor participation in the securities market without sacrificing investor protection and the public interest, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**.

It Is Therefore Ordered, pursuant to Section 19(b)(2)[13] of the Act that the proposed rule change (SR–CHX–00–24) be, and hereby is, approved.

For Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21745 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

[10] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation.

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Release No. 37619A (September 6, 1996), FR 48290 (September 12, 1996).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43176; File No. SR–NASD–00–17]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to Minimum Quotation Size Requirements for OTC Equity Securities

August 18, 2000.

I. Introduction

On April 10, 2000, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, a proposed rule change that would modify the minimum quotation sizes for securities quoted on the OTC Bulletin Board (''OTCBB''), or any other inter-dealer quotation system that permits quotation updates on a real-time basis, at a price exceeding $200 per share. The proposal was published for comment in the **Federal Register** on June 7, 2000.[3] The Commission received no comments on the proposal. This order approves Nasdaq's proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 42852 (May 30, 2000), 65 FR 36191.

II. Description of the Proposal

Currently, NASD Rule 6750 provides that every member firm that functions as a market maker in over-the counter (''OTC'') equity securities must honor its quotations for those securities in certain minimum sizes. Quotes for OTC securities priced over $200 per share must be firm for blocks of 50 shares or more.[4] Nasdaq has stated that this rule has had an undesired and detrimental effect on the transparency and liquidity of certain highly priced or thinly traded securities.

Rule 6750 was originally approved by the Commission in 1993[5] during the early stages of the OTCBB service. Prior to implementation of the rule, all priced quotations on the OTCBB were required to be firm for blocks of 100 shares or more. This approach soon proved unworkable for lower priced securities for which a quote of 100 shares could represent an insignificant aggregate dollar value commitment to the market.

To remedy this situation, the NASD implemented the minimum quotation size rule for securities priced at $200 per share and below on a ''graduated'' or ''tiered'' basis.[6] For securities quoted at 50 cents per share or less, the market maker quoting such security is now required to honor that quotation for a minimum of 5000 shares. This approach was extended up to $200 per share, with different minimum quotation sizes at 2500, 500, 200, and 100 shares. For all quotations exceeding $200 per share, the minimum quote size was determined to be 50 shares.

However, the presence of the highly priced securities on the OTC market was not considered when Rule 6750 was originally proposed.[7] A situation has resulted in which market makers have been unwilling to enter priced quotations for highly priced and thinly traded securities for fear of incurring potentially significant liability to their proprietary accounts. Nasdaq states that, to alleviate the risk of posting a firm quote for 50 of these shares, market

[4] However, Rule 6750 also provides that certain Nasdaq officers may modify the minimum quotation size for OTC securities with a price greater than $200 per share.

[5] *See* Securities Exchange Act Release No. 32570 (July 1, 1993), 58 FR 36725 (July 8, 1993).

[6] This requirement applies only to market makers entering priced quotations. Market makers are permitted to enter unpriced indications of interest into the OTCBB, *see* NASD Rule 6520, which are not held to the minimum quotation size standard.

[7] For example, since January 2000, 246 OTC equity securities have traded in excess of $200 per share, and five of these securities have traded in excess of $10,000 per share. Telephone conversation between Scott W. Anderson, Attorney, Nasdaq, and Michael Gaw, Attorney-Adviser, Commission, on August 17, 2000.

makers do not enter firm quotations but instead post only indications of interest for these securities.

In light of these problems, Nasdaq recently amended Rule 6750 to allow certain Nasdaq officers to modify the minimum quotation size for OTC securities with a price greater than $200 per share.[8] Nasdaq has now proposed to amend Rule 6750 again to establish four additional tier sizes for OTC securities quoted at prices in excess of $200 per share and to delete the provision granting certain Nasdaq officers discretionary authority to modify the minimum quotation sizes, as this authority will no longer be necessary. Under the proposal, the minimum quote size for shares priced between $200.01 and $500 will be 25 shares; between $500.01 and $1000, ten shares; between $1000.01 and $2500, five shares; and from $2500.01 upwards, one share.[9]

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the regulations thereunder applicable to the NASD.[10] In particular, the Commission believes that the proposal is consistent with Sections 15A(b)(6) and 15A(b)(9) of the Act.[11] Section 15A(b)(6) requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. Section 15A(b)(9) requires that the rules of the association not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission supports the NASD's efforts to create a more competitive market and to foster enhanced price discovery of the OTC markets. Currently, Rule 6750 requires quotations for OTC equity securities with prices in excess of $200 per share to be firm for at least 50 shares (unless an exemption is granted). As a result, market makers often decline to post firm quotes for these highly priced securities. While posting an indication of interest is permitted on the OTCBB, the Commission believes that it is appropriate for Nasdaq to encourage the entry of firm quotations. Decreasing the minimum quote size for highly priced OTC equity securities should encourage market makers to post priced quotes for these securities. A larger number of firm quotes should help to improve price discovery and transparency in this marketplace. Accordingly, the Commission believes the proposed rule is consistent with the purposes of the Act.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–NMASD–00–17) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21746 Filed 8–24–00; 8:45 am]

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[8] *See* Securities Exchange Act Release No. 41907 (September 23, 1999), 64 FR 52817 (September 30, 1999).

[9] Nasdaq has stated that the proposed tier sizes are consistent with those in the original rule in that they require firm quotations for OTC equity securities to represent trading interest of approximately $5000 to $20,000.

[10] In approving this rule, the Commission has considered its impact on efficiency, competition, and capital function. *See* 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78o–3(b)(6) and (b)(9).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 300.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43169; File No. SR–Phlx–00–76]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Extending the Pilot Program for Rule 98, Emergency Committee, Until November 17, 2000

August 17, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 14, 2000, the Philadelphia Stock Exchange, Inc. (''Exchange'' or ''Phlx'') filed a proposed rule change with the Securities and Exchange Commission (''SEC'' or ''Commission''). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to extend the pilot period for Rule 98, Emergency Committee, until November 17, 2000. No changes to the existing rule language are being proposed.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On December 23, 1999, the Commission approved amendments to Exchange Rule 98, Emergency Committee (the ''Committee''), which updated the composition of the Committee to reflect the current governance structure of the Exchange, on a 120-day pilot basis.[5] The Commission approved the amendments to Exchange Rule 98 on a pilot basis in order to allow the Exchange to examine the operation of the Committee to ensure that the Committee is not dominated by any one Exchange interest (*e.g.,* On-Floor or Off-Floor interests). The Commission requested that the Exchange report back to the Commission on its views as to whether the Committee structure ensures that all Exchange interests are fairly represented by the Committee. The Commission approved an extension of the pilot program for an additional 120 days on June 5, 2000.[6] On July 14, 2000, the Exchange filed a proposed rule change to approve the amendments to Rule 98

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Securities Exchange Act Release No. 42272 (December 23, 1999), 65 FR 153 (January 3, 2000) (SR–Phlx–99–42).

[6] Securities Exchange Act Release No. 42898 (June 5, 2000), 65 FR 36879 (June 12, 2000)(SR–Phlx–00–41).

on a permanent basis.[7] In that filing, the Exchange also submitted its report back to the Commission addressing the representation of Exchange interests on the Committee. The Commission has requested that the Exchange file the instant proposed rule change to extend the current pilot program through November 17, 2000 in order to allow the Commission and the Exchange time to assess the Exchange's report and the operation of the Committee in general.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act[8] which requires that the rules of an Exchange be designed to perfect the mechanisms of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change, as amended.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided the Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. At any time within 60 days of the filing of a rule change pursuant to Section 19(b)(3)(A) of the Act, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Commission finds that it is appropriate to accelerate the effective date of the proposed rule change and to permit the proposed rule change to become immediately effective because the proposal simply extends a previously approved pilot program until November 17, 2000. The Commission also finds it appropriate to waive the 5-day pre-filing requirement. By extending the pilot program, the Commission will enable the Committee to be in place and operational in the event of any extraordinary market conditions or emergencies at the Exchange, and will afford the Commission and the Exchange the opportunity to assess the Exchange's report concerning the representation of all interests on the Emergency Committee.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–Phlx–00–76 and should be submitted by September 15, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21747 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

[7] SR–Phlx–00–63, filed with the Commission on July 14, 2000.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] For purposes only of accelerating the operative date of this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43177; File No. SR–PHLX–00–77]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Philadelphia Stock Exchange, Inc. Relating to a Payment for Order Flow Fee

August 18, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II,and III below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to adopt a payment for order flow fee of a $1.00 per contract to be imposed on transactions by Phlx specialists and Registered Options Traders (''ROTs'') in the Top 120 Options on the Phlx.[3] It would not apply to ROT-to-ROT or specialist-to-ROT transactions. The proposed fee will be effective as of August 1, 2000.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Top 120 Option is defined as one of the 120 most actively traded equity options in terms of the total number of contracts that were traded on all U.S. options markets for the period January 1, 2000 through June 30, 2000, based on volume information provided by The Options Clearing Corporation. The Phlx will determine the Top 120 Options every six months, with the next measuring period commencing June 1, 2000 and ending on November 30, 2000. The proposed fee does not apply to index or currency options.

[4] This fee is not eligible for the monthly credit of up to $1,000 to be applied against certain fees, dues and charges and other amounts that certain members owe to the Exchange. *See* Securities Exchange Act Release No. 42791 (May 16, 2000); 65 FR 33606 (May 24, 2000).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to generate a source of revenue to be used by specialists in Top 120 Options for payment for order flow in respect of such options. By way of background, the listed options market is undergoing fundamental changes as a result of numerous recent developments, including the multiple listing of options and impending intermarket linkage. The Exchange believes that it is necessary for it to adopt this type of fee in order to maintain and enhance the Exchange's competitive position—particularly in light of the fact that three of the four other options exchanges have either announced or implemented similar programs.

The Exchange will collect the fee on a monthly basis and segregate the funds received from the specialists [5] and ROTs by option. The specialists will be able to use the funds collected with respect to a particular option to make payments to broker-dealers for order flow in that option, thereby attracting options orders to the Phlx. The specialists for each option will have discretion in establishing the amounts that will be paid to order flow providers in respect of order flow for that option. The specialist will receive these funds after submitting an Exchange form identifying the amount of the requested funds.[6]

The specialists will make all determinations concerning which order flow providers will receive payments and the amounts that they will be paid for orders. In order to assist the Exchange in determining the effectiveness of the proposed fee, the specialists will account to the Exchange for the use they make of the funds collected. In addition, the Exchange will provide certain administrative duties to assist the specialists, such as performing any necessary accounting functions and keeping track of the number of qualified orders [7] that firms direct to the Exchange.

The Exchange believes that ROT-to-ROT and specialists-to-ROT transactions should be excluded, because those are not the kind of transactions that the fee is designed to attract. Moreover, the Exchange does not wish to impose a fee on the hedging or rebalancing transactions in which ROTs engage in support of their affirmative market-making obligations.

In connection with any program involving payment for order flow that may be funded by this proposed fee, the Exchange will issue appropriate circulars to its members that emphasize the disclosure and best execution obligations of members who accept such payment. Any changes to the class of options to which this proposed fee applies, to the rate or rates at which the fee is assessed, or to the disposition by the Exchange of funds generated by the fee will be the subject of separate filings with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act.[8]

The proposed fee will be imposed on all transactions by specialists and ROTs in the Top 120 Options, other than ROT-to-ROT or specialists-to-ROT transactions. The Exchange envisions that the persons who pay the fees will also participate in the order flow derived from the proposed plan. The Exchange believes that, because the specialists and ROTs who pay the proposed fee should also receive the benefits of increased order flow, the proposed plan will provide for the equitable allocation of reasonable fees among the Exchange's members. Moreover, the Exchange believes that the fee should promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest by attracting more order flow to the Exchange, which, in the Exchange's view, should result in increased liquidity, tighter markets, and more competition among exchange members. Accordingly, the Exchange believes that its proposal is consistent with and furthers the objectives of the Act, including Sections 6(b)(4) [9] and 6(b)(5) [10] thereof.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the Phlx has designated the foregoing proposed rule change as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act [11] and Rule 19b–4(f)(2) thereunder,[12] the proposal has taken effect upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

The Commission, in the past, has raised serious concerns about payment for order flow and internalization.[13] Payment for order flow is of concern because brokers who are paid to send their customers' orders to one exchange have a conflict of interest that may reduce their commitment to the duty they owe their customers to find the best execution available. While payment for order flow has been a common practice in the equities markets for some time, only recently has payment for order flow developed in the options markets. Despite these concerns, however, the Phlx's proposal involves

[5] The Exchange uses the terms ''specialist'' and ''specialist unit'' interchangeably herein; often, the specialist unit is actually the party that is billed for fees and sends the payment.

[6] The purpose of the form is to assist the Exchange in accurately accounting for and tracking funds transferred to specialists, consistent with normal bookkeeping and auditing practices. The specialists will make all determinations concerning those order flow providers who will receive payment and the amounts that they will be paid for orders.

[7] The term ''qualified orders'' refers to transactions by specialists and ROTs in the Top 120 options on the Phlx.

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(6).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

[13] *See* Securities Exchange Act Release No. 43112 (Aug. 3, 2000), 65 FR 49040 (Aug. 10, 2000); Securities Exchange Act Release No. 42450 (Feb. 23, 2000), 65 FR 10577 (Feb. 28, 2000); Securities Exchange Act Release No. 34902 (Oct. 27, 1994), 59 FR 55006 (Nov. 2, 1994). *See also* Securities Exchange Act Release No. 43084 (July 28, 2000).

the imposition of a fee and the Act gives exchanges wide latitude to establish, revise, and collect fees and other charges without prior Commission approval. The Commission invites interested persons to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule is consistent with the Act. In particular, the Commission asks persons who submit comments whether the payment for order flow facilitated by the Phlx's proposal raises greater or different concerns than payments for order flow at other options exchanges. After receiving comments, and at any time within 60 days from the date the Phlx filed its proposal, the Commission can decide to require the Phlx to stop collecting the fee, refile the proposal, and await Commission approval before reinstituting the fee.

Persons making written submissions should file six copies there of with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change bewteen the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–PHLX–00–77 and should be submitted by September 15, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–21748 Filed 8–24–00; 8:45 am]

BILLING CODE 8010–01–M

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3392]

Culturally Significant Objects Imported for Exhibition Determinations: ''Utopia: The Search for the Ideal Society in the Western World''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Utopia: The Search for the Ideal Society in the Western World,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at the New York Public Library in New York from on or about October 14, 2000 to on or about January 27, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: August 18, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 00–21798 Filed 8–24–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice No. 3350]

Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 ''C'' Street NW, Washington, D.C., September 25–26, 2000 in Conference Room 1105. Prior notification and a valid photo are mandatory for entrance into the building. One week before the meeting, members of the public planning to attend must notify Gloria Walker, Office of Historian (202–663–1124) providing relevant dates of birth, Social Security numbers, and telephone numbers.

The Committee will meet in open session from 1:30 p.m. through 3:30 p.m. on Monday, September 25, 2000, to discuss declassification and transfer of Department of State electronic records to the National Archives and Records Administration and the modernization of the Foreign Relations series. The remainder of the Committee's sessions from 9:00 a.m. until 1:00 p.m. on Tuesday, September 26, 2000, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions of agency declassification decisions concerning the Foreign Relations series. These are matters not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to William Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123, (e-mail *history@state.gov*).

Dated: August 11, 2000.

William Slany,

Executive Secretary of the Advisory Committee on Historical Diplomatic Documentation, Department of State.

[FR Doc. 00–21797 Filed 8–24–00; 8:45 am]

BILLING CODE 4710–11–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1522).

TIME AND DATE: 9 a.m. (EDT), August 29, 2000.

PLACE: TVA Knoxville West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on July 19, 2000.

New Business

C—Energy

C1. Supplement to Contract No. TV–62311A with Tennessee Emergency Management Agency (TEMA) through which TEMA cooperates in the operation and maintenance of radiological emergency plans and programs for TVA's nuclear plants.

C2. Supplement to indefinite quantity term agreement Contract No. 98XCB–227396–000/001 with Porter Walker, Inc., for industrial consumables and nonpower hand tools.

C3. Ward of a fixed-price contract to ALSTOM Power, Inc., Air Preheater Company for air preheater equipment for Allen Fossil Plant Units 1–3 and for a long-term alliance for air preheater equipment for any future TVA fossil units requiring air preheater equipment.

C4. Award of a term transportation contract to Norfolk Southern Railway Company for transportation of coal to John Sevier Fossil Plant.

E—Real Property Transactions

E1. Grant of a permanent easement to Limestone County, Alabama, affecting approximately 1.2 acres of land on the Browns Ferry Nuclear Plant Reservation for a road (Tract No. XTBFSP–1H).

E2. Abandonment of a portion of TVA's South Nashville-Springfield transmission line right-of way easement in Davidson County, Tennessee, affecting approximately 1,152 square feet of land to accommodate proposed commercial development (Tract No. NSP–100).

E3. Public auction sale of approximately 5.02 acres of the former Russellville, Kentucky, Power Service Center in Logan County, Kentucky (Tract No XRPSC–2).

E4. Sale of a permanent easement and a temporary construction easement to the City of Tupelo, Mississippi, for a sewerline affecting approximately 0.5 acre of TVA land in Lee County, Mississippi (Tract No. XTUSS–2S).

E5. Approval of Tellico Reservoir Land Management Plan for the use and management of approximately 12,643 acres of TVA land on Tellico Reservoir in Blount, Loudon, and Monroe Counties, Tennessee.

E6. Approval of Tims Ford Reservoir Land Management and Disposition Plan for the use and management of approximately 6,453 acres of TVA land on Tims Ford Reservoir in Franklin and Moore Counties, Tennessee.

E7. Deed modification affecting approximately 13.6 acres of former TVA land on Chickamauga Reservoir (a portion of Tract No. XCR–44) in Hamilton County, Tennessee, to allow for residential development by the Chattanooga Publishing Company.

F—Unclassified

1. Approval to file condemnation cases to acquire permanent easements and rights-of-way for transmission lines, the permanent right to remove and dispose of danger trees along a transmission line, and a temporary right to enter upon land to survey and appraise for an electric transmission line at Bessemer-Tuscaloosa Tap to Airport Lane transmission line in Jefferson County, Alabama, and the Rock Springs-Center Point transmission line in Whitfield County, Georgia.

Information Items

1. Amendments to section 6G to the TVA Retirement System Rules and Regulations concerning death in service benefits.

2. Approval to enter into a long-term power supply contract and a requirement contract with the United States Enrichment Corporation.

3. Modification of two contracts with Lodestar Energy, Inc., for coal supply to Cumberland, Colbert Unit 5, and Johnsonville Fossil Plants.

4. Modification of Contract No. P98P05–238605 with Peabody COALSALES Company for coal supply to Paradise Fossil Plant under a contract reopener provision.

5. Approval for sale and leaseback or lease and leaseback of certain power facilities.

For more information: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: August 22, 2000.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 00–21860 Filed 8–23–00; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–7834]

Waiver Application; Tank Vessel; Reduction of Gross Tonnage

AGENCY: Coast Guard, DOT.

ACTION: Notice; request for comments.

SUMMARY: The Coast Guard is requesting comments on the Marine Chemical Navigation Corporation's waiver application to reduce the gross tonnage of the tank ship MARINE CHEMIST, Official Number 529399. Approval of this waiver application will change the vessel's double hull compliance date. The company has met all the requirements for issuance of a waiver and this document provides the required public notice and sixty-day comment period concerning the application. The Coast Guard will consider all comments received during the comment period before taking final action on the Marine Chemical Navigation Corporation's application.

DATES: Comments and related material must reach the Docket Management Facility on or before October 24, 2000.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG–2000–7834), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand 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 telephone number is 202–366–9329.

(3) By fax to Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this notice. Comments and materials received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Mr. Bob Gauvin, Project Manager, Office of Operating and Environmental Standards, Commandant (G-MSO), Coast Guard, telephone 202–267–1053. For questions on viewing, or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this request for comments by submitting written data, views, or arguments concerning the waiver application. If you do so, please include your name and address, identify the docket number (USCG–2000–7834), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand, fax, or electronic means to the Docket Management Facility at the address under ADDRESSES; but please

submit comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ 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.

Public Meeting

We do not now plan to hold a public meeting. But, you may request one by submitting a request to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would be helpful, we will announce the time and place in a later notice in the **Federal Register**.

Background and Purpose

The Oil Pollution Act of 1990 (OPA 90) requires most single hull tank vessels carrying oil in bulk as cargo or cargo residue to either convert to double hull configuration or to stop operating in U.S. waters by the dates specified in the statute. These dates, in 46 U.S.C. 3703a, are based on the vessel's age, gross tonnage, and hull configuration. In general, the latest operational date for single hull tank vessels is January 1, 2010, and for tank vessels with double sides or double bottoms is January 1, 2015.

Before July 1, 1997, a tank vessel owner could extend a single hull tank vessel's operational life by converting cargo tanks into voids or segregated ballast tanks and reducing its gross tonnage. If the reduction in gross tonnage placed the vessel under a different subsection of § 3703a, the vessel then had a later date for double hull compliance.

In 1997, Pub. L. 105–85 added a new subsection (e) to 46 U.S.C. 3703a mandating that after July 1, 1997, a tank vessel's gross tonnage could not be altered for the purpose of determining its double hull compliance date without a waiver from the Secretary of Transportation. The new provision required that all waiver applications be received by January 1, 1998. We received requests from six U.S., and one foreign tank vessel owners for conversions of fourteen tankships, two integrated tug-barge units (ITBs), and fifteen barges. On January 6, 1998, the Secretary of Transportation delegated his authority to the Commandant to act on these waiver requests.

In February 1998, we contracted a study entitled *An Investigation Into the Re-Admeasurement of Single Hull Tankships and Barges By Means of Protectively Located Segregated Ballast Tanks.* The study determined which conversions of cargo tanks into protectively-located segregated ballast tanks (PL/SBT) would result in a significant reduction in oil outflow when specific parameters are met. The study, looking at three sizes of tankships and tank barges, evaluated the risk of oil discharge and used the probabilistic oil outflow applications we had previously established under the OPA 90 requirements of section 3703a to evaluate new tank vessel hull designs. The study found that in order for tank vessels to significantly reduce the risk of oil discharge, enough cargo tanks must be converted to PL/SBT to meet an equivalent oil spill (EOS) number of at least 15% less than the vessel's existing outflow signature.

We provided a copy of the study and the conversion parameters to each waiver applicant so they could submit their plans for modifications and complete the supporting materials for their waiver applications. A copy of the Coast Guard study is available for review in the public docket at the address under **ADDRESSES.**

Requirements for Issuance of a Waiver

As required by § 3703a, a completed waiver application package consists of—

- An application received by January 1, 1998;
- Reliable evidence that the tank vessel had not undergone, nor contracted to undergo, alterations that reduce the gross tonnage of the vessel before July 1, 1997; and
- Supplementary materials that demonstrate the proposed alterations to the tank vessel will result in a significant reduction in the risk of a discharge of oil.

We must then determine if both—

- The owner of the tank vessel has entered into a binding agreement to alter the tank vessel in a shipyard in the United States to reduce the gross tonnage of the tank vessel by converting a portion of the cargo tanks of the vessel into PL/SBT; and
- The conversion will result in a significant reduction in the risk of a discharge of oil.

Section 3703a requires that we must then provide public notice and a sixty-day comment period on each application before we can issue a waiver.

Alterations under this waiver must be completed by the later of either July 1, 1999, or the date of the vessel's next special hull survey after November 18, 1997.

Application for the MARINE CHEMIST

Our records show that Marine Chemical Navigation Corporation (MCNC) tank ship MARINE CHEMIST, Official Number 529399, is a U.S. certificated single hull oil tank ship which was built in 1970. This tank ship has a gross tonnage of 20,239. According to 46 U.S.C. 3703a(c)(3), the tank ship's double hull compliance date is January 1, 2001.

With an approved waiver, MCNC will reduce its vessel's gross tonnage to an estimated 14,959 gross tons (GT). Its new double hull compliance date under § 3703a(e) would be January 1, 2004.

The application from MCNC meets the requirements for a waiver under § 3703a(e) by having provided the following:

- Waiver application for the tank ship MARINE CHEMIST was received on December 22, 1997;
- ''Statement of Attestation'' that the MARINE CHEMIST's gross tonnage was not reduced by a contract or shipyard alteration on or before July 1, 1997;
- Copy of its repair contract with Bludworth-Bond Shipyard, Inc, of Houston, Texas, to complete the modifications to the MARINE CHEMIST to convert the number 1A through 1D, 2, 4, 5 and 7 port and starboard cargo tanks into ballast tanks; and
- Appropriate supplementary materials.

Based on the supplementary materials provided by MCNC for the tank ship MARINE CHEMIST, we have determined the following:

- MCNC can complete the tank ship modifications before November 30, 2000, the date of the vessel's next classification society special survey.
- MCNC's probabilistic oil outflow signature of the proposed vessel modifications will reduce the EOS by 26.7%.

MCNC's complete waiver application has been placed in the docket for public review at the address under **ADDRESSES.** We will consider all comments received during the comment period before taking final action on the MCNC waiver application for the modification and reduction of tonnage to the tank vessel MARINE CHEMIST.

Dated: August 22, 2000.

R. C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00–21825 Filed 8–23–00; 1:05 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; Joint Special Committee 190/ EUROCAE Working Group 52 Software Guidance

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 Joint Special Committee (SC)–190/EUROCAE Working Group (WG)–52 meeting to be held September 18–22, 2000, starting at 10:30 a.m. on September 18. The meeting will be held at Parkhotel St. Leonhard, Uberlingen, Germany.

The agenda will include the following: September 18: 10:30 a.m.–2:00 p.m. (1) Registration; 2:00 p.m.–4:00 p.m. Plenary Session; (2) Welcome and Introductory Remarks; (3) Agenda Overview; (4) Brief EUROCAE/RTCA Status of Second Annual Report Publication; (5) Brief Subgroup Executive Summaries; 4:00 p.m.–5:00 p.m. (6) Subgroup Working Sessions: Software Development Team; Software Verification Team; Special Considerations Team; CNS/ATM Team. September 19: 8:30 a.m.–9:30 a.m. (7) Subgroup Working Sessions continue; (8) Paper Submittals. September 20: 8:30 a.m.–9:30 a.m. (9) Plenary Review and Approval of Available Frequently Asked Questions (FAQs) & Discussion Papers (DPs); (10) CNS/ATM Paper available for review; 9:30 a.m.–5 p.m. (11) Subgroup Working Sessions continue; Paper Submittals. September 21: 8:30–9:30 a.m. (12) Plenary Approval on FAQs & DPs available, 9:30 a.m.–5:00 p.m. (13) Subgroup Working Sessions Continue. (14) Paper Submittals. September 22: 8:30 a.m.–10:30 a.m. (15) Plenary Approval Process continues (remaining and reworked papers); 10:30 a.m. (16) CNS/ATM Report out; (17) Other Business; (18) 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* (website) or the on-site contacts: Mr. Ross Hannan at 44–118–978–0826 (phone); or Mr. Mike DeWalt at 1–425–788–3347. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 21, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–21820 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA; Joint RTCA Special Committee 181/EUROCAE Working Group 13 Standards of Navigation Performance

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a joint Special Committee 181/EUROCAE Working Group 13 meeting to be held September 6–8, 2000, starting at 9:00 a.m. The meeting will be held at the Transport Canada, 330 Sparks Street, Ottawa, Canada.

The agenda will include the following: September 6 & 7: (1) Working Groups (WG) 1 and 4 to meet separately. September 8: 9 a.m.–10 a.m. (2) Plenary Session; (3) Introductory Remarks: (4) Working Group Reports; (5) Discussion/ Review of Special Committee 181 Terms of Reference: (a) Cold Temperature Addendum to DO–236A; (b) WG–4 follow-on activity; (6) New Business; (7) Date and Location of Next Meeting; (8) Closing; 10:00–4:00 p.m. Working Groups continue to meet.

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); or the on-site contact, Mr. Jim Gregory, at (613) 991–9923 (phone), (613) 998–7416 (fax), *gregojw@tc.gc.ca* (email). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 21, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–21821 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Cleveland Hopkins International Airport, Cleveland, OH

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 use the revenue from a PFC at Cleveland Hopkins International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act Of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before September 25, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to LaVonne Sheffield-McClain, Director, Department of Port Control of the City of Cleveland at the following address: Cleveland Hopkins International Airport, 5300 Riverside Drive, Cleveland, Ohio 44135.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Department of Port Control under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Conrad, Program Manager, Federal Aviation Administration, Detroit Airport District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7295). 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 use the revenue from a PFC at Cleveland Hopkins International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

Only July 24, 2000, the FAA determined that the application to use

the revenue from a PFC submitted by City of Cleveland was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than October 11, 2000.

The following is a brief overview of the application.

PFC Application No.: 00–07–U–CLE.

Level of the PFC: $3.00.

Actual charge effective date: July 1, 1995.

Estimate charge expiration date: January 1, 1997.

Total approved net PFC revenue: $20,700,542.00.

Brief description of proposed projects: NASA Feasibility and Pre-Engineering Study for Relocation of Engine Testing Facility and Waste Water/Glycol Collection System.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi/commercial operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Department of Port Control, Cleveland Hopkins International Airport.

Issued in Des Plaines, Illinois, on August 17, 2000.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 00–21818 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Golden Triangle Regional Airport, Columbus, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Golden Triangle Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before September 25, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Jackson Airports District Office, Jackson International Airport, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Nick Ardillo, Jr., Executive Director of the Golden Triangle Regional Airport Authority at the following address: Mr. Nick P. Ardillo, Jr., Executive Director, Golden Triangle Regional Airport Authority, 2080 Airport Road, Columbus, MS 39701.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Golden Triangle Regional Airport Authority under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: David Shumate, Program Manager, Jackson Airports District Office, Jackson International Airport, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, (601) 664–9882. 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 Golden Triangle Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On August 18, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Golden Triangle Regional Airport Authority was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 14, 2000.

The following is a brief overview of the application.

PFC Application No.: 00–02–C–00–GTR.

Level of the proposed PFC: $3.00.

Proposed charge effective date: November 1, 2000.

Proposed charge expiration date: February 1, 2002.

Total estimated net PFC revenue: $223,631.

Brief description of proposed project(s): Rehabilitation of terminal entrance road; DBE Program; Terminal Building Modifications; Rehabilitation of General Aviation Overflow Apron; General Aviation Apron Sealcoat; Security Gates Replacement; Taxiway Porous Friction Course & Striping; ARFF Vehicle/Fire Fighting Equipment; Renovation of CFR Building; Runway Lighting System.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Golden Triangle Regional Airport.

Issued in Jackson, MS on August 18, 2000.

Wayne Atkinson,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 00–21819 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Teton County, Wyoming

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent and public meeting.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared in accordance with the National Environmental Policy Act for the proposed highway reconstruction in Teton County, Wyoming. The FHWA in cooperation with the Wyoming Department of Transportation (WYDOT) invite public comment and will be holding a scoping meeting prior to commencing work on the environmental impact statement.

The meeting will be held on Wednesday, September 27, 2000, from 5:30 p.m. to 7:00 p.m. A 60-day scoping period will begin on September 5, 2000, and concluded on November 5, 2000. Written comments on the scope of alternatives and impacts to be considered must be received by WYDOT by November 5, 2000. The meeting will be held at Teton County Public Library, 125 Virginian Lane, in Jackson, WY. Mail written comments on the Project Scope to Mr. Timothy L. Stark, P.E., Environmental Services Manager,

WYDOT, 5300 Bishop Boulevard, Cheyenne, WY 82009–3340.

FOR FURTHER INFORMATION CONTACT: Mr. Lee D. Potter, FHWA Wyoming Division, 1916 Evans Avenue, Cheyenne, Wyoming 82001, (307) 772–2012, extension 46.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Wyoming Department of Transportation (WYDOT), hereby give notice that they intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), Public Law 91–190, 83 Stat. 852 (1969), as amended, for corridor improvements in the vicinity of Hoback Junction, Teton County, Wyoming. This EIS will evaluate the No Build and other Build Alternatives for proposed road and bridge reconstruction in Teton County along US Highways 191/26/89/189. The project begins approximately 6.1 miles south of Jackson along US Highway 191/26/89/189 and runs south approximately 7.2 miles to Hoback Junction. At Hoback Junction, the project branches to the southwest, along US 26/89, and to the east along US 191/189. The southwest segment, along US 26/89, is approximately 0.9 miles in length and includes the Snake River Bridge. The east segment, along US 191/189, is approximately 2.9 miles in length.

Project scoping will be accomplished through coordination with affected parties, organizations, Federal, State and local agencies and through a public scoping meeting. The FHWA and WYDOT invite interested individuals, organizations, Federal, State and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic and environmental issues relating to the alternatives. An information packet describing the purpose of the project, the proposed alternatives, the areas to be evaluated, the citizen involvement program, and the preliminary project schedule will be developed. These scoping materials may be requested by contacting Mr. Timothy L. Stark at the address above. Scoping comments may be made verbally at the public scoping meeting or in writing. The public will receive notices on location and time of the scoping meeting through newspaper advertisements and individual correspondence.

To ensure that a full range of issues related to this proposed action are addressed and all significant actions are identified, comments and suggestions are invited from all interested parties. If you wish to be placed on the mailing list to receive further information as the project develops, contact Mr. Timothy L. Stark, P.E, as previously described.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: August 17, 2000.

William C. Jones,

Division Administrator, Cheyenne, WY.

[FR Doc. 00–21697 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA–2000–7836]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of a currently approved collection. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments for the Prohibited Drug Use in Transit Operations collection of information was published on May 2, 2000 (65 FR 25530) and on July 8, 1999 (64 FR 36957) for the Control of Alcohol Misuse in Transit Operations collection of information. A 30-day notice was also published for the Control of Alcohol in Transit Operations collection of information. The Department has since determined that the drug and alcohol collections of information will be combined.

DATES: Comments must be submitted before September 25, 2000. A comment to OMB is most effective if OMB receives it on or before September 25, 2000.

FOR FURTHER INFORMATION CONTACT: Sylvia L. Barney-Marion, Office of Administration, Office of Management Planning, (202) 366–6680.

SUPPLEMENTARY INFORMATION:

Title: Prevention of Drug Use and Alcohol Misuse in Transit Operations (*OMB Numbers:* 2132–0556 and 2132–0557)

Abstract: The Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102–143, October 28, 1991, now codified in relevant part at 49 U.S.C. 5331) requires any recipient of federal financial assistance under 49 U.S.C. 5309, 5307, or 5311 or under 23 U.S.C. 103(e) (4) to establish a program designed to help prevent accidents and injuries resulting from the misuse of drugs and alcohol by employees who perform safety-sensitive functions. FTA's regulations, 49 CFR part 653, ''Prevention of Prohibited Drug Use in Transit Operations,'' and 49 CFR part 654, ''Control of Alcohol Misuse in Transit Operations,'' effective March 17, 1994, require recipients to submit to FTA annual reports containing data which summarize information concerning the recipients' drug and alcohol testing programs, such as the number and type of tests given, number of positive test results, and the kinds of safety-sensitive functions the employees perform. FTA uses these data to ensure compliance with the rule, to assess the misuse of drugs and alcohol in the transit industry, and to set the random testing rate. The data will also be used to assess the effectiveness of the rule in reducing the misuse of drugs and alcohol among safety-sensitive transit employees and making transit safer for the public.

Estimated Total Annual Burden: 10,117 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street, NW., Washington, DC. 20503, Attention: FTA 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.

Dated: August 22, 2000.

Dorrie Y. Aldrich,

Associate Administrator for Administration.

[FR Doc. 00–21776 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–2000–6944 (Notice No. 00–8)]

Notice of Information Collection Approval

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of information collection approval

SUMMARY: This notice announces OMB approval of information collection requests (ICRs), for OMB No. 2137–0559, ''Rail Carriers and Tank Car Tanks Requirements''; OMB No. 2137–0014, ''Requirements for Cargo Tanks''; OMB No. 2137–0051, ''Rulemaking, Exemption, and Preemption Requirements''; and OMB No. 2137–0557, ''Approvals for Hazardous Materials''. These information collections have been extended until August 31, 2003.

DATES: The expiration date for these ICRs is August 31, 2003.

ADDRESSES: Requests for a copy of an information collection should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Deborah Boothe, Office of Hazardous Materials Standards (DHM–10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(s)) and specify that no person is required to respond to an information collection unless it displays a valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, RSPA has received OMB approval of the following ICRs:

OMB Control Number: 2137–0559.
Title: Rail Carriers and Tank Car Tanks Requirements.

OMB Control Number: 2137–0014.
Title: Requirements for Cargo Tanks.

OMB Control Number: 2137–0051.
Title: Rulemaking, Exemption, and Preemption Requirements.

OMB Control Number: 2137–0557.
Title: Approvals for Hazardous Materials.

These information collection approvals expire on August 31, 2003.

Issued in Washington, DC on August 22, 2000.

Thomas G. Allan,

Acting Director, Office of Hazardous Materials Standards.

[FR Doc. 00–21822 Filed 8–24–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 17, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 25, 2000 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0556.
Form Number: ATF F 6400.1.
Type of Review: Extension.
Title: State and Local Training Registration Request.
Description: ATF provides arson and explosives investigative techniques training to State and local investigators. The registration form will be used by prospective students.
Respondents: State, Local or Tribal Government.
Estimated Number of Respondents: 500.
Estimated Burden Hours Per Respondent: 6 minutes.
Estimated Total Reporting Burden: 50 hours.

OMB Number: 1512–0557.
Form Number: ATF F 5220.6.
Type of Review: Extension.
Title: Monthly Report—Tobacco Products Importer.
Description: Reports of the lawful importation and disposition of tobacco products dealers are necessary to determine whether those issued the permits required by 26 U.S.C. Section 5713 should be allowed to continue their operations or renew their permits.
Respondents: Business of other for-profit, Farms.
Estimated Number of Respondents: 1,500.
Estimated Burden Hours Per Respondent: 48 minutes.
Frequency of Response: Monthly.
Estimated Total Reporting Burden: 14,400 hours.
Clearance Officer: Frank Bowers (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW, Washington, DC 20226.
OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–21764 Filed 8–24–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 15, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 25, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1547.
Form Number: IRS Form W–7A.
Type of Review: Extension.
Title: Application for Taxpayer Identification Number for Pending U.S. Adoptions.
Description: Form W–7A is used to apply for an Internal Revenue Service taxpayer identification number (an ATIN) for use in pending adoptions. An ATIN is a temporary nine-digit number issued by the IRS to individuals who are

in the process of adopting a U.S. resident child but who cannot get a social security number for that child until the adoption is final.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 50,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Learning about the law or the form.	8 min.
Preparing the form	16 min.
Copying, assembling, and sending the form to the IRS.	16 min.

Frequency of response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 35,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–21765 Filed 8–24–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 17, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 25, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0089.

Form Number: IRS Form 1040NR.

Type of Review: Revision.

Title: U.S. Nonresident Alien Income Tax Return.

Description: Form 1040NR is used by nonresident alien individuals and foreign estates and trusts to report their income subject to tax and compute the correct tax liability. The information on the return is used to determine whether income, deductions, credits, payments, etc., are correctly figured. Affected public are nonresident alien individuals, estates, and trusts.

Respondents: Individuals or households, business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 271,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	6 hr., 3 min.
Learning about the law or the form.	2 hr., 14 min.
Preparing the form	6 hr., 2 min.
Copying, assembling, and sending the form to the IRS.	1 hr., 44 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 4,080,651 hours.

OMB Number: 1545–0090.

Form Number: IRS Forms 1040–SS, 1040–PR and Anejo H–PR.

Type of Review: Revision.

Title: U.S. Self-Employment Tax Return (1040–SS); Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia–Puerto Rico (1040–PR); and Contribuciones Sobre El Empleo De Empleados Domesticos (Anejo H–PR).

Description: Form 1040–SS (Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) and 1040–PR (Puerto Rico) are used by self-employed individuals to figure and report self-employment tax under IRC chapter 2 of Subtitle A, and provide credit to the taxpayer's social security account. Anejo H–PR is used compute household employment taxes.

Respondents: Individuals or households, business or other for-profit, farms.

Estimated Number of Respondents/Recordkeepers: 56,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
1040–SS	7 hr., 19 min.	24 min.	2 hr., 37 min.	48 min.
1040–PR	6 hr., 46 min.	37 min.	2 hr., 24 min.	48 min.
Anejo H–PR (Forma 1040–PR).	33 min.	37 min.	43 min.	34 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 582,132 hours.

OMB Number: 1545–0096.

Form Number: IRS Forms 1042 and 1042–S.

Type of Review: Revision.

Title: Annual Withholding Tax Return for U.S. Source Income of Foreign Persons (1042); and Foreign Person's U.S. Source Income Subject to Withholding (1042–S).

Description: Form 1042 is used by withholding agents to report tax withheld at source on certain income paid to nonresident alien individuals, foreign partnerships, and foreign corporations to the IRS. Form 1042–S is used by withholding agents to report income and tax withheld to payees. A copy of each 1042–S is filed magnetically or with Form 1042 for information reporting purposes. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States.

Respondents: Business or other for-profit, individuals or households.

Estimated Number of Respondents/Recordkeepers: 22,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 1042	Form 1042–S
Recordkeeping	9 hr., 48 min.	0 min.

	Form 1042	Form 1042–S
Learning about the law or the form	2 hr., 7 min.	0 min.
Preparing the form	4 hr., 14 min.	25 min.
Copying, assembling, and sending the form to the IRS	32 min.	0 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,039,620 hours.

OMB Number: 1545–0129.

Form Number: IRS Form 1120–POL.

Type of Review: Extension.

Title: U.S. Income Tax Return for Certain Political Organizations.

Description: Certain political organizations file Form 1120–POL to report the tax imposed by section 527. The form is used to designate a principal business campaign committee that is subject to a lower rate of tax under section 527(h). IRS uses Form 1120–POL to determine if the proper tax was paid.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 6,527.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	16 hr., 58 min.
Learning about the law or the form.	5 hr., 3 min.
Preparing the form	12 hr., 4 min.
Copying, assembling, and sending the form to the IRS.	1 hr., 52 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 234,907 hours.

OMB Number: 1545–0175.

Form Number: IRS Form 4626.

Type of Review: Extension.

Title: Alternative Minimum Tax—Corporations.

Description: Form 4626 is used by corporations to calculate their alternative minimum tax.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 60,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	18 hr., 10 min.
Learning about the law or the form.	12 hr., 12 min.
Preparing and sending the form to the IRS.	13 hr., 3 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,606,400 hours

OMB Number: 1545–0219.

Form Number: IRS Form 5884.

Type of Review: Revision.

Title: Work Opportunity Credit.

Description: Internal Revenue Code (IRC) section 38(b)(2) allows a credit against income tax to employers hiring individuals for certain targeted groups such as welfare recipients, etc. The employer uses Form 5884 to figure the credit. IRS uses the information on the form to verify that the correct amount of credit was claimed.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 10,630.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	7 hr., 24 min.
Learning about the law or the form.	1 hr., 0 min.
Preparing and sending the form to the IRS.	1 hr., 9 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 101,623 hours.

OMB Number: 1545–0956.

Form Number: IRS Form 5500–EZ.

Type of Review: Extension.

Title: Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan.

Description: Form 5500–EZ is an annual return by a one-participant and spouse pension plan. The IRS uses this data to determine if the plan appears to be operating properly as required under the law or whether the plan should be audited.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 250,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	18 hr., 10 min.
Learning about the law or the form.	2 hr., 13 min.
Preparing the form	4 hr., 29 min.
Copying, assembling, and sending the form to the IRS.	32 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 6,355,000 hours.

OMB Number: 1545–1556.

Regulation Project Number: REG–251985–96 Final.

Type of Review: Extension.

Title: Source of Income From Sales of Inventory Partly From Sources Within a Possession of the United States; Also, Source of Income Derived From Certain Purchases From a Corporation Electing Section 936.

Description: The information requested in section 1.863–3(f)(6) is necessary for the Service to audit taxpayers' return to ensure taxpayers are properly determining the source of their income.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 200.

Estimated Burden Hours Per Respondent: 2 hours, 30 minutes.

Frequency of response: Annually.

Estimated Total Reporting Burden: 500 hours.

OMB Number: 1545–1593.

Form Number: IRS Form 1041–QFT.

Type of Review: Extension.

Title: U.S. Income Tax Return for Qualified Funeral Trusts.

Description: Internal Revenue Code (IRC) section 685 allows the trustee of a qualified funeral trust to elect to report and pay the tax for the trust. Data is used to determine that the trustee filed the proper return and paid the correct tax.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 15,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	9 hr., 5 min.
Learning about the law or the form.	1 hr., 54 min.
Preparing the form	4 hr., 55 min.
Copying, assembling, and sending the form to the IRS.	48 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 250,800 hours.

OMB Number: 1545–1606.

Form Number: IRS Form 8860.

Type of Review: Extension.

Title: Qualified Zone Academy Bond Credit.

Description: A qualified zone academy bond is a taxable issued after 1997 by a state or local government, with the proceeds used to improve certain eligible public schools. In lieu of receiving interest payments from the issuer, an eligible holder of the bond is generally allowed on an annual income

tax credit. Eligible holders of qualified zone academy bonds use Form 8860 to figure and claim this credit.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	4 hr., 46 min.
Learning about the law or the form.	12 min.
Preparing and sending the form to the IRS.	16 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 527 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–21766 Filed 8–24–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 18, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 25, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0687.

Form Number: IRS Form 990–T.

Type of Review: Revision.

Title: Exempt Organization Business Income Tax Return.

Description: Form 990–T is needed to compute the section 511 tax on unrelated business income of a charitable organization. IRS uses the information to enforce the tax.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 37,103.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	61 hr., 42 min.
Learning about the law or the form.	24 hr., 48 min.
Preparing the form	40 hr., 51 min.
Copying, assembling, and sending the form to the IRS.	4 hr., 1 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 4,873,851 hours.

OMB Number: 1545–0976.

Form Number: IRS Form 990–W.

Type of Review: Revision.

Title: Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations.

Description: Form 990–W is used by tax-exempt trusts and tax-exempt corporations to figure estimated tax liability on unrelated business income and on investment income for private foundations and the amount of each installment payment. Form 990–W is a worksheet only. It is not required to be filed.

Respondents: Not-for-profit institutions, business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 27,265.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing the form
Form 990—W	10 hr., 2 min	1 hr., 40 min	1 hr., 55 min.
Form 990–W, Sch. A (Pt. I)	11 hr., 14 min	42 min	54 min.
Form 990–W, Sch. A (Pt. II)	23 hr., 26 min	12 min	35 min.
Form 990–W, Sch. A (Pt. III)	5 hr., 15 min	0 min	5 min.

Frequency of response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 388,015 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–21767 Filed 8–24–00; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INSTITUTE OF PEACE

Sunshine Act Meeting

DATE/TIME: Thursday, September 14, 2000, 9:00 a.m.–5:30 p.m.

LOCATION: 1200 17th Street, NW, Suite 200, Washington, DC 20036–3011.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: September 2000 Board Meeting; Approval of Minutes of the Ninety-Fifth Meeting (June 15–17, 2000) of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Fiscal Years 2001 and 2002 Budget Review; Review of Unsolicited Grant Applications; Other General Issues.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: August 23, 2000.

Charles E. Nelson,

Vice President for Management and Finance, United States Institute of Peace.

[FR Doc. 00–21873 Filed 8–23–00; 10:51 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0377]

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 for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to repurchase a default loan.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 24, 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. 2900–0377'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

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

Title: Claim for Repurchase of Loan, VA Form 26–8084.

OMB Control Number: 2900–0377.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8084 is used and completed by the holder of a delinquent vendee account, which has been guaranteed by VA. The holder of a delinquent vendee account is legally entitled to repurchase of the loan by VA when the loan has been continuously in default for three months and the amount of the delinquency equals or exceeds the sum of two monthly installments.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 421 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 842.

Dated: July 19, 2000.
By direction of the Secretary.

Donald L. Neilson,
Director, Information Management Service.

[FR Doc. 00–20864 Filed 8–24–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Medical Research Service Merit Review Committee, Meetings

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App., of the following meetings to be held from 8 a.m. to 5 p.m. as indicated below:

Subcommittee for	Date	Location
Respiration	September 18, 2000	Holiday Inn Central.
Nephrology	September 20, 2000	Holiday Inn Central.
Mental Hlth & Behavioral Sciences	September 21–22, 2000	Holiday Inn Central.
Aging & Clinical Geriatrics	September 25, 2000	Holiday Inn Central.
Gastroenterology	September 25–26, 2000	Holiday Inn Central.
Cardiovascular Studies	September 29, 2000	Holiday Inn Central.
Epidemiology	September 29, 2000	Holiday Inn Central.
Surgery	October 2, 2000	Holiday Inn Central.
Endocrinology	October 5–6, 2000	Holiday Inn Central.
Alcohol & Drug Dependence	October 6, 2000	Holiday Inn Central.
Infectious Diseases	October 12–13, 2000	Holiday Inn Central.
Neurobiology-C	October 13, 2000	Holiday Inn Central.
General Medical Science	October 16–17, 2000	Washington Plaza.
Oncology	October 16–18, 2000	Holiday Inn Central.
Hematology	October 19, 2000	Washington Plaza.
Immunology	October 26–27, 2000	Holiday Inn Central.
Neurobiology-D	October 26–27, 2000	Holiday Inn Central.
Medical Research Service Merit Review Committee	December 7, 2000	Holiday Inn Central.

The addresses of the hotels are: Holiday Inn Central, 1501 Rhode Island Avenue, NW, Washington, DC 20005.

Washington Plaza, 10 Thomas Circle, NW, Washington, DC 20005.

These subcommittee meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Department of Veterans Affairs (VA) investigators working in VA Medical Centers and Clinics.

The subcommittee meetings will be open to the public for approximately one hour at the start of each meeting to discuss the general status of the program. The remaining portion of each subcommittee meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal projects.

The closed portion of the meetings involves discussion, examination, reference to, and oral review of site

visits, staff and consultant critiques of research protocols and similar documents. During this portion of the subcommittee meetings, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research projects.

As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing portions of these subcommittee meetings is in accordance with 5 U.S.C., 552b(c) (6) and (9)(B). Those who plan to attend or would like to obtain a copy of minutes of the subcommittee meetings and rosters of the members of the subcommittees should contact LeRoy Frey, Chief, Program Review Division, Medical Research Service, Department of Veterans Affairs, Washington, DC, (202) 408–3630.

Dated: August 18, 2000.

By Direction of the Acting Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–21723 Filed 8–24–00; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 65, No. 166

Friday, August 25, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00-425-000]

Dominion Transmission, Inc. (formerly CNG Transmission Corp.); Notice of Request Under Blanket Authorization

Correction

In notice document 00–20484 beginning on page 49557 in the issue of Monday, August 14, 2000, the docket number should read as set forth above.

[FR Doc. C0–20484 Filed 8–24–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–000 and ER96–1663–000]

California Power Exchange Corporation; Notice of Filing

Correction

In notice document 00–20785 beginning on page 49974 in the issue of Wednesday, August 16, 2000, make the following correction:

On page 49974, in the first column, the docket numbers should appear as set forth above.

[FR Doc. C0–20785 Filed 8–24–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF97

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis on Proposed Critical Habitat Determination for the San Diego Fairy Shrimp

Correction

In proposed rule document 00–21308 beginning on page 50672 in the issue of Monday, August 21, 2000, make the following correction:

1. On page 50673, in the first column, in the first line, ''September 11, 2000'' should read ''September 5, 2000''.

2. On the same page, in the third column, in the first paragraph, in the third line from the bottom, ''September 15, 2000'' should read ''September 5, 2000''.

[FR Doc. C0–21308 Filed 8–24–00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
August 25, 2000

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–34]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Notice of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION:

In accordance with 24 CFR Part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–(D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, Room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expression of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Army: Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center, Planning & Real Property Branch, Attn: CEMP–IP, 441 G Street, NW., Washington, DC 20314–1000; (202) 761–5737; (these are not toll-free numbers).

Dated: August 17, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 8/25/00

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 21199520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Alaska

Bldgs. 420, 422, 426, 430
Fort Richardson
Anchorage AK 99505–6500
Landholding Agency: Army
Property Number: 21199740276
Status: Excess
Comment: 13,056 sq. ft., presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldg. 789
Fort Richardson
Anchorage Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21199910084
Status: Excess
Comment: 19,001 sq. ft., concrete block, most recent use—vehicle maint., off-site use only

Bldg. 263
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930111
Status: Excess
Comment: 13,056 sq. ft., most recent use—housing, off-site use only

Bldg. 636
Fort Richardson

Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930112
Status: Excess
Comment: 33,726 sq. ft., concrete block, most recent use—library, off-site use only

Bldg. 736
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930113
Status: Excess
Comment: 7,090 sq. ft., most recent use—admin., off-site use only

Bldg. 786
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930114
Status: Excess
Comment: 2,242 sq. ft., most recent use—driver's testing facility, off-site use only

Bldg. 978
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930116
Status: Excess
Comment: 2,411 sq. ft., concrete block, most recent use—training, off-site use only

Bldg. 980
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930117
Status: Excess
Comment: 11,651 sq. ft., concrete block, most recent use—vechicle maintenance, off-site use only

Bldg. 58780
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930118
Status: Excess
Comment: 3230 sq. ft., most recent use—admin., off-site use only.

Bldg. 760
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020156
Status: Unutilized
Comment: 24,896 sq. ft., concrete, most recent use—veh. maint., off-site use only.

Bldg. 08100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020157
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only.

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only.

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only.

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Landholding Agency: Army
Property Number: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only.

Arizona

Bldg. 30012
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 305
Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

5 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 44101, 44102, 44124, 44125, 44201
Landholding Agency: Army
Property Number: 21199840129
Status: Excess
Comment: various sq. ft. & bdrm units, presence of asbestos/lead paint, most recent use—family housing, off-site use only

Bldgs. 87821, 90420
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199910087
Status: Excess
Comment: 377 and 5662 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 12521, 13572
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199920183
Status: Unutilized
Comment: 448 sq. ft. & 54 sq. ft., off-site use only

Bldgs. 43101–43109
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21199940001
Status: Excess
Comment: 969 sq. ft. per unit, 2-units per bldg., wood/stucco, presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 72908
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010079
Status: Unutilized
Comment: 16,491 sq. ft., presence of asbestos/lead paint, most recent use—veh. maint., off-site use only

Bldg. 63001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010080
Status: Unutilized
Comment: 2280 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

8 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 13570, 15751, 70650, 70651, 87848, 87850, 87851, 87853
Landholding Agency: Army
Property Number: 21200010081
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

2 Bldgs.

Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15542, 15546
Landholding Agency: Army
Property Number: 21200010082
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15544, 15552
Landholding Agency: Army
Property Number: 21200010083
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only

Bldg. 15543
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most recent use—rec. shelter, off-site use only

7 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15550, 70108, 70109, 84004, 84107, 84108, 87852
Landholding Agency: Army
Property Number: 21200010085
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

34 Bldgs.
Fort Huachuca
62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 21200020166
Status: Unutilized
Comment: 658 & 587 sq. ft., presence of asbestos/lead paint, most recent use—one bedroom family housing, off-site use only

California

Bldg. 4282
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944–
Landholding Agency: Army
Property Number: 21199810378
Status: Unutilized
Comment: 2283 sq. ft., presence of asbestos/lead paint, most recent use—office.

Bldg. 4461
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944–
Landholding Agency: Army
Property Number: 21199810379
Status: Unutilized
Comment: 992 sq. ft., presence of asbestos/lead paint, most recent use—storage.

Bldg. 104
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910088
Status: Unutilized
Comment: 8039 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 106
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910089
Status: Unutilized
Comment: 1950 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, off-site use only

Bldg. 125
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910090
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 339
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910092
Status: Unutilized
Comment 5654 sq. ft., presence of asbestos/lead paint, most recent use—off, off-site use only

Bldg. 340
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910093
Status: Unutilized
Comment: 6500 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 341
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910094
Status: Unutilized
Comment: 371 sq ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 4214
Presidio of Monterey
Monterey Co: CA 93944–
Landholding Agency: Army
Property Number: 21199910095
Status: Unutilized
Comment: 3168 sq. ft., presence of asbestos/lead paint, most recent use–office, off-site use only

Bldgs. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Landholding Agency: Army
Property Number: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Colorado

Bldg. S–6223
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020168
Status: Unutilized
Comment: 9574 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—personnel bldg., off-site use only.

Bldg. S–6270
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020169
Status: Unutilized
Comment: 19,067 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. S–6276
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 21200020170
Status: Unutilized
Comment: 2522 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—maint. shop, off-site use only.

Georgia

Bldg. 2285
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199011704
Status: Unutilized
Comment: 4574 sq. ft., most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 2396
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967

Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220753
Status: Unutilized
Comment: 8416 sq. ft. 1 story, most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310462
Status: Unutilized
Coment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410269
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410272
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 2141
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 322
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 1737
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2593
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldgs. 2865, 2869, 2872
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

8 Bldgs.
Fort Benning
4700–4701, 4704–4707,
4710–4711
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720189
Status: Unutilized

Comment: 6433 sq. ft. each, needs rehab, most recent use—unacommpanied personnel housing, off-site use only

Bldg. 4714
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility, off-site use only

Bldg. 4712–4713
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. 305
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810268
Status: Unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only

Bldg. 318
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint. shop, off-site use only

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810274
Status: Unutilized
Comment: 10200 sq. ft., most recent use—storage, off-site use only

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810276
Status: Unutilized
Comment: 2998 sq. ft., most recent use—admin., off-site use only

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only

Bldg. 92
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2445
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station, off-site use only

Bldg. 4232
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930123
Status: Unutilized
Comment: 2481 sq. ft., most recent use—admin., off-site use only

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin., off-site use only

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only.

Bldg. 4555
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930132
Status: Unutilized
Comment: 18,240 sq. ft., most recent use—maint. shop, off-site use only.

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—maint/storage, off-site use only.

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only.

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only.

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only.

Bldg. T–801
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21200010086
Status: Unutilized
Comment: 4660 sq. ft., needs major repairs, most recent use—armory, off-site use only.

Bldg. T–807
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21200010087
Status: Unutilized
Comment: 4660 sq. ft., needs major repairs, most recent use—hq. bldg., off-site use only.

Bldg. T–809
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 21200010088
Status: Unutilized
Comment: 6461 sq. ft., needs major repairs, most recent use—hq. bldg., off-site use only.

Bldg. 2214
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020171
Status: Unutilized
Comment: 13,508 sq. ft., possible asbestos/lead paint, most recent use—storage/admin., off-site use only.

Bldg. 2233
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 21200020172
Status: Unutilized
Comment: 1720 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 21199030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

Bldg. T–675A
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 21199640202
Status: Unutilized
Comment: 4365 sq. ft., most recent use—office, off-site use only

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Illinois

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. 137A
Sheridan Army Rsv Complex
Sheridan Co: IL 60037–
Landholding Agency: Army
Property Number: 21200020177
Status: Unutilized
Comment: 120 sq. ft., storage bldg., off-site use only

Indiana

Bldg. 255–261
Ft. Ben Harrison
Ft. Ben Harrison Co: IN 60037
Landholding Agency: Army
Property Number: 21200020178
Status: Unutilized
Comment: 960 sq. ft., steel storage bldgs., off-site use only

Kansas

Bldg. 166, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21199410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District.

Bldg. 184, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 21199430146
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district.

Bldg. P–390
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only

Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820153
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only

Bldg. P–69
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820154
Status: Unutilized
Comment: 224 sq. ft., most recent use—storage, off-site use only

Bldg. P–93
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820155
Status: Unutilized
Comment: 63 sq. ft., concrete, most recent use—storage, off-site use only

Bldg. P–128
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820156
Status: Unutilized
Comment: 79 sq. ft., concrete, most recent use—storage, off-site use only

Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only

Bldg. P–347
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820158
Status: Unutilized
Comment: 2135 sq. ft., most recent use—bath house, off-site use only

Bldg. P–397
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820159
Status: Unutilized
Comment: 80 sq. ft., most recent use—storage, off-site use only

Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820161
Status: Unutilized

Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. T–2360
Fort Riley
Ft. Riley KS
Landholding Agency: Army
Property Number: 21199830310
Status: Unutilized
Comment: 4534 sq. ft., needs major rehab, most recent use—aces. fac.

Bldgs. P–104, P–105, P–106
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830313
Status: Unutilized
Comment: 81 sq. ft., most recent use—storage, off-site use only

Bldg. P–108
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830314
Status: Unutilized
Comment: 138 sq. ft., most recent use—storage, off-site use only

Bldg. P–147
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830315
Status: Unutilized
Comment: 378 sq. ft., most recent use—storage, off-site use only

Bldgs. P–163, P–169
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830316
Status: Unutilized
Comment: 87 sq. ft., most recent use—storage, off-site use only

Bldg. P–164
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830317
Status: Unutilized
Comment: 145 sq. ft., most recent use—storage, off-site use only

Bldg. P–171
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830318
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

Bldg P–172
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830319
Status: Unutilized
Comment: 87 sq. ft., most recent use—storage, off-site use only

Bldgs. P–173, P–174
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830320
Status: Unutilized
Comment: 120 sq. ft., most recent use—storage, off-site use only

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only

Bldg. P–146
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199920198
Status: Unutilized
Comment: 196 sq. ft., most recent use—utility, off-site use only

Bldg. P–149
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199920199
Status: Unutilized
Comment: 76 sq. ft., most recent use—utility, off-site use only

Bldg. P–150
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199920200
Status: Unutilized
Comment: 96 sq. ft., most recent use—utility, off-site use only

Bldg. P–162
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199920201
Status: Unutilized
Comment: 81 sq. ft., most recent use—utility, off-site use only

Bldg. P–242
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199920202
Status: Unutilized
Comment: 4680 sq. ft., most recent use—storage, off-site use only

Bldg. T–71
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930139
Status: Unutilized
Comment: 180 sq. ft., most recent use—storage, off-site use only

Bldg. P–75
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930140
Status: Unutilized
Comment: 12,129 sq. ft., most recent use—storage, off-site use only

Bldg. P–76
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930141
Status: Unutilized
Comment: 180 sq. ft., most recent use—storage, off-site use only

Bldgs. P–96, P–97
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930142
Status: Unutilized
Comment: 84 sq. ft., most recent use—utility, off-site use only

Bldgs. P–110, P–114, P–115
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930143
Status: Unutilized
Comment: 85–92 sq. ft., most recent use—utility, off-site use only

Bldg. P–118
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930144
Status: Unutilized
Comment: 117 sq. ft., most recent use—storage, off-site use only

Bldg. P–160, P–161, P–165
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930145
Status: Unutilized
Comment: 86–88 sq. ft., most recent use—utility, off-site use only

Bldg. P–223
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930146
Status: Unutilized
Comment: 7,174 sq. ft., most recent use—storage, off-site use only

Bldg. T–236
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930147
Status: Unutilized
Comment: 4563 sq. ft., most recent use—storage, off-site use only

Bldg. P–241
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930148
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Bldg. T–257
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army
Property Number: 21199930149
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Bldg. P–309
Fort Leavenworth
Leavenworth Co: KS 66027–
Landholding Agency: Army

Property Number: 21199930150
Status: Unutilized
Comment: 71 sq. ft., most recent use—storage, off-site use only

Bldg. T347
Fort Riley
Ft. Riley Co: Manhatten KS 66442–
Landholding Agency: Army
Property Number: 21199940012
Status: Unutilized
Comment: 2888 sq. ft., most recent use—storage, off-site use only

Bldg. S–285
Fort Riley
Manhatten Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200010093
Status: Unutilized
Comment: 800 sq. ft., metal bldg. w/o windows, most recent use—storage, off-site use only

Bldg. T–901
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020179
Status: Unutilized
Comment: 52 sq. ft., poor, most recent use—storage, off-site use only

Bldg. P–3010
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020180
Status: Unutilized
Comment: 144 sq. ft., poor, most recent use—storage, off-site use only

Bldgs. S–7705, S–7706
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020181
Status: Unutilized
Comment: 648 sq. ft., poor, presence of asbestos, most recent use—storage, off-site use only

Bldgs. P–7708, P–7709
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020182
Status: Unutilized
Comment: 206 & 1435 sq. ft., poor, most recent use—storage, off-site use only

Bldg. P–9007
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020183
Status: Unutilized
Comment: 540 sq. ft., poor, off-site use only

Bldg. T–9017
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020184
Status: Unutilized
Comment: 128 sq. ft., poor, off-site use only

Bldg. T–9088
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 21200020185
Status: Unutilized
Comment: 246 sq. ft., poor, off-site use only

Louisiana

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640524
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8407, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640525
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8408, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640526
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640527
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640529
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640530
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640531
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640532
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640533
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640534
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640535
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640536
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640537
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8446, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640538
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8449, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Bldg. 8450, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459
Landholding Agency: Army
Property Number: 21199640542
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640543
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640544
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640545
Status: Underutilized

Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640546
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640547
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640548
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640551
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640552
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640553
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8544, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640554
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640555
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640556
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640557
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640558
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 4960 A–F
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940013
Status: Unutilized
Comment: 4412 sq. ft., most recent use—housing, off-site use only

Bldg. 5143 A–D
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940014
Status: Unutilized
Comment: 4109 sq. ft., most recent use—housing, off-site use only

Bldg. 5179 A–F
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940015
Status: Unutilized
Comment: 8969 sq. ft., most recent use—housing, off-site use only

Bldg. 5253 A–D
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940016
Status: Unutilized
Comment: 4109 sq. ft., most recent use—housing, off-site use only

Bldg. 5846 A–E
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940017
Status: Unutilized
Comment: 3919 sq. ft., most recent use—housing, off-site use only

Bldg. 6475 A–B
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21199940021
Status: Unutilized
Comment: 5100 sq. ft., most recent use—housing, off-site use only

Maryland

Bldg. 370
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199730256
Status: Unutilized
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint

Bldg. 2446
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740305
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2472
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740306
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 4700
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199740309
Status: Unutilized
Comment: 36,619 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 6294
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199810302
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—custodial, off-site use only

Bldg. E5813
Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21199830326
Status: Unutilized
Comment: 69 sq. ft., presence of asbestos/lead paint, most recent use—storage

Bldg. 00307
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Landholding Agency: Army
Property Number: 21199930152
Status: Unutilized
Comment: 4071 sq. ft., most recent use—admin., off-site use only

Bldg. 00646
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Landholding Agency: Army
Property Number: 21199930153
Status: Unutilized
Comment: 880 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01110
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Landholding Agency: Army
Property Number: 21199930154
Status: Unutilized
Comment: 396 sq. ft., most recent use—magazine, off-site use only

Bldg. 01195
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–

Landholding Agency: Army
Property Number: 21199930155
Status: Unutilized
Comment: 120 sq. ft., most recent use—storage, off-site use only

Bldg. E3264
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Landholding Agency: Army
Property Number: 21199930156
Status: Unutilized
Comment: 64 sq. ft., most recent use—access control facility, off-site use only

Bldg. E3333
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–
Landholding Agency: Army
Property Number: 21199930157
Status: Unutilized
Comment: 64 sq. ft., most recent use—access control facility, off-site use only

Bldgs. 2454–2457
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940025
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos, most recent use—admin./health clinics, off-site use only

Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940026
Status: Unutilized
Comment: 2534 sq. ft., needs rehab, presence of asbestos, most recent use—health clinic, off-site use only

Bldg. 2845
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21199940027
Status: Unutilized
Comment: 6104 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 00318
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010095
Status: Unutilized
Comment: 3388 sq. ft., most recent use—veh. maint. shop/boiler plant, off-site use only

Bldg. 00334
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010096
Status: Unutilized
Comment: 1250 sq. ft., most recent use—lab, off-site use only

Bldg. 004602
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010097
Status: Unutilized
Comment: 5994 sq. ft., most recent use—admin.

Bldg. 00680
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010099
Status: Unutilized
Comment: 2315 sq. ft., most recent use—storage, off-site use only

Bldg. 01095
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010100
Status: Unutilized
Comment: 280 sq. ft., most recent use—storage, off-site use only

Bldg. 01120
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010101
Status: Unutilized
Comment: 1564 sq ft., most recent use—office/machine shop, off-site use only

Bldg. 03031
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010102
Status: Unutilized
Comment: 1360 sq. ft., most recent use—heating plant

Bldg. 03036
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010103
Status: Unutilized
Comment: 11,016 sq. ft., most recent use—storage

Bldg. E1370
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010104
Status: Unutilized
Comment: 3561 sq. ft., most recent use—storage

Bldg. E1376
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010105
Status: Unutilized
Comment: 10,338 sq. ft., most recent use—maint. shop

Bldg. E1377
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010106
Status: Unutilized
Comment: 168 sq. ft., most recent use—storage

Bldg. E1386
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010107
Status: Unutilized
Comment: 251 sq. ft., most recent use—storage, off-site use only

Bldg. E1461
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010108
Status: Unutilized
Comment: 331 sq. ft., most recent use—storage, off-site use only

Bldg. E1462
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010109
Status: Unutilized
Comment: 81 sq. ft., most recent use—safety shelter, off-site use only

Bldg. E2150
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010110
Status: Unutilized
Comment: 1092 sq. ft., most recent use—storage, off-site use only

Bldg. E3242
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010111
Status: Unutilized
Comment: 2264 sq. ft., most recent use—admin.

Bldg. E3551
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010112
Status: Unutilized
Comment: 500 sq. ft., most recent use—access control

Bldg. E5177
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010113
Status: Unutilized
Comment: 142 sq. ft., most recent use—storage

Bldg. E5189
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010114
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage

Bldg. E5294
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010115
Status: Unutilized
Comment: 1263 sq. ft., potential contamination, most recent use—storage

Bldg. E5452
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010116
Status: Unutilized
Comment: 9623 sq. ft., potential contamination, most recent use—storage

Bldg. E5639
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010117
Status: Unutilized

Comment: 1048 sq. ft., most recent use—storage

Bldgs. E5688, E5689
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010118
Status: Unutilized
Comment: 153 sq. ft., most recent use—a/c plant

Bldg. E5858
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010119
Status: Unutilized
Comment: 1121 sq. ft., most recent use—storage

Bldg. E5936
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200010120
Status: Unutilized
Comment: 11,279 sq. ft., most recent use—storage

Bldg. 176
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020187
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 618
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 21200020188
Status: Unutilized
Comment: 12,713 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. E5722, E5730, E5732
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 21200020189
Status: Unutilized
Comment: 4070 sq. ft., most recent use—storage off-site use only.

Massachusetts

Bldg. P–3713
Devens RFTA
Devens Co: MA 01432–
Landholding Agency: Army
Property Number: 21200020186
Status: Excess
Comment: 256,760 sq. ft., needs renovation—estimated cost in excess of $5 million, most recent use—veh. maint., presence of asbestos

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199230260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 21199510110
Status: Excess
Comment: 3263 sq. ft., 1 story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199710138
Status: Underutilized
Comment: 9267 sq. ft. each, most recent use—storage/general purpose

Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lad paint, most recent use—admin., off-site use

Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730276
Status: Unutilized
Comment: 1360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730279
Status: Unutilized
Comment: 4720 sq. ft. presence of asbestos/lead paint, most recent—barracks, off-site use only

Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730282
Status: Unutilized
Comment: 4720 ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810305
Status: Unutilized
Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only

Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only

Bldgs. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810309
Status: Unutilized
Comment: 2400 sq. ft. presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2111
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810312
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810322
Status: Unutilized
Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 386
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820163
Status: Unutilized
Comment: 4902 sq. ft., presence of asbestos/lead paint, most recent use—fire station, off-site use only

Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820166
Status: Unutilized

Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2155
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldgs. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 6036
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910101
Status: Underutilized
Comment: 240 sq. ft., off-site use only

Bldg. 9110
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910108
Status: Underutilized

Comment: 6498 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only

Bldgs. 9113, 9115, 9117
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Landholding Agency: Army
Property Number: 21199910109
Status: Underutilized
Comment: 4332 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only

Bldg. 493
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 21199930158
Status: Unutilized
Comment: 26,936 sq. ft., concrete, presence of asbestos/lead paint, most recent use—store, off-site use only

New Jersey

Bldg. 22
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740311
Status: Unutilized
Comment: 4220 sq. ft., needs rehab, most recent use—machine shop, off-site use only

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 642
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740314
Status: Unutilized
Comment: 280 sq. ft., most recent use—explosives testing, off-site use only.

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 1604
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740321
Status: Unutilized
Comment: 8519 sq. ft., most recent use—loading facility, off-site use only.

Bldg. 3117
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740322
Status: Unutilized
Comment: 100 sq. ft., most recent use—sentry station, off-site use only.

Bldg. 3201
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740324
Status: Unutilized
Comment: 1360 sq. ft., most recent use—water treatment plant, off-site use only.

Bldg. 3202
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740325
Status: Unutilized
Comment: 96 sq. ft., most recent use—snack bar, off-site use only.

Bldg. 3219
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only.

Bldg. 66
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200010094
Status: Unutilized
Comment: 9000 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 353
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020191
Status: Unutilized
Comment: 24,800 sq. ft., most recent use—physics lab, off-site use only.

Bldg. 1530
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020192
Status: Unutilized
Comment: 10,550 sq. ft., most recent use—electronic lab, off-site use only.

Bldg. 3050
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21200020193
Status: Unutilized
Comment: 10,550 sq. ft., most recent use—barracks, off-site use only.

New Mexico

68 Housing Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21199940028
Status: Unutilized
Comment: 1269 sq. ft., needs major repair, presence of asbestos, most recent use—housing, off-site use only.

Facility 11230
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21199940029
Status: Unutilized
Comment: 1620 sq. ft., needs major repair, presence of asbestos, most recent use—housing unit, off-site use only

3 Facilities
White Sands Missile Range
#00651, 00637, 00716
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21199940030
Status: Unutilized
Comment: 1509 sq. ft. ea., needs major repair, presence of asbestos, most recent use—housing units, off-site use only

17 Garages
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21199940031
Status: Unutilized
Comment: 598 sq. ft., needs major repair, presence of asbestos, most recent use—garages, off-site use only

37 Garages
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 21199940032
Status: Unutilized
Comment: 312 sq. ft., needs major repair, presence of asbestos, most recent use—garages, off-site use only

New York

Bldg. T–413
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840152
Status: Unutilized
Comment: 3663 sq. ft., most recent use—admin., off-site use only

Bldg. T–530
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840154
Status: Unutilized
Comment: 2588 sq. ft., most recent use—HQ bldg., off-site use only

Bldg. T–840
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840155
Status: Unutilized
Comment: 2803 sq. ft., most recent use—dining, off-site use only

Bldg. T–2159
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840160
Status: Unutilized
Comment: 1948 sq. ft., off-site use only

Bldg. T–1006
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200010122
Status: Unutilized
Comment: 1880 sq. ft., most recent use—hq. bldg., off-site use only

Bldg. T–2041
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200010123
Status: Unutilized
Comment: 3464 sq. ft., most recent use—maint., off-site use only

Bldg. T–4818
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21200010125
Status: Unutilized
Comment: 1250 sq. ft., most recent use—classroom, off-site use only

Ohio

15 Units
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 21199230354
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom 8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only

7 Units
Military Family Housing
Garages
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 21199230355
Status: Excess
Comment: 1—4 stall garage and 6—3 stall garages, presence of asbestos, off-site use only

Quarters 104
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020197
Status: Unutilized
Comment: 1917 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 106
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020198
Status: Unutilized
Comment: 3650 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 109
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020199
Status: Unutilized
Comment: 1642 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 142
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020200
Status: Unutilized
Comment: 3200 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Quarters 133A, 133B
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200020201
Status: Unutilized
Comment: 4752 sq. ft., poor condition, presence of lead paint, most recent use—family housing, off-site use only

Oklahoma

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use —motor repair shop.

Bldg. T–4050 Fort Sill
4050 Pitman Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240676
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use–warehouse.

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T5637 Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 21199520197
Status: Unutilized
Comment: 15,402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and lead paint, most recent use—motor repair shop, off-site use only

Building P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and lead paint, most recent use—heatplant, off-site use only

6 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: P–6449, S–6451, T–6452, P–6460, P–6463, S–6450
Landholding Agency: Army
Property Number: 21199710085
Status: Unutilized
Comment: various sq. ft., possible asbestos and lead paint, most recent use—range support, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Landholding Agency: Army
Property Number: 21199710086
Status: Unutilized
Comment: various sq. ft., possible asbestos and lead paint, most recent use—range support, off-site use only

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and lead paint, most recent use—office, off-site use only

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730344
Status: Unutilized
Comment: 20,525 sq. ft., possible asbestos and lead paint, most recent use—training center, off-site use only

Bldg. T–214
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldgs. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 21199730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730351
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730362
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2180
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730363
Status: Unutilized
Comment: possible asbestos/lead paint, most recent use—vehicle maint. facility, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730365
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730366
Status: Unutilized
Comment: 1656—3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730369
Status: Unutilized
Comment: approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730370
Status: Unutilized
Comment: approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730371
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730372
Status: Unutilized
Comment: 400 sq. ft., each, possible asbestos/lead paint, most recent use—storage, off-site use only

5 Bldgs.
Fort Sill
T–2300, T–2301, T–2303, T–2306, T–2307
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730373
Status: Unutilized
Comment: various sq., ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2406
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730374
Status: Unutilized
Comment: 114 sq., ft., possible asbestos/lead paint, most recent use—storage, off-site use only

3 Bldgs.
Fort Sill
#T–2430, T–2432, T–2435
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730376
Status: Unutilized
Comment: approx. 8900 sq., ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–2434
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730377
Status: Unutilized
Comment: 8997 sq., ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730383
Status: Unutilized

Comment: approx. 9300 sq., ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730384
Status: Unutilized
Comment: 5259 sq., ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–4021, T–4022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730389
Status: Unutilized
Comment: 442–869 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–4065
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730390
Status: Unutilized
Comment: 3145 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–4067
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730391
Status: Unutilized
Comment: 1032 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
#T–4411 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Landholding Agency: Army
Property Number: 21199730400
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4441, T–4442, T–4443, T–4446, T–4447
Landholding Agency: Army
Property Number: 21199730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730410
Status: Unutilized
Comment: 1798/1806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only

4 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–5046, T–5047, T–5048, T–5049
Landholding Agency: Army
Property Number: 21199730411
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldg. T–5639
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730416
Status: Unutilized
Comment: 10,720 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

Bldg. T–207
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910130
Status: Unutilized
Comment: 19,531 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. P–364, P–584, P–588
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910131
Status: Unutilized

Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–599
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910132
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–1908, P–2078
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910136
Status: Unutilized
Comment: 106 & 131 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. T–2183
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910139
Status: Unutilized
Comment: 14,530 sq. ft., possible asbestos/lead paint, most recent use—repair shop, off-site use only

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910144
Status: Unutilized
Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–3169
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910145
Status: Unutilized
Comment: 6437 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–3469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910147
Status: Unutilized
Comment: 3930 sq. ft., possible asbestos/lead paint, most recent use—car wash, off-site use only

Bldg. S–3559
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910148
Status: Unutilized
Comment: 9462 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–4064
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910149
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, off-site use only

Bldg. T–4748
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910151
Status: Unutilized
Comment: 1896 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–5086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910152
Status: Unutilized
Comment: 6453 sq. ft., possible asbestos/lead paint, most recent use—maintenance shop, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. P–5638
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910155
Status: Unutilized
Comment: 300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910156
Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199930159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–7960
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 21199930159
Status: Unutilized
Comment: 120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–7961
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21199930160
Status: Unutilized
Comment: 36 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1931
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010126
Status: Unutilized
Comment: 807 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1932
Fort Sill

Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010127
Status: Unutilized
Comment: 1620 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–4063
Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 21200010129
Status: Unutilized
Comment: 4820 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

South Carolina

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage, off-site use only

Texas

Bldg. P–377, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 211993304444
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only

Bldg. 4480, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199440454
Status: Excess
Comment: 400 sq. ft., 1-story concrete frame, off-site removal only, most recent use—detached garage

Bldg. 4201, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only

Bldg. P–197
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199640220
Status: Unutilized
Comment: 13819 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–230
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199640221
Status: Unutilized
Comment: 18102 sq. ft., possible asbestos/lead paint, most recent use—printing plant and shop, off-site use only

Bldg. S–3898
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199640235
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–3899
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199640236
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. P–5126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199640240
Status: Unutilized
Comment: 189 sq. ft., off-site use only

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Building 4630
Fort Hood
Fort Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21199710088
Status: Unutilized
Comment: 21,833 sq. ft., most recent use—Admin., off-site use only

Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only

Bldg. S–1150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730317
Status: Unutilized
Comment: 8629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only

Bldgs. S–1440–S–1446, S–1452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730318
Status: Unutilized
Comment: 4200 sq. ft., presence of lead, most recent use—instruction bldgs., off-site use only

4 Bldgs.
Fort Sam Houston
#S–1447, S–1449, S–1450, S–1451
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730319
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldgs., off-site use only

Bldg. P–4115
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730327
Status: Unutilized
Comment: 529 sq. ft., presence of asbestos/lead paint historic bldg., most recent use—admin., off-site use only

Bldg. T–5113
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730330
Status: Unutilized
Comment: 2550 sq. ft., presence of asbestos/lead paint historical bldg. most recent use—medical clinic, off-site use only

Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only

Bldg. T–5903
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730332
Status: Unutilized

Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–6284
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730335
Status: Unutilized
Comment: 120 sq. ft., presence of asbestos/lead paint, historical category, most recent use—pump station, off-site use only

Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. S–3897
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199810371
Status: Unutilized
Comment: 4,200 sq. ft., presence of asbestos/lead paint, most recent use—instruction, off-site use only

Bldg. S–1155
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830347
Status: Unutilized
Comment: 2100 sq. ft., good, hazard abatement required, most recent use—instruction bldg., off-site use only

Bldg. S–3896
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830349
Status: Unutilized
Comment: 4200 sq. ft., fair, hazard abatement required, most recent use—training, off-site use only

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only, historical significance.

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—pumphouse, off-site use only

Bldg. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair, hazard abatement required, most recent use—pumping station, off-site use only

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Landholding Agency: Army
Property Number: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Landholding Agency: Army
Property Number: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Landholding Agency: Army
Property Number: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Landholding Agency: Army
Property Number: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Landholding Agency: Army
Property Number: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C
Landholding Agency: Army
Property Number: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8021, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Landholding Agency: Army
Property Number: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830366
Status: Unutilized
Comment: 1849 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8127C, 8206C
Landholding Agency: Army
Property Number: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8026, P8028

Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830369
Status: Unutilized
Comment: approx. 1850 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Landholding Agency: Army
Property Number: 21199830370
Status: Unutilized
Comment: 838 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Landholding Agency: Army
Property Number: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair, hazard abatement, required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Landholding Agency: Army
Property Number: 21199830375
Status: Unutilized
Comment: approx. 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Landholding Agency: Army
Property Number: 21199830380
Status: Unutilized
Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Landholding Agency: Army
Property Number: 21199830382
Status: Unutilized
Comment: various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8122, P8123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830383
Status: Unutilized
Comment: approx. 1400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830384
Status: Unutilized
Comment: 1331 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8131C, 8139C, 8203C, 8211C, 8231C, 8243C, 8249C, 8261C
Landholding Agency: Army
Property Number: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8133, P8134
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830387
Status: Unutilized
Comment: approx. 2000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8135, P8136
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830388
Status: Unutilized
Comment: approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8144, 8267, 8148, 8149
Landholding Agency: Army
Property Number: 21199830389
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830393
Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830394
Status: Unutilized
Comment: approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830397
Status: Unutilized
Comment: 892 sq. ft., fair, hazard abatement required, most recent use—officers quarters, off-site use only

Bldg. P8200C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830398
Status: Unutilized
Comment: 924 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8232, 8233
Landholding Agency: Army
Property Number: 21199830400
Status: Unutilized

Comment: approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830403
Status: Unutilized
Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199830404
Status: Unutilized
Comment: 2396 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8132, 8138, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Landholding Agency: Army
Property Number: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P–1980
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840170
Status: Unutilized
Comment: 2989 sq. ft., fair, presence of asbestos/lead paint, hazard abatement responsibility, most recent use—radio system station, off-site use only

Bldg. P–1981
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199840171
Status: Unutilized
Comment: 200 sq. ft., presence of asbestos/lead paint, hazard abatement responsibility, most recent use—generator plant, off-site use only

Bldg. 36
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920204
Status: Unutilized
Comment: 2250 sq. ft., needs repair, most recent use—ACS center, off-site use only

Bldg. 37
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920205
Status: Unutilized
Comment: 2220 sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. 38
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920206
Status: Unutilized
Comment: 2700 sq. ft., needs repair, most recent use—gen. inst., off-site use only

Bldg. 39
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920207
Status: Unutilized
Comment: 2220 sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. 41
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920208
Status: Unutilized
Comment: 1750 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 43–44
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920209
Status: Unutilized
Comment: 2750 sq. ft., needs repair, most recent use—admin. off-site use only

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only

Bldg. 923
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920213
Status: Unutilized
Comment: 4440 sq. ft., needs repair, most recent use—admin., off-site use only

Bldg. 924
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920214
Status: Unutilized
Comment: 3500 sq. ft., needs repair, most recent use—admin., off-site use only

Bldg. 3959
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920224
Status: Unutilized
Comment: 3373 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3967–3969
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920228
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3970–3971
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 21199920229
Status: Unutilized
Comment: 3241 sq. ft., needs repair, most recent use—admin., off-site use only

4 Bldgs.
Fort Sam Houston
S6161, S6162, S6167, S6168
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010132
Status: Unutilized
Comment: 900 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S1448
Fort Sam Houston
San Antonio Co: Bexar TX
Landholding Agency: Army
Property Number: 21200010133
Status: Unutilized
Comment: 4200 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T5001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010134
Status: Unutilized
Comment: 1186 sq. ft., needs major repairs, possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. S6163
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010136
Status: Unutilized
Comment: 3200 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S6169
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200010137
Status: Unutilized
Comment: 1800 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 92043
Fort Hood

Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Virginia

Bldg. 178
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940046
Status: Unutilized
Comment: 1180 sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Landholding Agency: Army
Property Number: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only

Bldg. TT0114
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020209
Status: Unutilized
Comment: 1440 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. TT0117
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020210
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, most recent use—transient UOQ, off-site use only

Bldg. TT0118
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020211
Status: Unutilized
Comment: 2400 sq. ft., needs rehab, most recent use—transient UOQ, off-site use only

Bldg. TT0130
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020213
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only

Bldg. TT0131
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020214
Status: Unutilized
Comment: 861 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only

Bldg. TT0132
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020215
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only

Bldg. TT0133
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020216
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—transient UOQ, off-site use only

Bldg. TT0139
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020217
Status: Unutilized
Comment: 800 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. TT0158
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020218
Status: Unutilized
Comment: 361 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. TT0163
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020219
Status: Unutilized
Comment: 1920 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. TT0206
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020220
Status: Unutilized
Comment: 792 sq. ft., needs rehab, presence of asbestos, most recent use—garage, off-site use only

Bldg. T00167
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020221
Status: Unutilized
Comment: 96 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. P01530
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 21200020222
Status: Unutilized
Comment: 112 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. 218
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020223
Status: Unutilized
Comment: 7680 sq. ft., most recent use—storage, off-site use only

Bldg. 1512
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020224
Status: Unutilized
Comment: 2971 sq. ft., presence of asbestos, most recent use—dining facility, off-site use only

Bldg. 1914
Fort Eustis
Ft. Eustis Co: VA 23604–
Landholding Agency: Army
Property Number: 21200020225
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Washington

13 Bldgs., Fort Lewis
A0402, C0723, C0726, C0727, C0902, C0907, C0922, C0923, C0926, C0927
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

7 Bldgs., Fort Lewis
A0438, A0439, C0901, C0910, C0911
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630200
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

6 Bldgs. Fort Lewis
CO908, CO728, CO921, CO928, C1008
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. CO920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army

Property Number: 21199630206
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. EO202
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008,
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199720217
Status: Unutilized
Comment: 992 sq. ft., and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. CO509, CO709, CO720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

4 Bldgs.
Fort Lewis
CO511, CO710, CO711, CO719
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only

11 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: CO528, CO701, CO708, CO721, CO526, CO527, CO702, CO703, CO706, CO707, CO722
Landholding Agency: Army
Property Number: 21199810374
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dining, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. AO631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. BO813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. BO812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Landholding Agency: Army
Property Number: 21199920239
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U003A, U004B, U006C, U015B, U016B, U019B
Landholding Agency: Army
Property Number: 21199920240
Status: Unutilized

Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldgs. U006A, U024A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920243
Status: Excess
Comment: 1440 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldgs. U007A, U021A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920244
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Landholding Agency: Army
Property Number: 21199920245
Status: Excess
Comment: needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U024B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920249
Status: Unutilized
Comment: 168 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA
Landholding Agency: Army
Property Number: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only

Bldgs. U028A–U032A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920252
Status: Unutilized
Comment: 72 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–

Landholding Agency: Army
Property Number: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U058A, U103A, U018A
Landholding Agency: Army
Property Number: 21199920266
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U101B, U101C, U507B, U557A
Landholding Agency: Army
Property Number: 21199920269
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. U102B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920270
Status: Excess
Comment: 1058 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U108A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920271
Status: Excess
Comment: 31,320 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U111A, U015A, U024E, U052F, U109A, U110A
Landholding Agency: Army
Property Number: 21199920273
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only

Bldg. U516B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920277
Status: Excess
Comment: 5000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: F0002, F0004, F0003, F0005, F0006, F0008, F0009
Landholding Agency: Army
Property Number: 21199920278
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. F0022A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920279
Status: Excess
Comment: 4373 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gen. inst., off-site use only

Bldg. F0022B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920280
Status: Excess
Comment: 3100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. A0220
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920282
Status: Excess
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—club facility, off-site use only

18 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: A0337, A0617, B0820, B0821, C0319, C0833, C0310, C0311, C0318, C1019, D0712, D0713, D0720, D0721, D1108, D1153, C1011, C1018
Landholding Agency: Army
Property Number: 21199920283
Status: Excess
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C0302, C0303, C0306, C0322, C0323, C0326, C0327
Landholding Agency: Army
Property Number: 21199920285
Status: Excess
Comment: 2340 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C1002, C1003, C1006, C1007, C1022, C1023, C1026, C1027, C1207, C1301, C1333, C1334
Landholding Agency: Army
Property Number: 21199920287
Status: Excess
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. E1010
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920288
Status: Excess
Comment: 148 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. D1154
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920289
Status: Excess

Comment: 1165 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920290
Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920294
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldg. 02082
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920295
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldgs. 03100, 3101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920297
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldgs. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920304
Status: Excess
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. 9939
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 21199920313
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

Land (by State)

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Maryland

13 acres
Fort George G. Meade
west side of Rt 175
Ft. Meade Co: Anne Arundel MD 20755–5111
Landholding Agency: Army
Property Number: 21199930151
Status: Underutilized
Comment: small paved area, remainder wooded.

Missouri

Land
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Location:
East ½ of Section 14, Township 35
Landholding Agency: Army
Property Number: 21200020190
Status: Underutilized

Comment: Approx. 70 acres, rolling hills w/ 50% of area covered w/trees, env. documents in progress.

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location:
At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 21199012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location:
At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 21199012056
Status: Unutilized
Comment: 1920 acres, road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location:
South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 21199012057
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location:
South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 21199012058
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801–
Landholding Agency: Army
Property Number: 21199540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities.

Texas

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Castner Range
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 21199610788
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldg. 806
Fort Richardson
Ft. Richardson Co: AK 99505–
Landholding Agency: Army
Property Number: 21199930115
Status: Excess
Comment: 93,178 sq. ft., concrete block, most recent use—storage, off-site use only

Georgia

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21199630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only

Kansas

Bldg. P–295
Fort Leavenworth
Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 21199810296
Status: Unutilized
Comment: 3480 sq. ft., concrete, most recent use—underground storage, off-site use only

New York

Bldg. T–2215
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840161
Status: Unutilized
Comment: 7,670 sq. ft., most recent use—quarters, off-site use only

Bldg. T–2216
Fort Drum
Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 21199840162
Status: Unutilized
Comment: 7,670 sq. ft., most recent use—quarters, off-site use only

Texas

Bldg. P–2000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District.

Bldg. P–2001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 21199220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District.

Land (by State)

North Carolina

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610728
Status: Underutilized
Comment: municipal drinking waterwell, restricted by explosive safety regs., New Hanover County Buffer Zone.

10 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610729
Status: Underutilized
Comment: municipal park, restricted by explosive safety regs., New Hanover County Buffer Zone.

257 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199610730
Status: Underutilized
Comment: state park, restricted by explosive safety regs., New Hanover County Buffer Zone.

24.83 acres—Tract of Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 21199620685
Status: Underutilized
Comment: 24.83 acres, municipal park, most recent use—New Hanover County explosive buffer zone.

Suitable/To Be Excessed

Buildings (by State)

Illinois

WARD Army Reserve Center
1429 Northmoor Road
Peoria Co: Peoria IL 61614–3498
Landholding Agency: Army
Property Number: 21199430254
Status: Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq. ft., reserve center & warehouse, presence of asbestos, most recent use—office/storage/training.

Stenafich Army Reserve Center
1600 E. Willow Road
Kankakee Co: Kankakee IL 60901–2631
Landholding Agency: Army
Property Number: 21199430255
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle maint. shop on 3.68 acres, 5641 sq. ft., most recent use—office/storage/training, presence of asbestos.

Indiana

Bldg. 27, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 21199610669
Status: Unutilized
Comment: 10379 sq. ft., presence of asbestos, most recent use—office/storage/training

Bldg. 36, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 21199610670
Status: Unutilized
Comment: 1802 sq. ft., presence of asbestos, most recent use—vehicle maintenance.

Kansas

U.S. Army Reserve Center Annex
800 South 29th St.
Parsons KS
Landholding Agency: Army
Property Number: 21199720208
Status: Unutilized
Comment: 3157 sq. ft., 1-story, reserve center annex and storage.

New York

Bldgs. P–1 & P–2
Olean Reserve Center
423 Riverside Drive
Olean Co: Cattaraugus NY 14760–
Landholding Agency: Army
Property Number: 21199540017
Status: Unutilized
Comment: 4464 sq. ft. reserve center/1325 sq. ft. motor repair shop, 1 story each, concrete block/brick frame, on 3.9 acres.

Reserve Center
PFC. Robert J. Manville
USARC
1205 Lafayette Street
Ogdensburg Co: St. Lawrence NY 13669–
Landholding Agency: Army
Property Number: 21199710241
Status: Unutilized
Comment: 11,540 sq. ft., good condition.

Motor Repair Shop
PFC. Robert J. Manville
USARC
1205 Lafayette Street
Ogdensburg Co: St. Lawrence NY 13669–
Landholding Agency: Army
Property Number: 21199710242
Status: Unutilized
Comment: 2524 sq. ft., good condition.

Wisconsin

U.S. Army Reserve Center
2310 Center Street
Racine Co: Racine WI 53403–3330
Landholding Agency: Army
Property Number: 21199620740
Status: Unutilized
Comment: 3 bldgs. (14,137 sq. ft.) on 3 acres, needs repair, most recent use—office/storage/training.

Land (by State)

California

U.S. Army Reserve Center

Mountain Lakes Industrial Park
Redding Co: Shasta CA
Landholding Agency: Army
Property Number: 21199610645
Status: Unutilized
Comment: 5.13 acres within a light industrial park.

Tennessee

Railroad Bed
Fort Campbell
Jack Miller Bldg.
Clarksville TN
Landholding Agency: Army
Property Number: 21199840189
Status: Unutilized
Comment: approx. 6.06 acres.

Unsuitable Properties

Buildings (by State)

Alabama

100 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 219014015, 219630015, 219630017, 219710163, 219710167, 219810011–219810020, 21199840008, 21199910003, 21199920026, 21199930010–21199930018, 21199930110, 21199940048–21199940049, 21200010001–21200010008, 21200020001–21200020025
Status: Unutilized
Reason: Secured Area. (Some are extensively deteriorated.)

51 Bldgs., Ft. Rucker
Ft. Rucker Co: Dale AL 36332
Landholding Agency: Army
Property Number: 219310016, 219330003, 219340116, 219340124, 219410022, 219520057–219520058, 219640440, 219710091, 219730009, 219740004, 219740006, 219810010, 2198830002, 21199910001, 21199930019, 21200010010
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 25203, 25205–25207, 25209
Fort Rucker
Stagefield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020
Status: Unutilized
Reason: Secured Area.

Alaska

16 Bldgs.
Fort Greely
Ft. Greely AK 99790–
Landholding Agency: Army
Property Number: 219210124–219210125, 219220320–219220332, 219520064
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs., Fort Wainwright
Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 219710090, 219710195–219710198, 219810002, 219810007, 21199920001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured area; Floodway; (Some are extensively deteriorated).

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area.

Sullivan Roadhouse, Fort Greely
Ft. Greely AK
Landholding Agency: Army
Property Number: 219430291
Status: Unutilized
Reason: Extensive deterioration.

30 Bldgs., Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219710199–219710220, 21199930004–21199930009, 21200030001–21200030003
Status: Unutilized
Reason: Extensive deterioration.

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured area.

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Deport Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured area.

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area.

Bldgs. 13440, 13556
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635
Landholding Agency: Army
Property Number: 21200020026–21200020027
Status: Excess
Reason: Extensive deterioration.

Arkansas

177 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630019–219630029, 219640462–219640477
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area.

Bldgs. 13, 171, 178 Riverbank Ammun plant
5300 Claus Road

Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area.

21 Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219610289, 219610291, 21199930021, 21200010011–21200010013, 21200020028–21200020030, 21200030004–21200030015
Status: Unutilized
Reason: Secured Area.

Bldgs. 29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1103, 1131, 1120
Parks Reserve Forces Training Area
Dublin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056, 219830010
Status: Unutilized
Reason: Extensive deterioration.

10 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 21199840015, 21199920033–21199920036, 21199940052–21199940056
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive materials; Secured Area.

449 Bldgs.
Camp Roberts
Camp Roberts Co: San Obispo CA
Landholding Agency: Army
Property Number: 21199730014, 219820192–219820235
Status: Excess
Reason: Secured Area; Extensive deterioration.

30 Bldgs.
Presidio of Monterey Annex
Seaside Co: Monterey CA 93944
Landholding Agency: Army
Property Number: 219810380–219810381, 21199930106–21199930108, 21199940050–21199940051
Status: Unutilized
Reason: Extensive deterioration.

27 Bldgs.
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 21199920037–21199920038, 21200030016–21200030018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

34 Bldgs.
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219830020–219830030, 21199910008, 21199930022, 21199930025
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 00087, 00088, 00096
Pueblo Chemical Depot
Pueblo CO 81006–9330
Landholding Agency: Army
Property Number: 21200030019–21200030021
Status: Unutilized
Reason: Extensive deterioration.

Connecticut

Bldgs. DK001, DKL05, DKL10
USARC Middletown
Middletown Co: Middlesex CT 06457–1809
Landholding Agency: Army
Property Number: 219810024–219810026
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment.

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack.

210 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219320026, 219410050–219410060, 219410071–219410072, 219410100, 219410109, 219410114–219410115, 219610330, 219610336, 219630044–219630067, 219640011–219640037, 219710094, 219730020, 219810027, 219830034–219830067, 21199910012, 21199940057–21199940059, 21200020032, 21200030022
Status: Unutilized
Reason: Extensive deterioration.

3 Bldgs.
Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220335–219220337
Status: Unutilized
Reason: Detached lavatory.

29 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610320–219610321, 219640046, 219720017–219720022, 219810028–219810031, 219810035, 219830073–219830083, 21199930031–21199930037, 21200030023–21200030028
Status: Unutilized
Reason: Extensive deterioration.

18 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219620815, 21199920044–21199920051, 21199930026–21199930029
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

2 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219740013, 21199940060
Status: Unutilized
Reason: Extensive Deterioration.

5 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219620413, 219630034, 219830068, 21200020031
Status: Unutilized
Reason: Extensive deterioration.

14 Bldgs., Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 21199920040–21199920043
Status: Unutilized
Reason: Secured Area.

Hawaii

73 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837, 219030361, 21200020033–21200020034, 21200030033–21200030035
Status: Unutilized
Reason: Secured Area; (Most are extensively deteriorated).

Bldgs. T–1305, P408
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219610348, 21199940061
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs.
Fort Shafter
Honolulu Co: HI 96819
Landholding Agency: Army
Property Number: 21200030029–21200030032
Status: Unutilized
Reason: Extensive deterioration.

24 Bldgs.
Aliamanu Military Reservation
Honolulu Co: HI 96816
Landholding Agency: Army
Property Number: 21200030036–21200030039
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Bldgs. 58, 59 and 72, 69, 64, 105, 135
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108, 219620427
Status: Unutilized
Reason: Secured Area.

Bldgs. 133, 141 Rock Island Arsenal
Gillespie Avenue

Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100, 219620428
Status: Unutilized
Reason: Extensive deterioration.

16 Bldgs.
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219820027, 21199930042–21199930053
Status: Unutilized
Reason: Secured Area; Extensive deterioration; Floodway.

Indiana

181 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520042, 219530075–219530097, 219740021–219740026, 219820031–219820032, 21199920063
Status: Unutilized
Reason: Secured Area; (Some are extensively deteriorated.).

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration.

12 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610352, 219620429–219620434
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Iowa

96 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219520002, 219520070, 219610414, 219740027
Status: Unutilized
Reason: (Many are in a Secured Area); (Most are within 2000 ft. of flammable or explosive material.)

27 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219340091
Status: Unutilized
Reason: Extensive deterioration.

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area; (Most are within 2000 ft. of flammable or explosive material).

12 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219430040, 219610623–219610626, 219620825–219620826, 219630085, 21200020039
Status: Unutilized
Reason: Extensive deterioration.

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area.

Bldgs. P–417, T–994
Fort Leavenworth
Leavenworth KS 66027
Landholding Agency: Army
Property Number: 219740029, 21199920064
Status: Unutilized
Reason: Extensive deterioration; Sewage pump station.

Kentucky

Bldg. 126
Lexington—Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area; Sewage treatment facility.

Bldg. 12
Lexington–Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

19 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 21199940062–21199940072
Status: Unutilized
Reason: Extensive deterioration.

5 Bldgs., Fort Campbell
Ft. Campbell Co: Christian, KY 42223
Landholding Agency: Army
Property Number: 21200010021, 21200030040–21200030043
Status: Unutilized
Reason: Extensive deterioration.

Louisiana

528 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011714–219011716, 219011735–219011737, 219012112, 219013863–219013869, 219110131, 219240138–219240147, 219420332, 219610049–219610263, 219620002–219620200, 219620749–219620801, 219820047–219820078
Status: Unutilized
Reason: Secured Area; (Most are within 2000 ft. of flammable or explosive material); (Some are extensively deteriorated).

45 Bldgs., Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219430339, 219520059, 219810061, 219820037–219820043, 21199920067–21199920080, 21199940074–21199940083, 21200010022–21200010040, 21200020040, 21200030044
Status: Unutilized
Reason: Extensive deterioration; (Some are in Floodway.).

Maryland

142 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011417, 219012610, 219012626, 219012628, 219012634, 219012637–219012642, 219012649, 219012650, 219012658–219012662, 219013773, 219014711, 219610480, 219610489–219610490, 219730077–219730084, 219810070–219810127, 219820081–219820096, 219830114, 21199920081, 21200010046–21200010060, 21200020049–21200020050
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material); (Some are in a floodway); (Some are extensively deteriorated).

85 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219310031, 219710186–219710192, 219740068–219740087, 219810064–219810069, 21199910018, 21199910019, 21199930055–21199930058, 21199940084–21199940088, 21200020043–21200020046
Status: Unutilized
Reason: Extensive deterioration.

5 Bldgs. Fort Detrick
Frederick Co: Frederick MD 21762–5000
Landholding Agency: Army
Property Number: 219830110, 21200030045–21200030048
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Massachusetts

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne: Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020

Status: Unutilized
Reason: Secured Area.

Facility No. 0G001
LTA Granby
Granby Co: Hampshire MA
Landholding Agency: Army
Property Number: 219810062
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area.

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area.

6 Bldgs.
Selfridge ANG Base
Selfridge Co: MI 48045
Landholding Agency: Army
Property Number: 21199930059, 21199940089–21199940093
Status: Unutilized
Reason: Secured Area.

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420283, 219430059–219430064, 21199840060
Status: Unutilized
Reason: Secured Area; (Most are within 2000 ft. of flammable or explosive material.) (Some are extensively deteriorated).

Missouri

83 Bldgs.
Lake City Army Ammo. Plant
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138, 21199910023–21199910035, 21199920082, 21200030049
Status: Unutilized
Reason: Secured Area; (Some are within 2000 ft. of flammable or explosive material).

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area; (Some are extensively deteriorated).

14 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219430070–219430078, 219830115–219830116, 21199910020–21199910022, 21199930060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; (Some are extensively deteriorated).

Montana

19 Bldgs.
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 219620473–219620475, 219740093–219740101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Nevada

Bldg. 292
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219013614
Status: Unutilized
Reason: Secured Area.

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street—North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

39 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219012013, 219013615–219013643,
Status: Underutilized
Reason: Secured Area; (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material.

Group 101, 34 Bldgs.
Hawthorne Army Ammunition Plant
Co: Mineral NV 89415–0015
Landholding Agency: Army
Property Number: 219830132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

New Jersey

218 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010671–219010721, 219012424, 219012427–219012428, 219012430, 219012433–219012466, 219012469–219012472, 219012475, 219012760, 219012763–219012767, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230121–219230125, 219420001–219420002, 219420006–219420008, 219530144–219530150, 219540002–219540007, 219740110–219740127,
Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material.); (Some are extensively deteriorated); (Some are in a floodway).

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower.

9 Bldgs.
Armament Research
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199940094–21199940099
Status: Unutilized
Reasons: unexploded ordnance; Extensive deterioration.

New Mexico

11 Buildings
White Sands Missile Range
White Sands Co: Dona Ana NM 88002
Landholding Agency: Army
Property Number: 21200030050–21200030066
Status: Unutilized
Reason: Extensive deterioration.

New York

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–219240443
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Parcel 19
Stewart Army Subpost, U.S. Military Academy
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219730098
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 12
Watervliet Arsenal
Watervliet NY
Landholding Agency: Army
Property Number: 219730099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 134
Watervliet Arsenal
Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 21199840068
Status: Unutilized
Reason: Secured Area.

Bldgs. 4056, 4275

Stewart Army Subpost
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 21199930061
Status: Unutilized
Reason: Sewage pump station.

North Carolina

47 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219620478, 219620480, 219640064, 219640074, 219710102–219710111, 219710224, 219810167, 219830117, 219830120, 21199930062–21199930067
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 16, 139, 261, 273
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219530155, 219810158–219810160
Status: Unutilized
Reason: Secured Area.

North Dakota

Bldgs. 440, 455, 456, 3101, 3110
Stanley R. Mickelsen
Nekoma Co: Cavalier ND 58355
Landholding Agency: Army
Property Number: 21199940103–21199940107
Status: Unutilized
Reason: Extensive deterioration.

Ohio

190 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148, 21199840069–21199840104, 21199930070–21199930072
Status: Unutilized
Reason: Secured Area.

7 Bldgs.
Lima Army Tank Plant
Lima OH 45804–1898
Landholding Agency: Army
Property Number: 219730104–219730110
Status: Unutilized
Reason: Secured Area.

5 Bldgs.
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219830134, 21199910037, 21199930068, 21200020051–21200020052
Status: Unutilized
Reason: Extensive deterioration.

Oklahoma

548 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004, 21199910039–21199910040
Status: Underutilized
Reason: Secured Area; (Some are within 2000 ft. of flammable or explosive material).

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140548, 219140550, 219440309, 219510023, 219730342
Status: Unutilized
Reason: extensive deterioration.

33 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310052, 219320170–219320171, 219330149–219330160, 219430122–219430125, 219620485–219620490, 219630110–219630111, 219810174–219810176
Status: Unutilized
Reason: Secured Area; (Some are extensively deteriorated).

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area.

34 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 2109014782, 219030362–219030363, 219120032, 21199840107–21199840110, 21199920084–21199920090
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldg. 82001, Reading USARC
Reading Co: Berks PA 19604–1528
Landholding Agency: Army
Property Number: 219320173
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–685, Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530
Status: Unutilized
Reason: Extensive deterioration.

74 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640337, 219720093, 219730116–219730128, 219740129–219740132, 219740134, 219740137, 219810177–219810194
Status: Unutilized
Reason: Extensive deterioration.

7 Bldgs.
Defense Distribution Depot
New Cumberland Co: York PA 17070–5001
Landholding Agency: Army
Property Number: 219830135, 21199940108–21199940112, 21200030060
Status: Unutilized
Reason: Secured Area.

South Carolina

43 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219620306, 219620312, 219620317, 219620348–219620351, 219640138–219640139, 21199640148–21199640149, 219640167, 219720095, 219720097, 219730130–219730132, 219730145–219730157, 219740138, 219820102–219820111, 219830139–219830157
Status: Unutilized
Reason: Extensive deterioration.

Tennessee

32 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028
Status: Unutilized
Reason: Secured Area; (Some are within 2000 ft. of flammable or explosive material).

10 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219520034, 219740139
Status: Unutilized
Reason: Secured Area.

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Texas

20 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012542,

219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

229 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548, 219610554–219610584, 219610635, 219620243–219620290, 219620827–219620837, 21200020053–21200020072
Status: Unutilized
Reason: Secured Area; (Most are within 2000 ft. of flammable or explosive material).

17 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 21920314–219420327, 219430094–219430097, 219440217
Status: Unutilized
Reason: Secured Area; (Some are extensively deteriorated).

11 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610549, 219640172, 219640177, 219640182, 219810197–219810201, 219830201–219830205
Status: Unutilized
Reason: Extensive Deterioration.

Bldgs. T–2916, T–3180, T–3192, T–3398, T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479, 219640181
Status: Unutilized
Reason: Detached latrines.

83 Bldgs.
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219640490–219640491, 219730160–219730186, 219740146, 219830161–219830197
Status: Unutilized
Reason: Extensive deterioration.

Starr Ranch, Bldg. 703B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640186, 219640494,
Status: Unutilized
Reason: Floodway.

Bldg. 53
Laredo USARC
Laredo Co: Webb TX 78040
Landholding Agency: Army
Property Number: 21199930073
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 19
Grand Prairie Reserve Complex
Grand Prairie Co: Dallas TX 75051
Landholding Agency: Army
Property Number: 21200030061
Status: Unutilized
Reason: Extensive deterioration.

Utah

14 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 219030366, 21200010061021200010068
Status: Unutilized
Reason: Secured Area; (Most are extensively deteriorated).

7 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012148–219012149, 219012152, 219012155, 219012158, 219012751, 219240267
Status: Underutilized
Reason: Secured Area.

3 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Number: 219013997, 219130012, 219130015
Status: Underutilized
Reason: Secured Area.

59 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Number: 219330181–219330182, 219330185, 219420328–219420329, 21199920091–21199920101
Status: Unutilized
Reason: Secured Area.

Bldgs. 3102, 5145, 8030
Deseret Chemical Depot
Tooele UT 84074
Landholding agency: Army
Property Number: 219820119–219820121
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Virginia

323 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033, 219610607–219610608, 219830223–219830267, 212000200079–21200020081
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Landholding Agency: Army
Property Number: 21910834–219010835, 219010837–219010838, 219010840–219010841, 219000843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Latrine, detached structure.

40 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219240107, 219330210–219330211, 2129330219–219330220, 219330225–219330228, 219520062, 219610597, 219620497, 219620866–219620876, 219630115, 219640497, 219740155–219740156, 219830208–219830210, 21199910041, 21199920117–21199920118, 21199940128–21199940131, 21200010073, 21200020082, 21200030062
Status: Unutilized
Reason: Extensive deterioration; (Some are in a secured area.).

16 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area.

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Extensive deterioration.

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

8 Bldgs.
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219510030, 219610588, 21199930079, 21200020073–21200020077
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219520052, 219530194
Status: Unutilized
Reason: Extensive deterioration.

22 Bldgs.
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 21199910050–21199910052, 21199920107–21199920111, 21199940117–21199940127, 21200020078, 21200030063–21200030064
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs.
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219640506, 219710193,
Status: Unutilized

Reason: Extensive deterioration.

14 Bldgs., Fort Eustis
Ft. Eustis Co. VA 23604
Landholding Agency: Army
Property Number: 21199930074–21199930075
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 448, Fort Myer
Ft. Myer Co: Arlington VA 22211–1199
Landholding Agency: Army
Property Number: 21200010069
Status: Underutilized
Reason: Extensive deterioration.

Washington

657 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219610001, 219610006–219610007, 219610009–219610010, 219610012, 219610042–219610046, 219620512–219620517, 219640193, 21972014–219720151, 219810205–219810243, 219820130–219820132, 21199840118, 21199910063–21199910080, 21199920125–21199920181, 21199930080–21199930105, 21199940134, 21200030065
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

10 Bldgs., Fort Lewis
Huckleberry Creek Mountain Training Site
Co: Pierce WA
Landholding Agency: Army
Property Number: 219740162–219740171
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 575
Fort Lawton
Seattle Co: King WA 98199
Landholding Agency: Army
Property Number: 21199920119
Status: Unutilized
Reason: Secured Area.

Bldg. 415, Fort Worden
Port Angeles Co: Clallam WA 98362
Landholding Agency: Army
Property Number: 21199910062
Status: Excess
Reason: Extensive deterioration.

Bldg. U515A, Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 21199920124
Status: Excess
Reason: gas chamber.

Bldg. 303
Yakima Training Center
Yakima Co: WA 98901
Landholding Agency: Army
Property Number: 21200010074
Status: Unutilized
Reason: Extensive deterioration.

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Friable asbestos, Secured Area.

153 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–2190111120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011256, 19011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Friable asbestos, Secured Area.

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area.

22 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510065–219510067
Status: Unutilized
Reason: Secured Area.

743 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099, 219740184–219740271, 21200020083–21200020155
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area.

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 21902632
Status: Underutilized
Reason: Floodway; Secured Area.

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number: 219620472
Status: Unutilized
Reason: landlocked.

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area.

Spur Line/Right of Way
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219219530143
Status: Unutilized
Reason: Floodway.

2.0 Acres, Berkshire Trail
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 21199910036
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Ohio

0.4051 acres, Lot 40 & 41
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219630109
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Oklahoma

McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant

Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420308
Status: Unutilized
Reason: Secured Area.

Land—Harrison Bayou
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area.

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Federal Register

Friday,
August 25, 2000

Part III

Postal Rate Commission

Notice and Order on Omnibus Postal Rate, Fee and Classification Case; Notice

POSTAL RATE COMMISSION

[Docket No. R2000–1; Order No. 1279]

Notice and Order on Omnibus Postal Rate, Fee and Classification Case

AGENCY: Postal Rate Commission.

ACTION: Notice and order on omnibus postal rate, fee and classification case.

SUMMARY: This document advises the public that the Postal Service has filed a request with the Postal Rate Commission seeking approval of proposed postal rate and classification changes. The changes affect all classes and services of mail. It also announces the Commission's initiation of a docket to consider the request. The document also identifies key dates related to the docket.

DATES: See **SUPPLEMENTARY INFORMATION** section for dates.

ADDRESSES: Send correspondence concerning this document to Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, 202–789–6820.

SUPPLEMENTARY INFORMATION: The Postal Rate Commission issued the following order on January 14, 2000. Due to an oversight, it was not published at that time.

I. Filing of an Omnibus Rate and Classification Request

On January 12, 2000, the United States Postal Service filed a request with the Postal Rate Commission for a recommended decision on proposed changes in domestic postage rates and fees and in certain mail classifications. The Service's action was taken pursuant to sections 3622 and 3623 of the Postal Reorganization Act (39 U.S.C. 3622, 3623). The Service also filed several contemporaneous motions and notices related to its request.

The Service's rate proposals affect all classes of mail and all special services. They are based on key assumptions regarding costs, volumes, pricing and, in some instances, on proposed reclassifications and anticipated legislative changes. Given these assumptions, the Service's rate proposal reflects, on average, an increase of 6.4 percent; however, percentage increases vary—sometimes significantly—by class, subclass and category. Moreover, some rates or fees remain the same or decrease under the Service's proposal. The Service's classification proposals affect most classes of mail and special services. In addition, the Service is proposing a general revision of the special services sections of the domestic mail classification schedule (DMCS).

This notice provides a general overview of the Service's filing. Persons interested in learning how the Service's proposal affects their interests are advised to review the Service's filing in detail.

Reason for filing request; proposed base year and test year. The Service asserts that without the requested changes, it would incur a substantial revenue deficiency (of more than $3.6 billion) in the proposed test year (FY 2001), in contravention of 39 U.S.C. 3621 (the ''break-even requirement''). The Service estimates that its proposal will reduce that revenue deficiency to approximately $21.8 million. The base year for Postal Service cost projections is 1998.

Anticipated implementation date. The Service's filing triggers an administrative process which, given due process considerations, can entail up to ten months of consideration at the Commission and additional time for the Governors of the Postal Service to review the Commission's recommendations. Accordingly, the Postal Service indicates that its intention is to implement new rates in January 2001.

II. Contents of Service's Filing

The Service's filing includes its formal request, seven attachments, and 41 pieces of testimony, presented by 40 witnesses. The testimony is supported, in many instances, by exhibits, workpapers and library references. The Service's filing includes the following attachments: attachment A (reproduced as attachment A to this order) identifies requested changes in the DMCS. Attachment B (reproduced as attachment B to this order) presents a comparison of current and proposed rates and fees. Attachment C (addressing Commission rule 54(b)(2)) specifies the rules, regulations and practices that establish standards of service and conditions of mailability by reference to the contents of the domestic mail manual. Attachment D is the certification, required by rule 54(p), concerning the accuracy of cost statements and other documentation submitted with the request. Attachment E contains audited financial statements. Attachment F provides an index identifying witnesses by name, testimony, exhibits and workpapers by number, and the name and telephone number of the witness's attorney. Attachment G contains a compliance statement addressing pertinent provisions of Commission rules 54 and 64. In the statement, the Service refers to a separate notice relating to the alternate cost presentation required under the rules. See January 12, 2000 notice of the Postal Service concerning provision of information pursuant to rule 54(a)(1).

III. Related Motions and Notices

The Service's request was accompanied by the following notices and motions: notice regarding attorney/witness assignments; notice of filing of master list of library references, and notices for LR–I–152 and LR–I–153; motion for waiver and for protective conditions for analysis of witness Yezer; motion requesting waiver of the new Commission rules with respect to category 1 library references; motion requesting waiver of the new Commission rules with respect to category 2 library references; motion requesting waiver of the new Commission rules with respect to category 3 library references; motion requesting waiver of the new Commission rules with respect to category 5 library references; and notice concerning provision of information pursuant to Commission rule 54(a)(1) (all filed January 12, 2000).

Answers to the motion for protective conditions are to be submitted on or before February 14, 2000.

The Postal Service's motions for waiver of the application of the new library reference rule will be discussed at the prehearing conference.

IV. Availability of the Service's Filing

The Commission has posted the Service's filing on its website (www.prc.gov). The filing and library references are available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m. Monday through Friday, except for government holidays. For information about reviewing the filing at the Commission or accessing it via the website, telephone 202–789–6846.

V. Summary of Proposed Rate and Fee Changes

The Service proposes a one-cent increase in the price of the First-Class stamp. This raises the rate for the first ounce of single-piece First-Class Mail (FCM) from 33 cents to 34 cents. The Service also proposes a one-cent increase in the additional-ounce rate, increasing it from 22 to 23 cents. The single-piece card rate would increase by one cent, to 21 cents. The Service's proposals for other rates and fees appear in attachment A to this order.

Materials accompanying the Postal Service request indicate average percentage changes for the classes of mail that appear in the list below (derived from USPS–T–32). Some of the figures presented in the list are based on the Service's assumptions regarding restructuring and legislative changes. Rates proposed for nonprofit mailers presume enactment of changes to existing laws that have not been reported by a committee of either house of Congress. Further details are available in the Service's filing.

FCM (letters and sealed parcels). Average subclass-wide increase: 3.5 percent; single-piece letters: 3.4 percent increase; work-shared letters: 3.8 percent increase.

Cards. Average subclass-wide increase 5.0 percent; single-piece cards: 4.9 percent; workshared cards: 5.2 percent.

Priority Mail. 15% increase.

Express Mail: 3.8% increase.

Periodicals. Within county: 8.5% increase; outside county: 12.7% increase.

Standard mail (A). Regular subclass: 9.4% increase; Enhanced Carrier Route (ECR): 4.9% increase; nonprofit subclass: 5.6% increase; Nonprofit ECR: 14.8% increase.

Standard mail (B): Parcel Post: 1.3% increase; Bound Printed Matter: 18.1% increase; Special: 4.9% increase; Library: 4.5% increase.

Special services and fees. The percentage changes for special services and for various fees (such as annual permits or advance deposit accounts) vary widely. See attachment B for comparisons of current and proposed rates and fees.

VI. Summary of the Service's Proposed Classification Changes

Materials accompanying the Postal Service request indicate that major proposed classification changes include the following:

FCM. The Service proposes one change in the FCM rate structure. The change, which affects automation rate flats, would separate the combined 3/5-digit category for flats into discrete 3- and 5-digit tiers.

Periodicals. The Service proposes combining three of the four current Periodicals subclasses into one subclass, which would be referred to as ''outside county.''

Standard mail. For parcels within what is generally referred to as Standard (A) mail (regular, ECR, nonprofit and nonprofit ECR), the Service proposes extending a parcel barcode discount. The Service also proposes extending the following special services to these parcels: delivery confirmation, return receipt for merchandise, and bulk insurance service. The Service proposes renaming Standard (B) as Package Services, renaming Special Standard as Media Mail and renaming destination-entered parcel post as Parcel Select. Parcel post intra- and inter-Bulk Mail Center (BMC) would continue to be called Parcel Post. The Service also proposes allowing pieces weighing less than one pound in all Standard Mail subclasses; and, the elimination of local rates and adding destination drop shipping discounts for Bound Printed Matter. New nonmachinable surcharges would apply to Parcel Select-DBMC and intra-BMC parcels.

Special services. In addition to a general rewrite of the DMCS sections on special services, the Service proposes a major restructuring of the fee structure for post office boxes, elimination of the merchandise return service fee, and extension of several special services to Standard Mail (A) parcels. A quarterly fee option would be added for users of Qualified Business Reply Mail (QBRM).

VII. Institution of Proceedings

The Commission hereby institutes proceedings to consider the Postal Service's request, which has been assigned docket no. R2000–1. The Commission will issue additional notices regarding this case as needed.

A. Nature of Proceedings; Possibility That the Commission's Recommendation May Differ From the Service's Proposed Changes

Proceedings in this docket will address, in the first instance, the specific changes in current postal rates, fees and classification provisions the Service has proposed. The Commission will also receive evidence sponsored by other interested participants, including the Commission's office of the consumer advocate (OCA), responding to the Postal Service's proposed changes and its supporting evidence. These presentations may include alternative rate, fee and mail classification proposals.

After public hearings and the submission of briefs from the Postal Service and other participants, the Commission will consider all proposals advanced and arguments made. Depending upon its assessment of the public policies and statutory factors mandated by the Postal Reorganization Act, the Commission may or may not recommend the same array of rate, fee and mail classification changes the Service requests, or that are proposed in the direct cases of other participants. To accommodate applicable statutory considerations, while observing the technical constraints of setting rates and fees for all postal services, the Commission may recommend a schedule of postal rates and fees that differ from those proposed by the Postal Service and other participants. In addition, the Commission may decline to recommend proposed classifications, but address their objectives through other recommended adjustments in classifications, or rates or fees for existing mail categories.

B. Participation: Full, Limited and Commenter Status

Commission rules recognize three main types of participation in Commission proceedings: full, limited or commenter status. Formal intervention in hearings on the Postal Service's request generally takes the form of full intervention; however, the status of limited intervention is also available under certain circumstances. Persons intending to seek either full or limited status must file a notice of intervention that complies with Commission rules. These rules require certain information and representations, such as whether the intervenor intends to actively participate in the proceeding. Commenter status is available to those wishing to express their views informally. This status does not require a notice of intervention or compliance with the Commission's evidentiary rules. Other distinctions among the forms of participation are explained in Commission rules 20, 20a and 20b. (39 CFR 3001.20, 20a and 20b.) Questions about the interpretation and application of these rules should be directed to the Commission's office of general counsel at 202–789–6820.

Other information regarding intervention. Notices of intervention should be sent to the attention of Margaret P. Crenshaw, Secretary of the Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001. Intervenors are asked to include with their notice a telephone number, facsimile number and, if available, an e-mail address. Upon intervention, participants may submit formal discovery or contact the Postal Service to request an informal technical conference. The deadline for intervention is February 14, 2000.

C. Representation of Interests of the General Public

The Commission designates Ted P. Gerarden, director of the Commission's office of the consumer advocate (OCA), to represent the interests of the general public in this proceeding pursuant to 39 U.S.C. 3624(a). Mr. Gerarden shall direct the activities of Commission personnel assigned to assist him and, at an appropriate time, provide the names of these employees for the record. Neither Mr. Gerarden nor the assigned personnel shall participate in or advise as to any Commission decision in this proceeding, other than in their designated capacity. Parties shall serve the OCA separately with three copies of all filings in addition to, and at the same time as, they effect service on the Commission.

D. Prehearing conference date; other scheduling matters.

The Commission will conduct this case with the utmost expedition consistent with the due process rights of all participants. A prehearing conference will be held Wednesday, February 16, 2000 at 9:30 a.m. in the Commission's hearing room. The hearing room is located on Commission premises at 1333 H Street NW, Suite 300, Washington, DC 20268–0001. Participants intending to raise topics for discussion at the prehearing conference are directed to file notice to that effect on or before February 14, 2000. Additional prehearing conferences will be scheduled if needed. The Commission will propose a comprehensive schedule in the near future.

In accordance with the Commission's goal of expeditious consideration, the Commission will conduct the prehearing conference and other hearings en banc (39 CFR 3001.30(b)). Unless otherwise indicated, all conferences and hearings will begin at 9:30 a.m. Hearings will be conducted on the record and will be transcribed by an official reporter, unless the presiding officer determines otherwise. Attendees who may require special accommodations to fully participate in the hearings should contact Margaret P. Crenshaw, secretary of the Commission, at 202–789–6840.

VIII. Effect of the Service's Request on Pending Matters

Several matters, including some docketed proceedings, are currently pending at the Commission. The Commission anticipates addressing the status of these matters and their impact, if any, on procedural and substantive aspects of the instant docket at the prehearing conference.

IX. Rules of Practice and Procedure

In the recent past, the Commission generally has used a set of special rules in omnibus proceedings. Adoption of many of the special rules on a permanent basis has been under consideration in docket no. RM98–3, which is one of the cases currently pending at the Commission. As completion of that docket is likely to occur in the near future, the Commission is not issuing a proposed set of special rules at this time. The rules governing this docket will be addressed at the prehearing conference. It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed on or before February 14, 2000.

3. Ted P. Gerarden, director of the Commission's office of the consumer advocate, is designated to represent the interests of the general public in this proceeding.

4. A prehearing conference will be held Wednesday, February 16, 2000. The hearing will begin at 9:30 a.m. in the Commission's hearing room, located at 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

5. Participants intending to raise topics for discussion at the prehearing conference shall

provide written notice on or before February 14, 2000.

6. Answers to the Service's motion for waiver and protective conditions for analysis of witness Yezer shall be filed on or before February 14, 2000.

7. The Secretary shall cause this notice and order to be published in the **Federal Register**.

Cyril J. Pittack,

Acting Secretary.

RATE SCHEDULES

Express Mail Rates

Schedules 121, 122, and 123

(Dollars)

Current					Proposed				
Weight Not Over (Pounds)	Same Day Airport	Custom Designed	PO to PO Next Day & 2nd Day	PO to Addressee Next & 2nd Day	Weight Not Over (Pounds)	Same Day Airport	Custom Designed	PO to PO Next Day & 2nd Day	PO to Addressee Next & 2nd Day
1/2		$9.55	$9.70	$11.75	1/2		$9.25	$9.40	$12.30
1		13.55	13.70	15.75	1		13.80	13.95	16.05
2[2]		13.55	13.70	15.75	2[2]		13.80	13.95	16.05
3		16.30	16.45	18.50	3		16.65	16.80	18.85
4		19.05	19.20	21.25	4		19.45	19.60	21.70
5		21.80	21.95	24.00	5		22.25	22.40	24.50
6		24.55	24.70	26.75	6		25.05	25.20	27.30
7		27.20	27.35	29.40	7		27.75	27.90	30.00
8		28.40	28.55	30.60	8		28.95	29.10	31.20
9		29.60	29.75	31.80	9		30.20	30.35	32.45
10		30.80	30.95	33.00	10		31.40	31.55	33.65
11		32.25	32.40	34.45	11		32.90	33.05	35.15
12		34.60	34.75	36.80	12		35.30	35.45	37.55
13		35.85	36.00	38.05	13		36.55	36.70	39.25
14		37.20	37.35	39.40	14		37.95	38.10	40.20
15		38.40	38.55	40.60	15		39.15	39.30	41.40
16		39.70	39.85	41.90	16		40.50	40.65	42.75
17		41.05	41.20	43.25	17		41.85	42.00	44.10
18		42.25	42.40	44.45	18		43.10	43.25	45.35
19		43.55	43.70	45.75	19		44.40	44.55	46.65
20		44.85	45.00	47.05	20		45.75	45.90	48.00
21		46.10	46.25	48.30	21		47.00	47.20	49.40
22		47.35	47.50	49.55	22		48.30	48.50	50.80
23		48.70	48.85	50.90	23		49.70	49.90	52.20
24		49.90	50.05	52.10	24		51.10	51.30	53.60
25		51.20	51.35	53.40	25		52.50	52.70	55.00
26		52.45	52.60	54.65	26		53.90	54.10	56.40
27		53.75	53.90	55.95	27		55.30	55.50	57.80
28		55.00	55.15	57.20	28		56.70	56.90	59.20
29		56.30	56.45	58.50	29		58.10	58.30	60.60
30		57.60	57.75	59.80	30		59.00	59.30	61.60
31		58.85	59.00	61.05	31		60.00	60.30	62.60
32		60.15	60.30	62.35	32		61.75	62.05	64.30
33		61.40	61.55	63.60	33		63.25	63.55	65.90
34		62.70	62.85	64.90	34		64.10	65.35	67.30
35		63.95	64.10	66.15	35		65.75	66.65	68.80

Express Mail Rates (continued)

Current					Proposed				
Weight Not Over (Pounds)	Same Day Airport	Custom Designed	PO to PO Next Day & 2nd Day	PO to Addressee Next & 2nd Day	Weight Not Over (Pounds)	Same Day Airport	Custom Designed	PO to PO Next Day & 2nd Day	PO to Addressee Next & 2nd Day
36		65.25	65.40	67.45	36		67.15	68.00	70.15
37		66.45	66.60	68.65	37		69.00	69.25	71.40
38		67.80	67.95	70.00	38		70.50	70.65	72.80
39		69.05	69.20	71.25	39		71.80	71.95	74.10
40		70.30	70.45	72.50	40		73.10	73.25	75.40
41		71.55	71.70	73.75	41		74.40	74.55	76.70
42		72.90	73.05	75.10	42		75.80	75.95	78.10
43		74.15	74.30	76.35	43		77.10	77.25	79.40
44		75.45	75.60	77.65	44		78.45	78.60	80.75
45		76.75	76.90	78.95	45		79.80	80.00	82.10
46		77.95	78.10	80.15	46		81.05	81.20	83.35
47		79.30	79.45	81.50	47		82.45	82.65	84.75
48		80.55	80.70	82.75	48		83.75	83.95	86.05
49		81.80	81.95	84.00	49		85.05	85.25	87.35
50		83.05	83.20	85.25	50		86.35	86.55	88.65
51		84.40	84.55	86.60	51		87.80	87.95	90.05
52		85.60	85.75	87.80	52		89.00	89.20	91.30
53		86.95	87.10	89.15	53		90.45	90.60	92.70
54		88.20	88.35	90.40	54		91.75	91.90	94.00
55		89.45	89.60	91.65	55		93.05	93.20	95.30
56		90.80	90.95	93.00	56		94.45	94.60	96.70
57		92.00	92.15	94.20	57		95.70	95.85	97.95
58		93.30	93.45	95.50	58		97.05	97.20	99.30
59		94.70	94.85	96.90	59		98.50	98.65	100.80
60		96.20	96.35	98.40	60		100.05	100.20	102.35
61		97.80	97.95	100.00	61		101.70	101.85	104.00
62		99.30	99.45	101.50	62		103.25	103.45	105.55
63		100.80	100.95	103.00	63		104.85	105.00	107.10
64		102.40	102.55	104.60	64		106.50	106.65	108.80
65		103.90	104.05	106.10	65		108.05	108.20	110.35
66		105.50	105.65	107.70	66		109.70	109.90	112.00
67		107.00	107.15	109.20	67		111.30	111.45	113.55
68		108.60	108.75	110.80	68		112.95	113.10	115.25
69		110.10	110.25	112.30	69		114.50	114.65	116.80
70		111.60	111.75	113.80	70		116.05	116/20	118.35

Schedules 121, 122, and 123 Notes

[1] The applicable 2-pound rate is charged for matter sent in a 'flat rate' envelope provided by the Postal Service.

[2] Add [$8.25] *$10.25* for each pickup stop.

[3] Add [$8.25] *$10.25* for each Custom Designed delivery stop.

FIRST-CLASS MAIL

Rate Schedule 221

	Current rate (cents)	Proposed rate (cents)
Letters and Sealed Parcels		
Regular:		

FIRST-CLASS MAIL—Continued

Rate Schedule 221

	Current rate (cents)	Proposed rate (cents)
Single Piece: First Ounce	33.0	34.0
Presort [1]	30.5	32.0
Qualified Business Reply Mail	30.0	31.0
Additional Ounce [2]	22.0	23.0
Nonstandard Surcharge:		
Single Piece	11.0	11.0
Presort	5.0	5.0
Automation—Presort: [1]		
Letters: [3]		
Basic Presort [4]	27.0	28.0
3-Digit Presort [5]	26.1	27.1
5-Digit Presort [6]	24.3	25.3
Carrier Route Presort [7]	23.8	24.8
Flats: [8]		
Basic Presort [9]	30.0	31.0
[3/5-Digit Presort [10]]	27.0	N/A
3-Digit Presort [10]	N/A	29.5
5-Digit Presort [11]	N/A	27.5
Additional Ounce [2]	22.0	23.0
Nonstandard Surcharge	5.0	5.0

Schedule 221 Notes

[1] A mailing fee of [$100.00] *$125.00* must be paid once each year at each office of mailing by any person who mails other than Single Piece First-Class Mail. Payment of the fee allows the mailer to mail at any First-Class rate. For presorted mailing weighing more than 2 ounces, subtract 4.6 cents per piece.

[2] Rate applies through 13 ounces. Heavier pieces are subject to Priority Mail rates.

[3] Rates apply to bulk-entered mailings of at least 500 letter-size pieces, which must be delivery point barcoded and meet other preparation requirements specified by the Postal Service and, for the Basic Presort rate, documents provided for entry as mail using Mailing Online service, pursuant to classification schedule 981.

[4] Rate applies to letter-size Automation-Presort category mail not mailed at 3-Digit, 5-Digit, or Carrier Route rates.

[5] Rate applies to letter-size Automation-Presort category mail presorted to single or multiple three-digit ZIP Code destinations specified by the Postal Service.

[6] Rate applies to letter-size Automation-Presort category mail presorted to single or multiple five-digit ZIP Code destinations specified by the Postal Service.

[7] Rate applies to letter-size Automation-Presort category mail presorted to carrier routes specified by the Postal Service.

[8] Rates apply to bulk-entered mailings of at least 500 flat-size pieces, each of which must be delivery-point barcoded or bear a ZIP+4 barcode, and must meet other preparation requirements specified by the Postal Service and, for the Basic Presort rate, documents provided for entry as mail using Mailing Online service, pursuant to schedule 981.

[9] Rate applies to flat-size Automation-Presort category mail not mailed at the [3/5-Digit] 3-Digit or 5-Digit rate.

[10] Rate applies to flat-size Automation-Presort category mail presorted to single or multiple three-[and five-]digit ZIP Code destinations [as] specified by the Postal Service.

[11] *Rate applies to flat-size Automation-Presort category mail presorted to single or multiple five-digit ZIP Code destinations specified by the Postal Service.*

FIRST-CLASS MAIL

Rate Schedule 222

	Current rate (cents)	Proposed rate (cents)
Cards		
Regular:		
Single Piece	20.0	21.0
Presort [1]	18.0	19.0
Qualified Business Reply Mail	18.0	18.0
Automation—Presort: [1,2]		
Basic Presort [3]	16.6	17.4
3-Digit Presort [4]	15.9	16.7
5-Digit Presort [5]	14.6	15.4
Carrier Route Presort [6]	14.1	14.9

Schedule 222 Notes

[1] A mailing fee of [$100.00] *$125.00* must be paid once each year at each office of mailing by any person who mails other than Single Piece First-Class Mail. Payment of the fee allows the mailer to mail at any First-Class rate.

[2] Rates apply to bulk-entered mailings of at least 500 pieces, which must be barcoded and meet other preparation requirements specified by the Postal Service.

[3] Rate applies to Automation-Presort category mail not mailed at 3-Digit, 5-Digit, or Carrier Route rates.

[4] Rate applies to Automation-Presort category mail presorted to single or multiple

three-digit ZIP Code destinations as specified by the Postal Service.

[5] Rate applies to Automation-Presort category mail presorted to single or multiple five-digit ZIP Code destinations as specified by the Postal Service.

[6] Rate applies to Automation-Presort category mail presorted to carrier routes specified by the Postal Service.

First-Class Mail

Schedule 223

Priority Mail Subclass

(dollars)

Current Rates							Proposed Rates						
Weight Not Over (Pounds)	Zones L, 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Weight Not Over (Pounds)	Zones L, 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Flat Rate[2]	$3.20	$3.20	$3.20	$3.20	$3.20	$3.20	Flat Rate[2]	$3.85	$3.85	$3.85	$3.85	$3.85	$3.85
1	3.20	3.20	3.20	3.20	3.20	3.20	1	3.45	3.45	3.45	3.45	3.45	3.45
2	3.20	3.20	3.20	3.20	3.20	3.20	2	3.85	3.85	3.85	3.85	3.85	3.85
3	4.30	4.30	4.30	4.30	4.30	4.30	3	5.10	5.10	5.10	5.10	5.10	5.10
4	5.40	5.40	5.40	5.40	5.40	5.40	4	6.35	6.35	6.35	6.35	6.35	6.35
5	6.50	6.50	6.50	6.50	6.50	6.50	5	7.60	7.60	7.60	7.60	7.60	7.60
6	6.60	6.90	7.10	7.45	7.70	8.25	6	7.85	8.00	8.15	8.55	8.85	9.45
7	6.70	7.30	7.70	8.40	8.90	10.00	7	8.05	8.40	8.70	9.50	10.10	11.30
8	6.80	7.70	8.30	9.35	10.10	11.75	8	8.15	8.80	9.25	10.45	11.35	13.15
9	6.90	8.10	8.90	10.30	11.30	13.50	9	8.30	9.20	9.80	11.40	12.60	15.00
10	7.00	8.50	9.50	11.25	12.50	15.25	10	8.40	9.70	10.45	12.40	13.75	16.85
11	7.20	9.15	10.30	12.20	13.45	16.50	11	8.65	10.35	11.35	13.40	14.80	18.15
12	7.40	9.80	11.05	13.10	14.45	17.80	12	8.90	11.00	12.15	14.40	15.90	19.60
13	7.75	10.40	11.80	14.05	15.50	19.10	13	9.15	11.65	13.00	15.45	17.05	21.00
14	8.10	11.05	12.55	14.95	16.50	20.40	14	9.40	12.30	13.80	16.45	18.15	22.45
15	8.50	11.70	13.30	15.85	17.50	21.70	15	9.65	12.95	14.65	17.45	19.25	23.85
16	8.85	12.30	14.00	16.75	18.55	23.00	16	9.90	13.65	15.40	18.45	20.40	25.30
17	9.20	12.95	14.75	17.70	19.55	24.30	17	10.15	14.30	16.25	19.45	21.50	26.75
18	9.60	13.60	15.50	18.60	20.60	25.60	18	10.55	14.95	17.05	20.45	22.65	28.15
19	9.95	14.20	16.25	19.50	21.60	26.95	19	10.95	15.60	17.90	21.45	23.75	29.65
20	10.35	14.85	17.00	20.40	22.65	28.20	20	11.40	16.35	18.70	22.45	24.90	31.00
21	10.70	15.50	17.70	21.35	23.65	29.45	21	11.80	17.05	19.45	23.50	26.00	32.40
22	11.05	16.15	18.45	22.25	24.70	30.65	22	12.25	17.75	20.30	24.50	27.15	33.70
23	11.45	16.75	19.20	23.15	25.70	31.85	23	12.65	18.45	21.10	25.45	28.25	35.05
24	11.75	17.40	19.95	24.05	26.70	33.05	24	13.05	19.15	21.95	26.45	29.35	36.35
25	12.15	18.05	20.70	25.00	27.75	34.35	25	13.50	19.85	22.75	27.50	30.55	37.80
26	12.55	18.65	21.40	25.90	28.75	35.55	26	13.90	20.50	23.55	28.50	31.65	39.10
27	12.90	19.30	22.15	26.80	29.80	36.75	27	14.30	21.25	24.35	29.50	32.80	40.45
28	13.25	19.95	22.90	27.70	30.80	37.95	28	14.70	21.95	25.20	30.45	33.90	41.75
29	13.65	20.55	23.65	28.60	31.85	39.15	29	15.15	22.60	26.00	31.45	35.05	43.05
30	14.00	21.20	24.40	29.55	32.85	40.35	30	15.55	23.30	26.85	32.50	36.15	44.40
31	14.35	21.85	25.10	30.45	33.90	41.55	31	15.95	24.05	27.60	33.50	37.30	45.70
32	14.75	22.45	25.85	31.35	34.90	42.80	32	16.40	24.70	28.45	34.50	38.40	47.10
33	15.10	23.10	26.60	32.25	35.95	44.00	33	16.80	25.40	29.25	35.50	39.55	48.40
34	15.45	23.70	27.35	33.15	36.95	45.20	34	17.20	26.05	30.10	36.45	40.65	49.70
35	15.80	24.35	28.10	34.10	37.95	46.40	35	17.65	26.80	30.90	37.50	41.75	51.05

Priority Mail Subclass (continued)

Current Rates							Proposed Rates						
Weight Not Over (Pounds)	Zones L, 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Weight Not Over (Pounds)	Zones L, 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
36	16.20	25.00	28.80	35.00	39.00	47.60	36	18.05	27.50	31.70	38.50	42.90	52.35
37	16.60	25.65	29.55	35.90	40.00	48.80	37	18.45	28.20	32.50	39.50	44.00	53.70
38	16.90	26.25	30.30	36.85	41.05	50.05	38	18.85	28.90	33.35	40.55	45.15	55.05
39	17.30	26.90	31.05	37.75	42.05	51.25	39	19.30	29.60	34.15	41.55	46.25	56.40
40	17.70	27.55	31.80	38.65	43.10	52.45	40	19.70	30.30	35.00	42.50	47.40	57.70
41	18.00	28.15	32.50	39.55	44.10	53.65	41	20.10	30.95	35.75	43.50	48.50	59.00
42	18.40	28.80	33.25	40.45	45.15	54.85	42	20.55	31.70	36.60	44.50	49.65	60.35
43	18.80	29.45	34.00	41.40	46.15	56.10	43	20.95	32.40	37.40	45.55	50.75	61.70
44	19.15	30.05	34.75	42.30	47.20	57.35	44	21.35	33.05	38.25	46.55	51.90	63.10
45	19.50	30.70	35.50	43.20	48.20	58.55	45	21.80	33.75	39.05	47.50	53.00	64.40
46	19.85	31.35	36.20	44.10	49.20	59.75	46	22.20	34.50	39.80	48.50	54.10	65.75
47	20.25	31.95	36.95	45.05	50.25	60.95	47	22.60	35.15	40.65	49.55	55.30	67.05
48	20.60	32.60	37.70	45.95	51.25	62.15	48	23.00	35.85	41.45	50.55	56.40	68.35
49	20.95	33.25	38.45	46.85	52.30	63.35	49	23.45	36.60	42.30	51.55	57.55	69.70
50	21.35	33.85	39.20	47.75	53.30	64.55	50	23.85	37.25	43.10	52.55	58.65	71.00
51	21.70	34.50	39.90	48.65	54.25	65.80	51	24.25	37.95	43.90	53.50	59.70	72.40
52	22.05	35.15	40.65	49.60	55.30	67.00	52	24.70	38.65	44.70	54.55	60.85	73.70
53	22.45	35.75	41.40	50.50	56.25	68.20	53	25.10	39.35	45.55	55.55	61.90	75.00
54	22.80	36.40	42.15	51.40	57.25	69.40	54	25.50	40.05	46.35	56.55	63.00	76.35
55	23.15	37.05	42.90	52.30	58.20	70.60	55	25.95	40.75	47.20	57.55	64.00	77.65
56	23.55	37.65	43.60	53.25	59.20	71.80	56	26.35	41.40	47.95	58.60	65.10	79.00
57	23.90	38.30	44.35	54.15	60.20	73.05	57	26.75	42.15	48.80	59.55	66.20	80.35
58	24.25	38.95	45.10	55.05	61.15	74.25	58	27.15	42.85	49.60	60.55	67.25	81.70
59	24.65	39.55	45.85	55.95	62.20	75.45	59	27.60	43.50	50.45	61.55	68.40	83.00
60	25.00	40.20	46.60	56.90	63.15	76.65	60	28.00	44.20	51.25	62.60	69.45	84.30
61	25.35	40.85	47.30	57.80	64.15	77.90	61	28.40	44.95	52.05	63.60	70.55	85.70
62	25.75	41.45	48.05	58.70	65.10	79.10	62	28.85	45.60	52.85	64.55	71.60	87.00
63	26.10	42.10	48.80	59.60	66.10	80.35	63	29.25	46.30	53.70	65.55	72.70	88.40
64	26.50	42.75	49.55	60.55	67.10	81.55	64	29.65	47.05	54.50	66.60	73.80	89.70
65	26.85	43.35	50.25	61.45	68.05	82.75	65	30.10	47.70	55.30	67.60	74.85	91.05
66	27.20	44.00	51.00	62.35	69.10	83.95	66	30.50	48.40	56.10	68.60	76.00	92.35
67	27.60	44.65	51.75	63.25	70.05	85.15	67	30.90	49.10	56.95	69.60	77.05	93.65
68	27.95	42.25	52.50	64.15	71.00	86.35	68	31.35	49.80	57.75	70.55	78.10	95.00
69	28.30	45.90	53.25	65.10	72.05	87.55	69	31.75	50.50	58.60	71.60	79.25	96.30
70	28.70	46.55	53.95	66.00	73.00	88.80	70	32.15	51.20	59.35	72.60	80.30	97.70

Schedule 223 Notes

[1] The 2-pound rate is charged for matter sent in a ''flat rate'' envelope provided by the Postal Service.

[2] Add [$8.25] *$10.25* for each pickup stop.

[3] EXCEPTION: Parcels that weigh less than 15 pounds but measure over 84 inches in length and girth combined, are charged with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

STANDARD MAIL

Rate Schedule [321.2A] *321A*

	Current rate (cents)	Proposed rate (cents)
Regular Subclass Presort Category [1]		
Letter Size:		
Piece Rate:		
Basic	23.5	24.2
3/5-Digit	20.7	22.5
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Non-Letter Size: [2]		
Piece Rate:		
Minimum per Piece: [3]		
Basic	30.4	31.1
3/5-Digit	24.0	25.8
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Pound Rate: [3]	67.7	66.1
Plus per Piece Rate:		
Basic	16.4	17.5
3/5-Digit	10.0	12.2
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8

Schedule [321.2A] *321A* Notes

[1] A fee of [$100.00] *$125.00* must paid each 12-month period for each bulk mailing permit.

[2] Residual shape pieces are subject to a surcharge of [$0.10] *$0.18* per piece. *For parcel barcode discount, deduct $0.03 per piece.*

[3] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

Standard Mail

Rate Schedule [321.2B] 321B

	Current rate (cents)	Proposed rate (cents)
Regular Subclass Automation Category [1]		
Letter Size: [2]		
Piece Rate:		
Basic Letter [3]	18.3	20.0
3-Digit Letter [4]	17.6	19.3
5-Digit Letter [5]	16.0	17.2
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Flat Size: [6]		
Piece Rate:		
Minimum per Piece: [7]		
Basic Flat [8]	24.5	26.7
3/5-Digit Flat [9]	20.3	23.1
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Pound Rate: [7]	67.7	66.1
Plus per piece Rate:		
Basic Flat	10.5	13.1
3/5-Digit Flat	6.3	9.5
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8

Schedule [321.2B] *321B* Notes

[1] A fee of [$100.00] *$125.00* must be paid once each 12-month period for each bulk mailing permit.

[2] For letter-size automation pieces meeting applicable Postal Service regulations.

[3] Rate applies to letter-size automation mail not mailed at 3-digit, 5-digit, or carrier route rates.

[4] Rate applies to letter-size automation mail presorted to single or multiple three-digit ZIP Code destinations as specified by the Postal Service.

[5] Rate applies to letter-size automation mail presorted to single or multiple five-digit ZIP Code destinations as specified by the Postal Service.

[6] For flat-size automation mail meeting applicable Postal Service regulations.

[7] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

[8] Rate applies to flat-size automation mail not mailed at 3/5-digit rate.

[9] Rate applies to flat-size automation mail presorted to single or multiple three- and five-digit ZIP Code destinations as specified by the Postal Service.

STANDARD MAIL

Rate Schedule [321.3] *322*

	Current rate (cents)	Proposed rate (cents)
Enhanced Carrier Route Subclass [1]		
Letter Size:		
Piece Rate:		
Basic	16.2	17.5
Basic Automated Letter [2]	15.6	16.3
High Density	13.9	15.2
Saturation	13.0	14.3
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
DDU	2.6	2.8
Non-Letter Size: [3]		
Piece Rate		
Minimum per Piece: [4]		
Basic	16.2	17.5
High Density	15.1	15.4
Saturation	14.0	14.8
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
DDU	2.6	2.8
Pound Rate: [4]	66.3	58.4
Plus per piece Rate:		
Basic	2.5	5.5
High Density	1.4	3.4
Saturation	0.3	2.8
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8
DDU	12.6	13.4

Schedule [321.3] *322* Notes

[1] A fee of [$100.00] *$125.00* must be paid each 12-month period for each bulk mailing permit.

[2] Rate applies to letter-size automation mail presorted to routes specified by the Postal Service.

[3] Residual shape pieces are subject to a surcharge of [$0.10] *$0.15* per piece.

[4] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

STANDARD MAIL

Rate Schedule [321.4A] *323A*

	Current rate (cents)	Proposed rate (cents)
Nonprofit Subclass Presort Category*[ies]* [1] **[(Full Rates)]**		
Letter Size:		
Piece Rate		
Basic	16.9	15.9
3/5-Digit	14.2	15.0
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Non-Letter Size: [2]		

STANDARD MAIL—Continued

Rate Schedule [321.4A] *323A*

	Current rate (cents)	Proposed rate (cents)
Piece Rate:		
Minimum per Piece: [3]		
Basic	23.3	21.9
3/5-Digit	16.5	17.5
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Pound Rate: [3]	55.0	58.0
Plus per piece Rate:		
Basic	12.0	9.9
3/5-Digit	5.2	5.5
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8

Schedule [321.4A] *323A* Notes

[1] A fee of [$100.00] *$125.00* must be paid once each 12-month period for each bulk mailing permit.

[2] Residual shape pieces are subject to a surcharge of [$0.10] *$0.18* per piece. *For parcel barcode discount, deduct $0.03 per piece.*

[3] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

STANDARD MAIL

Rate Schedule [321.4B] *323B*

	Current rate (cents)	Proposed rate (cents)
Nonprofit Subclass Automation Category[ies] [1] **[(Full Rates)]**		
Letter Size: [2]		
Piece Rate:		
Basic Letter [3]	11.9	12.9
3-Digit Letter [4]	11.4	12.2
5-Digit Letter [5]	9.3	10.1
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Flat Size: [6]		
Piece Rate:		
Minimum per Piece: [7]		
Basic Flat [8]	18.2	17.8
3/5-Digit Flat [9]	14.4	15.8
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
Pound Rate: [7]	55.0	58.0
Plus per Piece Rate:		
Basic Flat [8]	6.9	5.8
3/5-Digit Flat [9]	3.1	3.8
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8

Schedule [321.4B] *323B* Notes

[1] A fee of [$100.00] *$125.00* must be paid once each 12-month period for each bulk mailing permit.

[2] For letter-size automation pieces meeting applicable Postal Service regulations.

[3] Rate applies to letter-size automation mail not mailed at 3-digit, 5-digit, or carrier route rates.

[4] Rate applies to letter-size automation mail presorted to single or multiple three-digit ZIP Code destinations as specified by the Postal Service.

[5] Rate applies to letter-size automation mail presorted to single or multiple five-digit ZIP Code destinations as specified by the Postal Service.

[6] For flat-size automation mail meeting applicable Postal Service regulations.

[7] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

[8] Rate applies to flat-size automation mail not mailed at 3/5-digit rate.

[9] Rate applies to flat-size automation mail presorted to single or multiple three-and five-digit ZIP Code destinations as specified by the Postal Service.

STANDARD MAIL

Rate Schedule [321.5] *324*

	Current rate (cents)	Proposed rate (cents)
Nonprofit Enhanced Carrier Route Subclass[1] [(Full Rates)]		
Letter Size:		
Piece Rate:		
Basic	9.9	11.3
Basic Automated Letter[2]	9.2	10.0
High Density	7.8	9.0
Saturation	7.2	8.4
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
DDU	2.6	2.8
Non-Letter Size:[3]		
Piece Rate:		
Minimum per Piece:[4]		
Basic	9.9	11.3
High Density	9.2	9.7
Saturation	8.4	9.2
Destination Entry Discount per Piece:		
BMC	1.6	1.7
SCF	2.1	2.2
DDU	2.6	2.8
Pound Rate:[4]	29.0	37.0
Plus per Piece Rate:		
Basic	3.9	3.7
High Density	3.2	2.1
Saturation	2.4	1.6
Destination Entry Discount per Pound:		
BMC	7.9	8.3
SCF	10.0	10.8
DDU	12.6	13.4

Schedule [321.5] *324* Notes

[1] A fee of [$100.00] *$125.00* must be paid each 12-month period for each bulk mailing permit.

[2] Rate applies to letter-size automation mail presorted to routes specified by the Postal Service.

[3] Residual shape pieces are subject to a surcharge of [$0.10] $0.15 per piece.

[4] Mailer pays either the minimum piece rate or the pound rate, whichever is higher.

PERIODICALS

Rate Schedule 421

	Postage rate unit	Current rate[3] (cents)	Proposed rate[3] (cents)
[Regular] *Outside County Subclass*[1, 2]			
Per Pound:			
Nonadvertising Portion	Pound	16.1	18.6
Advertising Portion:[11]			
Delivery Office[4]	Pound	15.5	18.0
SCF[5]	Pound	17.8	21.0
1&2	Pound	21.5	24.7
3	Pound	22.9	26.3
4	Pound	26.3	30.2
5	Pound	31.6	36.1
6	Pound	37.1	42.3
7	Pound	43.8	49.9
8	Pound	49.5	56.3
Science of Agriculture:			
Delivery Office	Pound	11.6	13.5
SCF	Pound	13.3	15.8
Zones 1&2	Pound	16.1	18.6
Per Piece:			
Less Nonadvertising Factor[6]		5.9	6.6
Required Preparation[7]	Piece	29.4	31.8
Presorted to 3-digit	Piece	25.3	27.4

PERIODICALS—Continued

Rate Schedule 421

	Postage rate unit	Current rate [3] (cents)	Proposed rate [3] (cents)
Presorted to 5-digit	Piece	19.7	22.2
Presorted to Carrier Route	Piece	12.2	14.1
Discounts:			
Prepared to Delivery Office [4]	Piece	1.3	2.1
Prepared to SCF [5]	Piece	0.7	1.2
High Density [8]	Piece	1.9	2.5
Saturation [9]	Piece	3.7	4.3
Automation Discounts for Automation Compatible Mail [10]			
From Required:			
Prebarcoded letter size	Piece	6.2	5.6
Prebarcoded flats	Piece	4.6	3.2
From 3-Digit:			
Prebarcoded letter size	Piece	4.7	4.5
Prebarcoded flats	Piece	3.9	2.7
From 5-Digit:			
Prebarcoded letter size	Piece	3.5	4.8
Prebarcoded flats	Piece	2.9	2.8

Schedule 421 Notes

[1] [The rates in this schedule also apply to commingled nonsubscriber, non-requester, complimentary, and sample copies in excess of 10 percent allowance in regular-rate, nonprofit, and classroom periodicals.] *The rates in this schedule also apply to Nonprofit (DMCS Section 422.2) and Classroom (DMCS Section 422.3) rate categories. These categories receive a 5 percent discount on all components of postage except advertising pounds. Moreover, the 5 percent discount does not apply to commingled nonsubscriber, nonrequester, complimentary, and sample copies in excess of the 10 percent allowance under DMCS sections 412.34 and 413.42, or to Science of Agriculture mail.*

[2] Rates do not apply to otherwise [regular rate] *Outside County* mail that qualifies for the Within County rates in Schedule 423[.2].

[3] Charges are computed by adding the appropriate per-piece charge to the sum of the nonadvertising portion and the advertising portion, as applicable.

[4] Applies to carrier route (including high density and saturation) mail delivered within the delivery area of the originating post office.

[5] Applies to mail delivered within the SCF area of the originating SCF office.

[6] For postage calculations, multiply the proportion of nonadvertising content by this factor and subtract from the applicable piece rate.

[7] Mail not eligible for carrier-route, 5-digit or 3-digit rates.

[8] Applicable to high density mail, deducted from carrier route presort rate.

[9] Applicable to saturation mail, deducted from carrier route presort rate.

[10] For automation compatible mail meeting applicable Postal Service regulations.

[11] Not applicable to qualifying Nonprofit and Classroom publications containing 10 percent or less advertising content.

PERIODICALS

Rate Schedule 423[.2]

	Current rate [3] (cents)	Proposed rate [3] (cents)
Within County [(Full Rates)]		
Per Pound:		
General	13.3	14.5
Delivery Office [1]	10.7	11.8
Per Piece:		
Required Presort	9.5	9.9
Presorted to 3-digit	8.8	9.2
Presorted to 5-digit	8.0	8.4
Carrier Route Presort	4.3	4.8
Per Piece Discount:		
Delivery Office [2]	0.4	0.5
High Density (formerly 125 piece) [3]	1.4	1.6
Saturation	1.8	2.1
Automation Discounts for Automation Compatible Mail [4]		
From Required:		
Prebarcoded Letter size	4.9	5.0
Prebarcoded Flat size	3.0	2.7
From 3-digit:		
Prebarcoded Letter size	4.4	4.4
Prebarcoded Flat size	2.6	2.3
From 5-digit:		
Prebarcoded Letter size	3.9	3.9
Prebarcoded Flat size	2.2	2.0

Schedule 423[.2] Notes

[1] Applicable only to carrier route (including high density and saturation) presorted pieces to be delivered within the delivery area of the originating post office.

[2] Applicable only to carrier presorted pieces to be delivered within the delivery area of the originating post office.

[3] Applicable to high density mail, deducted from carrier route presort rate. Mailers also may qualify for this discount on an alternative basis as provided in DMCS section 423.[8]*4*3.

[4] For automation compatible pieces meeting applicable Postal Service regulations.

[PERIODICALS]

[Rate Schedule 423.3]

[Publications of Authorized Nonprofit Organizations]

[Delete Rate Schedule 423.3; see Rate Schedule 421, note 1]

[PERIODICALS]

[Rate Schedule 423.4]

[Classroom Publications]

[Delete Rate Schedule 423.4; Rate Schedule 421, note 1]

[Standard Mail] Package Services

Rate Schedule [322.1A] 521.2A

Parcel Post Subclass

Inter-BMC Rates

(dollars)

Current								Proposed						
Zones 1 & 2	**Zone 3**	**Zone 4**	**Zone 5**	**Zone 6**	**Zone 7**	**Zone 8**	**Weight Not Over (Pounds)**	**Zones 1 & 2**	**Zone 3**	**Zone 4**	**Zone 5**	**Zone 6**	**Zone 7**	**Zone 8**
$3.15	$3.15	$3.15	$3.15	$3.15	$3.15	$3.15	**2**	$3.47	$3.47	$3.47	$3.47	$3.47	$3.47	$3.47
3.59	3.90	4.25	4.25	4.25	4.25	4.25	**3**	3.95	4.29	4.68	4.68	4.68	4.68	4.68
3.73	4.16	4.91	5.35	5.35	5.35	5.35	**4**	4.10	4.58	5.40	5.89	5.89	5.89	5.89
3.86	4.39	5.33	6.45	6.45	6.45	6.45	**5**	4.25	4.83	5.86	7.10	7.10	7.10	7.10
3.99	4.62	5.71	7.10	7.40	7.60	8.15	**6**	4.39	5.08	6.28	7.81	8.14	8.36	8.97
4.11	4.82	6.07	7.72	8.35	8.75	9.85	**7**	4.52	5.30	6.68	8.49	9.19	9.63	10.84
4.24	5.01	6.38	8.26	9.30	9.90	11.55	**8**	4.66	5.51	7.02	9.09	10.23	10.89	12.71
4.33	5.19	6.71	8.76	10.25	11.05	13.25	**9**	4.76	5.71	7.38	9.64	11.20	12.16	14.58
4.45	5.36	6.99	9.23	10.92	12.20	14.95	**10**	4.90	5.90	7.69	10.15	12.01	13.42	16.45
4.54	5.53	7.27	9.66	11.47	13.30	16.10	**11**	4.99	6.08	8.00	10.63	12.62	14.63	17.71
4.64	5.68	7.53	10.06	11.97	14.30	17.35	**12**	5.10	6.25	8.28	11.07	13.17	15.73	19.09
4.73	5.81	7.77	10.44	12.44	15.17	18.65	**13**	5.20	6.39	8.55	11.48	13.68	16.69	20.52
4.82	5.97	8.01	10.80	12.89	15.74	19.90	**14**	5.30	6.57	8.81	11.88	14.18	17.31	21.89
4.90	6.10	8.24	11.13	13.31	16.28	21.15	**15**	5.39	6.71	9.06	12.24	14.64	17.91	23.27
4.98	6.23	8.45	11.45	13.70	16.77	21.85	**16**	5.48	6.85	9.30	12.60	15.07	18.45	24.04
5.07	6.34	8.66	11.74	14.08	17.25	22.49	**17**	5.58	6.97	9.53	12.91	15.49	18.98	24.74
5.14	6.46	8.85	12.02	14.42	17.69	23.10	**18**	5.65	7.11	9.74	13.22	15.86	19.46	25.41
5.23	6.58	9.04	12.29	14.76	18.12	23.67	**19**	5.75	7.24	9.94	13.52	16.24	19.93	26.04
5.29	6.68	9.20	12.54	15.07	18.52	24.21	**20**	5.82	7.35	10.12	13.79	16.58	20.37	26.63
5.36	6.80	9.37	12.79	15.38	18.90	24.72	**21**	5.90	7.48	10.31	14.07	16.92	20.79	27.19
5.43	6.89	9.54	13.02	15.66	19.26	25.21	**22**	5.97	7.58	10.49	14.32	17.23	21.19	27.73
5.50	7.01	9.71	13.23	15.93	19.60	25.67	**23**	6.05	7.71	10.68	14.55	17.52	21.56	28.24
5.55	7.10	9.85	13.45	16.19	19.94	26.12	**24**	6.11	7.81	10.84	14.80	17.81	21.93	28.73
5.62	7.19	10.01	13.64	16.44	20.24	26.54	**25**	6.18	7.91	11.01	15.00	18.08	22.26	29.19
5.68	7.28	10.15	13.84	16.68	20.54	26.93	**26**	6.25	8.01	11.17	15.22	18.35	22.59	29.62
5.75	7.37	10.28	14.02	16.90	20.82	27.32	**27**	6.33	8.11	11.31	15.42	18.59	22.90	30.05
5.80	7.46	10.43	14.20	17.12	21.09	27.68	**28**	6.38	8.21	11.47	15.62	18.83	23.20	30.45
5.86	7.55	10.56	14.36	17.33	21.35	28.04	**29**	6.45	8.31	11.62	15.80	19.06	23.49	30.84
5.92	7.63	10.67	14.52	17.52	21.60	28.36	**30**	6.51	8.39	11.74	15.97	19.27	23.76	31.20
5.98	7.70	10.80	14.67	17.72	21.85	28.68	**31**	6.58	8.47	11.88	16.14	19.49	24.04	31.55
6.03	7.79	10.92	14.82	17.90	22.08	28.99	**32**	6.63	8.57	12.01	16.30	19.69	24.29	31.89
6.08	7.87	11.04	14.97	18.07	22.30	29.28	**33**	6.69	8.66	12.14	16.47	19.88	24.53	32.21
6.14	7.93	11.14	15.11	18.24	22.51	29.56	**34**	6.75	8.72	12.25	16.62	20.06	24.76	32.52
6.19	8.01	11.26	15.24	18.40	22.71	29.83	**35**	6.81	8.81	12.39	16.76	20.24	24.98	32.81

Parcel Post Subclass
Inter-BMC Rates (continued)

Current								Proposed						
Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Weight Not Over (Pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
6.24	8.07	1.38	15.37	18.56	22.90	30.09	**36**	6.86	8.88	12.52	16.91	20.42	25.19	33.10
6.29	8.14	11.47	15.50	18.71	23.10	30.34	**37**	6.92	8.95	12.62	17.05	20.58	25.41	33.37
6.34	8.22	11.58	15.61	18.85	23.27	30.58	**38**	6.97	9.04	12.74	17.17	20.74	25.60	33.64
6.40	8.28	11.67	15.72	18.99	23.44	30.81	**39**	7.04	9.11	12.84	17.29	20.89	25.78	33.89
6.44	8.35	11.77	15.84	19.13	23.62	31.02	**40**	7.08	9.19	12.95	17.42	21.04	25.96	34.12
6.50	8.42	11.86	15.95	19.26	23.78	31.24	**41**	7.15	9.26	13.05	17.55	21.19	26.16	34.36
6.54	8.48	11.95	16.05	19.38	23.93	31.45	**42**	7.19	9.33	13.15	17.66	21.32	26.32	34.60
6.58	8.54	12.05	16.15	19.51	24.08	31.64	**43**	7.24	9.39	13.26	17.77	21.46	26.49	34.80
6.63	8.59	12.13	16.24	`9.62	24.22	31.84	**44**	7.29	9.45	13.34	17.86	21.58	26.64	35.02
6.67	8.66	12.22	16.34	19.74	24.36	32.02	**45**	7.34	9.53	13.44	17.97	21.71	26.80	35.22
6.72	8.72	12.30	16.44	19.85	24.50	32.19	**46**	7.39	9.59	13.53	18.08	21.84	26.95	35.41
6.77	8.78	12.38	16.52	19.96	24.63	32.37	**47**	7.45	9.66	13.62	18.17	21.96	27.09	35.61
6.81	8.84	12.47	16.61	20.05	24.75	32.53	**48**	7.49	9.72	13.72	18.72	22.06	27.23	35.78
6.85	8.89	12.55	16.69	20.16	24.88	32.68	**49**	7.54	9.78	13.81	18.36	22.18	27.37	35.95
6.89	8.94	12.61	16.77	20.26	25.00	32.84	**50**	7.58	9.83	13.87	18.45	22.29	27.50	36.12
6.94	9.00	12.70	16.85	20.35	25.11	32.98	**51**	7.63	9.90	13.97	18.54	22.39	27.62	36.28
6.98	9.06	12.77	16.93	20.44	25.22	33.12	**52**	7.68	9.97	14.05	18.62	22.48	27.74	36.43
7.02	9.11	12.83	17.00	20.53	25.33	33.27	**53**	7.72	10.02	14.11	18.70	22.58	27.86	36.60
7.06	9.17	12.91	17.08	20.62	25.44	33.40	**54**	7.77	10.09	14.20	18.79	22.68	27.98	36.74
7.10	9.20	12.99	17.14	20.69	25.53	33.53	**55**	7.81	10.12	14.29	18.85	22.76	28.08	36.88
7.15	9.27	13.05	17.22	20.78	25.63	33.66	**56**	7.87	10.20	14.36	18.94	22.86	28.19	37.03
7.19	9.23	13.12	17.28	20.86	25.73	33.77	**57**	7.91	10.25	14.43	19.01	22.95	28.30	37.15
7.23	9.36	13.18	17.35	20.93	25.82	33.89	**58**	7.95	10.30	14.50	19.09	23.02	28.40	37.28
7.27	9.41	13.25	17.41	21.01	25.90	34.00	**59**	8.00	10.35	14.58	19.15	23.11	28.49	37.40
7.31	9.46	13.33	17.47	21.07	25.99	34.12	**60**	8.04	10.41	14.66	19.22	23.18	28.59	37.53
7.36	9.52	13.38	17.53	21.15	26.08	34.27	**61**	8.10	10.47	14.72	19.28	23.27	28.69	37.70
7.40	9.56	13.44	17.59	21.21	26.15	34.41	**62**	8.14	10.52	14.78	19.35	23.33	28.77	37.85
7.42	9.61	13.51	17.64	21.28	26.23	34.55	**63**	8.16	10.57	14.86	19.40	23.41	28.85	38.01
7.46	9.65	13.57	17.69	21.34	26.30	34.68	**64**	8.21	10.62	14.93	19.46	23.47	28.93	38.15
7.50	9.70	13.62	17.75	21.41	26.38	34.81	**65**	8.25	10.67	14.98	19.53	23.55	29.02	38.29
7.55	9.75	13.68	17.80	21.46	26.45	34.93	**66**	8.31	10.73	15.05	19.58	23.61	29.10	38.42
7.59	9.79	13.74	17.86	21.53	26.52	35.06	**67**	8.35	10.77	15.11	19.65	23.68	29.17	38.57
7.62	9.83	13.81	17.91	21.58	26.59	35.19	**68**	8.38	10.81	15.19	19.70	23.74	29.25	38.71
7.66	9.87	13.86	17.95	21.64	26.66	35.29	**69**	8.43	10.86	15.25	19.75	23.80	29.33	38.82
7.70	9.93	13.92	18.01	21.69	26.72	35.42	**70**	8.47	10.92	15.31	19.81	23.86	29.39	38.96
34.07	38.18	44.22	53.79	65.11	80.53	106.01	**Oversized Parcels[6]**	34.75	38.94	45.10	54.87	66.41	82.14	108.1

Schedule [322.1A] *521.2A* Notes

[1] For nonmachinable Inter-BMC parcels, add [$1.69] *$1.79* per piece.

[2] For each pickup stop, add [$8.25] *$10.25*.

[3] For Origin Bulk Mail Center Discount, deduct [$0.57] *$0.93* per piece.

[4] For BMC Presort, deduct [$0.22] *$0.23* per piece.

[5] For Barcode[d] Discount, deduct $0.03 per piece.

[6] See DMCS section [322.161] *521.61* for oversize Parcel Post.

[7] Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

[Standard Mail] Package Services

Rate Schedule [322.1B] 521.2B

Parcel Post Subclass

Intra-BMC Rates

(dollars)

Current						Proposed					
Weight Not Over (Pounds)	Local	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Weight Not Over (Pounds)	Local	Zones 1 & 2	Zone 3	Zone 4	Zone 5
2	$2.67	$2.80	$2.80	$2.80	$2.80	2	$2.82	$3.08	$3.08	$3.08	$3.08
3	2.87	3.17	3.26	3.27	3.29	3	3.04	3.49	3.49	3.49	3.49
4	3.04	3.32	3.57	3.58	4.14	4	3.25	3.65	3.85	3.85	4.10
5	3.19	3.45	3.85	3.88	4.63	5	3.44	3.80	4.19	4.19	4.58
6	3.28	3.58	4.13	4.15	5.08	6	3.61	3.94	4.50	4.50	5.03
7	3.35	3.69	4.37	4.40	5.50	7	3.69	4.06	4.79	4.79	5.45
8	3.43	3.82	4.59	4.63	5.90	8	3.77	4.20	5.05	5.07	5.84
9	3.50	3.91	4.77	4.86	6.27	9	3.85	4.30	5.25	5.32	6.21
10	3.58	4.03	5.01	5.08	6.62	10	3.94	4.43	5.51	5.56	6.55
11	3.64	4.12	5.18	5.27	6.94	11	4.00	4.53	5.70	5.79	6.87
12	3.71	4.23	5.33	5.47	7.26	12	4.08	4.65	5.86	6.00	7.19
13	3.78	4.32	5.46	5.65	7.54	13	4.16	4.75	6.01	6.20	7.46
14	3.84	4.41	5.55	5.83	7.82	14	4.22	4.85	6.11	6.40	7.74
15	3.90	4.49	5.68	5.99	8.08	15	4.29	4.94	6.25	6.58	8.00
16	3.97	4.56	5.81	6.15	8.33	16	4.37	5.02	6.39	6.75	8.25
17	4.02	4.65	5.93	6.31	8.56	17	4.42	5.12	6.52	6.92	8.47
18	4.07	4.72	6.05	6.45	8.80	18	4.48	5.19	6.66	7.08	8.71
19	4.12	4.81	6.16	6.59	9.01	19	4.53	5.29	6.78	7.23	8.92
20	4.19	4.88	6.27	6.74	9.21	20	4.61	5.37	6.90	7.37	9.12
21	4.23	4.94	6.38	6.87	9.41	21	4.65	5.43	7.02	7.51	9.32
22	4.28	5.02	6.47	7.00	9.60	22	4.71	5.52	7.12	7.64	9.50
23	4.33	5.08	6.59	7.13	9.79	23	4.76	5.59	7.25	7.77	9.69
24	4.38	5.14	6.68	7.24	9.96	24	4.82	5.65	7.35	7.90	9.86
25	4.43	5.20	6.77	7.36	10.13	25	4.87	5.72	7.45	8.02	10.03
26	4.47	5.27	6.86	7.47	10.29	26	4.92	5.80	7.55	8.13	10.19
27	4.52	5.33	6.96	7.58	10.44	27	4.97	5.86	7.66	8.24	10.34
28	4.56	5.38	7.05	7.69	10.59	28	5.02	5.92	7.76	8.35	10.48
29	4.62	5.45	7.14	7.80	10.74	29	5.08	6.00	7.85	8.45	10.63
30	4.67	5.50	7.22	7.89	10.89	30	5.14	6.05	7.94	8.55	10.78
31	4.71	5.56	7.28	7.99	11.02	31	5.18	6.12	8.01	8.65	10.91
32	4.75	5.62	7.37	8.09	11.15	32	5.23	6.18	8.11	8.74	11.04
33	4.80	5.67	7.45	8.19	11.29	33	5.28	6.24	8.20	8.84	11.18
34	4.84	5.72	7.51	8.27	11.40	34	5.32	6.29	8.26	8.92	11.29
35	4.88	5.77	7.59	8.37	11.52	35	5.37	6.35	8.35	9.01	11.40

Parcel Post Subclass
Intra-BMC Rates (Continued)

Current						Proposed					
Weight Not Over (Pounds)	Local	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Weight Not Over (Pounds)	Local	Zones 1 & 2	Zone 3	Zone 4	Zone 5
36	4.91	5.82	7.66	8.46	11.65	36	5.40	6.40	8.43	9.10	11.53
37	4.95	5.88	7.72	8.54	11.76	37	5.45	6.47	8.49	9.18	11.64
38	4.99	5.93	7.80	8.62	11.87	38	5.49	6.52	8.58	9.26	11.75
39	5.04	5.98	7.87	8.71	11.97	39	5.54	6.58	8.66	9.33	11.85
40	5.08	6.02	7.93	8.78	12.08	40	5.59	6.62	8.72	9.41	11.96
41	5.12	6.08	8.01	8.87	12.18	41	5.63	6.69	8.81	9.48	12.06
42	5.16	6.12	8.06	8.94	12.27	42	5.68	6.73	8.87	9.55	12.15
43	5.20	6.16	8.13	9.02	12.38	43	5.72	6.78	8.94	9.62	12.26
44	5.25	6.21	8.18	9.10	12.46	44	5.78	6.83	9.00	9.69	12.34
45	5.28	6.25	8.24	9.16	12.56	45	5.81	6.88	9.06	9.76	12.43
46	5.32	6.31	8.31	9.24	12.64	46	5.85	6.94	9.14	9.82	12.51
47	5.36	6.36	8.36	9.30	12.73	47	5.90	7.00	9.20	9.89	12.60
48	5.40	6.40	8.42	9.38	12.83	48	5.94	7.04	9.26	9.95	12.70
49	5.43	6.44	8.48	9.44	12.90	49	5.97	7.08	9.33	10.01	12.77
50	5.47	6.47	8.53	9.51	12.99	50	6.02	7.12	9.38	10.07	12.86
51	5.51	6.53	8.58	9.57	13.06	51	6.06	7.18	9.44	10.13	12.93
52	5.54	6.57	8.65	9.64	13.14	52	6.09	7.23	9.52	10.18	13.01
53	5.58	6.60	8.70	9.70	13.21	53	6.14	7.26	9.57	10.24	13.08
54	5.62	6.64	8.75	9.76	13.29	54	6.18	7.30	9.63	10.30	13.16
55	5.66	6.68	8.79	9.82	13.36	55	6.23	7.35	9.67	10.35	13.23
56	5.69	6.73	8.85	9.89	13.42	56	6.26	7.40	9.74	10.41	13.29
57	5.72	6.77	8.91	9.94	13.50	57	6.29	7.45	9.80	10.46	13.37
58	5.76	6.81	8.94	9.99	13.57	58	6.34	7.49	9.83	10.51	13.43
59	5.80	6.85	9.00	10.06	13.63	59	6.38	7.54	9.90	10.56	13.49
60	5.82	6.89	9.05	10.11	13.70	60	6.40	7.58	9.96	10.61	13.56
61	5.88	6.94	9.10	10.17	13.77	61	6.47	7.63	10.01	10.66	13.63
62	5.90	6.98	9.14	10.22	13.82	62	6.49	7.68	10.05	10.71	13.68
63	5.94	7.01	9.19	10.28	13.88	63	6.53	7.71	10.11	10.75	13.74
64	5.97	7.05	9.23	10.33	13.95	64	6.57	7.76	10.15	10.80	13.81
65	6.01	7.09	9.28	10.38	14.00	65	6.61	7.80	10.21	10.84	13.86
66	6.03	7.14	9.33	10.44	14.07	66	6.63	7.85	10.26	10.89	13.93
67	6.08	7.18	9.37	10.49	14.12	67	6.69	7.90	10.31	10.93	13.98
68	6.11	7.20	9.41	10.54	14.17	68	6.72	7.92	10.35	10.98	14.03
69	6.15	7.24	9.45	10.59	14.23	69	6.77	7.96	10.40	11.02	14.09
70	6.18	7.28	9.52	10.64	14.28	70	6.80	8.01	10.47	11.06	14.14
Oversized[3]	19.43	28.42	28.42	28.42	28.42	Oversized[3]	19.82	28.99	28.99	28.99	28.99

Schedule [322.1B] *521.2B* Notes

[1] For each pickup stop, add: [$8.25] *$10.25.*

[2] For Barcode[d] Discount, deduct $0.03 per piece.

[3] See DMCS section [322.161] *521.61* for oversize Parcel Post.

[4] Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

[5] *For nonmachinable intra-BMC parcels, add $0.40 per piece.*

[Standard Mail] Package Services

Rate Schedule [322.1C] 521.2C

Parcel Post Subclass

Parcel Select - Destination BMC Rates

(dollars)

Current					Proposed				
Weight Not Over (Pounds)	**Zones 1 & 2**	**Zone 3**	**Zone 4**	**Zone 5**	**Weight Not Over (Pounds)**	**Zones 1&2**	**Zone 3**	**Zone 4**	**Zone 5**
2	$2.23	$2.40	$2.40	$2.40	2	$2.22	$2.40	$2.58	$2.59
3	2.40	2.86	2.87	2.89	3	2.39	2.85	3.03	3.12
4	2.58	3.17	3.18	3.94	4	2.57	3.15	3.43	4.26
5	2.74	3.45	3.48	4.40	5	2.73	3.43	3.76	4.75
6	2.88	3.73	3.75	4.83	6	2.84	3.68	4.05	5.22
7	3.02	3.97	4.00	5.22	7	3.00	3.95	4.32	5.64
8	3.15	4.19	4.23	5.60	8	3.15	4.22	4.57	6.05
9	3.28	4.37	4.46	5.95	9	3.29	4.47	4.82	6.43
10	3.40	4.51	4.68	6.29	10	3.43	4.71	5.05	6.79
11	3.51	4.67	4.87	6.59	11	3.57	4.94	5.26	7.12
12	3.62	4.81	5.07	6.89	12	3.70	5.17	5.48	7.44
13	3.73	4.93	5.25	7.16	13	3.82	5.32	5.67	7.73
14	3.82	5.08	5.43	7.42	14	3.94	5.49	5.87	8.01
15	3.91	5.20	5.59	7.67	15	4.06	5.62	6.04	8.28
16	4.01	5.32	5.75	7.91	16	4.18	5.75	6.21	8.54
17	4.09	5.43	5.91	8.13	17	4.29	5.86	6.38	8.78
18	4.18	5.54	6.05	8.35	18	4.40	5.98	6.53	9.02
19	4.26	5.64	6.19	8.55	19	4.50	6.09	6.69	9.23
20	4.34	5.75	6.34	8.74	20	4.61	6.21	6.85	9.44
21	4.42	5.85	6.47	8.94	21	4.71	6.32	6.99	9.66
22	4.49	5.94	6.60	9.12	22	4.81	6.42	7.13	9.85
23	4.56	6.05	6.73	9.30	23	4.90	6.53	7.27	10.04
24	4.63	6.14	6.84	9.46	24	5.00	6.63	7.39	10.22
25	4.70	6.21	6.96	9.62	25	5.08	6.71	7.52	10.39
26	4.76	6.31	7.07	9.78	26	5.14	6.81	7.64	10.56
27	4.83	6.38	7.18	9.92	27	5.22	6.89	7.75	10.71
28	4.98	6.47	7.29	10.07	28	5.28	6.99	7.87	10.88
29	4.96	6.57	7.40	10.21	29	5.36	7.10	7.99	11.03
30	5.01	6.63	7.49	10.35	30	5.41	7.16	8.09	11.18
31	5.08	6.70	7.59	10.48	31	5.49	7.24	8.20	11.32
32	5.13	6.79	7.69	10.61	32	5.54	7.33	8.31	11.46
33	5.19	6.85	7.79	10.73	33	5.61	7.40	8.41	11.59
34	5.25	6.92	7.87	10.84	34	5.67	7.47	8.50	11.71
35	5.31	6.99	7.97	10.96	35	5.73	7.55	8.61	11.84

Destination BMC Rates (Continued)

Current					Proposed				
Weight Not Over (Pounds)	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Weight Not Over (Pounds)	Zones 1&2	Zone 3	Zone 4	Zone 5
36	5.36	7.05	8.06	11.08	36	5.79	7.61	8.70	11.97
37	5.40	7.11	8.14	11.19	37	5.83	7.68	8.79	12.09
38	5.46	7.19	8.22	11.29	38	5.90	7.77	8.88	12.19
39	5.51	7.24	8.31	11.39	39	5.95	7.82	8.97	12.30
40	5.56	7.31	8.38	11.50	40	6.00	7.89	9.05	12.42
41	5.61	7.38	8.47	11.59	41	6.06	7.97	9.15	12.52
42	5.65	7.44	8.54	11.68	42	6.10	8.04	9.22	12.61
43	5.71	7.49	8.62	11.79	43	6.17	8.09	9.31	12.73
44	5.75	7.54	8.70	11.87	44	6.21	8.14	9.40	12.82
45	5.79	7.61	8.76	11.96	45	6.25	8.22	9.46	12.92
46	5.85	7.67	8.84	12.04	46	6.32	8.28	9.55	13.00
47	5.89	7.72	8.90	12.13	47	6.36	8.34	9.61	13.10
48	5.93	7.77	8.98	12.22	48	6.40	8.39	9.70	13.20
49	5.98	7.83	9.04	12.29	49	6.46	8.46	9.76	13.27
50	6.02	7.88	9.11	12.36	50	6.50	8.51	9.84	13.37
51	6.06	7.93	9.17	12.45	51	6.54	8.56	9.90	13.45
52	6.11	8.00	9.24	12.52	52	6.60	8.64	9.98	13.52
53	6.14	8.05	9.30	12.60	53	6.63	8.69	10.04	13.61
54	6.18	8.09	9.36	12.67	54	6.67	8.74	10.11	13.68
55	6.23	8.13	9.42	12.74	55	6.73	8.78	10.17	13.76
56	6.27	8.19	9.49	12.80	56	6.77	8.85	10.25	13.82
57	6.30	8.24	9.54	12.88	57	6.80	8.90	10.30	13.91
58	6.35	8.28	9.59	12.94	58	6.86	8.94	10.36	13.98
59	6.38	8.33	9.66	13.01	59	6.89	9.00	10.43	14.05
60	6.42	8.39	9.71	13.07	60	6.93	9.06	10.49	14.12
61	6.46	8.42	9.77	13.14	61	6.98	9.09	10.55	14.19
62	6.50	8.46	9.82	13.19	62	7.02	9.14	10.61	14.25
63	6.53	8.52	9.88	13.25	63	7.05	9.20	10.67	14.31
64	6.57	8.55	9.93	13.31	64	7.10	9.23	10.72	14.37
65	6.61	8.61	9.98	13.37	65	7.14	9.30	10.78	14.44
66	6.65	8.66	10.04	13.43	66	7.18	9.35	10.84	14.50
67	6.68	8.70	10.09	13.48	67	7.21	9.40	10.90	14.56
68	6.71	8.74	10.14	13.54	68	7.25	9.44	10.95	14.62
69	6.75	8.76	10.19	13.59	69	7.29	9.46	11.01	14.68
70	6.79	8.83	10.24	13.64	70	7.33	9.54	11.06	14.73
Oversized[2]	15.43	22.73	28.00	28.00	Oversized[2]	16.66	24.55	30.24	30.24

Schedule [322.1C] *521.2C* Notes

[1] For Barcode[d] Discount, deduct $0.03 per piece.

[2] See DMCS section [322.161]*521.61* for oversize Parcel Post.

[3] Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

[4] A fee of [$100.00] *$125.00* must be paid each year for [DBMC, DSCF, and DDU] *Parcel Select.*

[5] *For nonmachinable DBMC parcels, add $0.45 per piece.*

[Standard Mail] Package Services

Rate Schedule [322.1D] 521.2D

Parcel Post Subclass

Parcel Select - Destination SCF Rates

(dollars)

Current				Proposed			
Weight Not Over (Pounds)	**DSCF**	**Weight Not Over (Pounds)**	**DSCF**	**Weight Not Over (Pounds)**	**DSCF**	**Weight Not Over (Pounds)**	**DSCF**
2	$1.67	36	$3.94	2	$1.67	36	$3.94
3	1.78	37	3.91	3	1.78	37	3.91
4	1.91	38	3.95	4	1.91	38	3.95
5	2.02	39	4.00	5	2.02	39	4.00
6	2.12	40	4.10	6	2.12	40	4.10
7	2.21	41	4.09	7	2.21	41	4.09
8	2.30	42	4.13	8	2.30	42	4.13
9	2.40	43	4.18	9	2.40	43	4.18
10	2.48	44	4.26	10	2.48	44	4.26
11	2.56	45	4.29	11	2.56	45	4.29
12	2.64	46	4.34	12	2.64	46	4.34
13	2.72	47	4.37	13	2.72	47	4.37
14	2.78	48	4.40	14	2.78	48	4.40
15	2.84	49	4.45	15	2.84	49	4.45
16	2.92	50	4.48	16	2.92	50	4.48
17	2.98	51	4.51	17	2.98	51	4.51
18	3.04	52	4.55	18	3.04	52	4.55
19	3.10	53	4.58	19	3.10	53	4.58
20	3.16	54	4.61	20	3.16	54	4.61
21	3.22	55	4.65	21	3.22	55	4.65
22	3.27	56	4.69	22	3.27	56	4.69
23	3.32	57	4.71	23	3.32	57	4.71
24	3.38	58	4.76	24	3.38	58	4.76
25	3.43	59	4.78	25	3.43	59	4.78
26	3.47	60	4.82	26	3.47	60	4.82
27	3.53	61	4.85	27	3.53	61	4.85
28	3.57	62	4.88	28	3.57	62	4.88
29	3.63	63	4.91	29	3.63	63	4.91
30	3.94	64	4.94	30	3.94	64	4.94
31	3.72	65	5.05	31	3.72	65	5.05
32	3.76	66	5.08	32	3.76	66	5.08
33	3.81	67	5.12	33	3.81	67	5.12
34	3.86	68	5.15	34	3.86	68	5.15
35	3.90	69	5.19	35	3.90	69	5.19
		70	5.22			70	5.22
		Oversize[1]	12.14			Oversize[1]	12.14

Schedule [322.1D] *521.2D* Notes

[1] See DMCS section [322.161]*521.61* for oversize Parcel Post.

[2] Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

[3] A fee of [$100.00] *$125.00* must be paid each year for [DBMC, DSCF, and DDU] *Parcel Select.*

[Standard Mail] Package Services

Rate Schedule [322.1E] 521.2E

Parcel Post Subclass

Parcel Select - Destination Delivery Unit Rates

(dollars)

Current				Proposed			
Weight Not Over (Pounds)	DDU	Weight Not Over (Pounds)	DDU	Weight Not Over (Pounds)	DDU	Weight Not Over (Pounds)	DDU
2	$1.21	36	$2.46	2	$1.21	36	$2.46
3	1.26	37	2.47	3	1.26	37	2.47
4	1.32	38	2.51	4	1.32	38	2.51
5	1.37	39	2.54	5	1.37	39	2.54
6	1.41	40	2.57	6	1.41	40	2.57
7	1.45	41	2.60	7	1.45	41	2.60
8	1.50	42	2.65	8	1.50	42	2.65
9	1.55	43	2.67	9	1.55	43	2.67
10	1.59	44	2.67	10	1.59	44	2.67
11	1.63	45	2.70	11	1.63	45	2.70
12	1.67	46	2.74	12	1.67	46	2.74
13	1.72	47	2.77	13	1.72	47	2.77
14	1.74	48	2.79	14	1.74	48	2.79
15	1.78	49	2.82	15	1.78	49	2.82
16	1.82	50	2.84	16	1.82	50	2.84
17	1.85	51	2.87	17	1.85	51	2.87
18	1.90	52	2.90	18	1.90	52	2.90
19	1.92	53	2.92	19	1.92	53	2.92
20	1.96	54	2.94	20	1.96	54	2.94
21	1.99	55	2.98	21	1.99	55	2.98
22	2.02	56	3.01	22	2.02	56	3.01
23	2.06	57	3.03	23	2.06	57	3.03
24	2.08	58	3.07	24	2.08	58	3.07
25	2.12	59	3.07	25	2.12	59	3.07
26	2.15	60	3.10	26	2.15	60	3.10
27	2.19	61	3.13	27	2.19	61	3.13
28	2.21	62	3.16	28	2.21	62	3.16
29	2.25	63	3.18	29	2.25	63	3.18
30	2.27	64	3.21	30	2.27	64	3.21
31	2.31	65	3.24	31	2.31	65	3.24
32	2.33	66	3.27	32	2.33	66	3.27
33	2.36	67	3.29	33	2.36	67	3.29
34	2.40	68	3.31	34	2.40	68	3.31
35	2.43	69	3.34	35	2.43	69	3.34
		70	3.38			70	3.38
		Oversize[1]	8.69			Oversize[1]	8.69

Schedule [322.1E] *521.2E* Notes

[1] See DMCS section [322.161]*521.61* for oversize Parcel Post.

[2] Parcel Post pieces exceeding 84 inches in length and girth combined and weighing less than 15 pounds are subject to a rate equal to that for a 15 pound parcel for the zone to which the parcel is addressed.

[3] A fee of [$100.00] *$125.00* must be paid each year for [DBMC, DSCF, and DDU] *Parcel Select.*

[Standard Mail] Package Services

Rate Schedule [322.3A] 522A
Bound Printed Matter Subclass
Single Piece Rates[1, 2]
(dollars)

Proposed

Weight Not Over (Pounds)	Local	Zones 1 & 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1.5	N/A	1.70	1.75	1.82	1.93	2.03	2.17	2.27
2	N/A	1.74	1.80	1.90	2.04	2.18	2.36	2.50
2.5	N/A	1.78	1.86	1.98	2.16	2.33	2.56	2.73
3	N/A	1.82	1.91	2.06	2.27	2.48	2.75	2.96
3.5	N/A	1.86	1.97	2.14	2.39	2.63	2.95	3.19
4	N/A	1.90	2.02	2.22	2.50	2.78	3.14	3.42
4.5	N/A	1.94	2.08	2.30	2.62	2.93	3.34	3.65
5	N/A	1.98	2.13	2.38	2.73	3.08	3.53	3.88
6	N/A	2.06	2.24	2.54	2.96	3.38	3.92	4.34
7	N/A	2.14	2.35	2.70	3.19	3.68	4.31	4.80
8	N/A	2.22	2.46	2.86	3.42	3.98	4.70	5.26
9	N/A	2.30	2.57	3.02	3.65	4.28	5.09	5.72
10	N/A	2.38	2.68	3.18	3.88	4.58	5.48	6.18
11	N/A	2.46	2.79	3.34	4.11	4.88	5.87	6.64
12	N/A	2.54	2.90	3.50	4.34	5.18	6.26	7.10
13	N/A	2.62	3.01	3.66	4.57	5.48	6.65	7.56
14	N/A	2.70	3.12	3.82	4.80	5.78	7.04	8.02
15	N/A	2.78	3.23	3.98	5.03	6.08	7.43	8.48

Schedule [322.3A] *522A* Notes

[1] Includes both catalogs and similar Bound Printed Matter.

[2] For barcode[d] discount, deduct $0.03 per piece.

[STANDARD MAIL] *Package Services*
Rate Schedule [322.3B] *522B*

Current *Per Piece*				Proposed *Per Piece*			
Zone	[Per Piece] *Basic*[3]	Carrier Route[2]	Per Pound	Zone	[Per Piece] *Basic*[3]	Carrier Route[2]	Per Pound
Bound Printed Matter Subclass [Bulk] *Basic Presort and Carrier Route Presort Rates*[1] (dollars)							
Local	$0.54	$0.463	$0.028	Local	N/A	N/A	N/A
1&2	0.72	0.643	0.051	1&2	$0.905	$0.828	$0.064
3	0.72	0.643	0.073	3	0.905	0.828	0.092
4	0.72	0.643	0.112	4	0.905	0.828	0.138
5	0.72	0.643	0.171	5	0.905	0.828	0.209
6	0.72	0.643	0.233	6	0.905	0.828	0.286
7	0.72	0.643	0.307	7	0.905	0.828	0.376
8	0.72	0.643	0.371	8	0.905	0.828	0.450

Schedule [322.3B] *522B* Notes

[1] Includes both catalogs and similar bound printed matter.

[2] Applies to mailings of at least 300 pieces presorted to carrier route as specified by the Postal Service.

[3] For barcode[d] discount, deduct $0.03 per piece.

Package Services

Rate Schedule 522C

	DBMC Zones 1&2	DBMC Zone 3	DBMC Zone 4	DBMC Zone 5	DSCF	DDU
Bound Printed Matter Subclass Destination Entry Basic Presort [1]						
Proposed:						
Per Piece	$0.843	$0.843	$0.843	$0.843	$0.659	$0.608
Per Pound	0.060	0.086	0.132	0.201	0.035	0.033

Schedule 522C Notes

[1] *For barcode discount, deduct $0.03 per piece. Barcode discount is not available for DDU and DSCF rates and DBMC mail entered at an ASF (except Phoenix, Arizona ASF).*

Package Services

Rate Schedule 522D

	DBMC Zones 1&2	DBMC Zone 3	DBMC Zone 4	DBMC Zone 5	DSCF	DDU
Bound Printed Matter Subclass Destination Entry Carrier Route Presort						
Proposed:						
Per Piece	$0.766	$0.766	$0.766	$0.766	$0.582	$0.531
Per Pound	0.060	0.086	0.132	0.201	0.035	0.033

[STANDARD MAIL] *Package Services*

Rate Schedule[s 323.1 and 323.2] 523

	Current rates (cents)	Proposed rates (cents)
[Special and Library Rate] *Media Mail* Subclass[es] [Schedule 323.1: Special]		
First Pound:		
Not Presorted [4]	113	121
Level A Presort (5-digits) [1 2]	64	68
Level B Presort (BMC) [1 3 4]	95	99
Each additional pound through 7 pounds	45	45
Each additional pound over 7 pounds	28	30

Schedule [323.1] ***523***

[1] A fee of [$100.00] *$125.00* must be paid once each 12-month period for each permit.

[2] For mailings of 500 pieces properly prepared and presorted to five-digit destination ZIP Codes.

[3] For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.

[4] For Barcode[d] Discount, deduct $0.03.

[STANDARD MAIL] *Package Services*

Rate Schedule[s 323.1 and 323.2] *524*

	Current rates (cents)	Proposed rates (cents)
[Special and] Library *Mail* [Rate] Subclass[es] [Schedule 323.2: Library]		
First Pound:		
Not Presorted [4]	113	120
Level A Presort (5-digits) [1 2]	64	67
Level B Presort (BMC) [1 3 4]	95	98
Each additional pound through 7 pounds	45	45
Each additional pound over 7 pounds	28	30

Schedule [323.2] *524* Notes

[1] A fee of [$100.00] *$125.00* must be paid once each 12-month period for each permit.

[2] For mailings of 500 pieces properly prepared and presorted to five-digit destination ZIP Codes.

[3] For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.

[4] For Barcode[d] Discount, deduct $0.03.

FEE SCHEDULE 911

Address Corrections

[Description]	Current fee	Proposed fee
Per manual correction	$0.50	$0.60
Per automated correction	$0.20	$0.20

FEE SCHEDULE 912

	Current fee	Proposed fee
ZIP Coding Mailing Lists		
Per thousand addresses	$70.00	$73.00
Correction of Mailing Lists		
		[Fee]
Per submitted address	$0.20	$0.25
Minimum charge per list corrected	$7.00	$7.50
Address Changes for Election Boards and Registration Commissions		
		[Fee]
Per change of address	$0.17	$0.24
Corrections Associated with Arrangement of Address Cards in Carrier Delivery Sequence		
		[Fee]
Per correction	$0.20	$0.25

Note: When rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

FEE SCHEDULE 921

Post Office Boxes and Caller Service

Box Size [2] Fee Group	1	2	3	4	5
[Edit Part I of Fee Schedule 921 as follows:]					
I. *Post Office Boxes*					
Semi-annual Box Fees [1]					
Current:					
A	$30.00	$46.00	$80.00	$151.00	$261.00
B	27.00	41.00	70.00	136.00	217.00
C	22.00	32.00	57.00	97.00	162.00
D	7.00	12.00	22.00	33.00	52.00
E	0.00	0.00	0.00	0.00	0.00
Proposed:					
B2	30.00	45.00	85.00	170.00	300.00
C3	27.50	40.00	75.00	150.00	250.00
C4	22.50	32.50	60.00	125.00	212.50
C5	19.00	27.50	50.00	87.50	150.00
D6	10.00	16.00	25.00	50.00	90.00
D7	8.50	13.00	22.50	40.00	65.00
E	0.00	0.00	0.00	0.00	0.00

[1] A customer ineligible for carrier delivery may obtain a post office box at Group E fees, subject to administrative decisions regarding customer's proximity to post office.

[2] Box Size 1=under 296 cubic inches; 2=296-499 cubic inches; 3=500–999 cubic inches; 4=1000–1999 cubic inches; 5=2000 cubic inches and over.

	Current fee	Proposed fee
I. *Key Duplication and Lock Changes:*		
Key duplication or replacement	N/A	$4.00
Post office box lock replacement	N/A	$10.00
III. Semi-annual Caller Service Fees	*$275.00*	$375.00
[Fee Group]		
[A $275]		
[B $275]		
[C $275]		
[D $275]		
[III.] *IV.* Annual Call Number Reservation Fee:		
(All applicable Fee Groups)	$36.00	$30.00

FEE SCHEDULE 931

Business Reply Mail

	Current fee	Proposed fee
Active business reply advance deposit account:		
Per piece:		
Qualified *(without Quarterly fee)*	$0.05	$0.06
Qualified (with Quarterly fee)	N/A	$0.03
Nonletter-size, using weight averaging	$0.01	$0.01
Other	$0.08	$0.10
Payment of postage due charges if active business reply mail advance deposit account not used:		
Per piece	$0.30	$0.35
Annual License and Accounting Fees:		
Accounting [F]*f*ee for [A]*a*dvance [D]*d*eposit [A]*a*ccount	$300.00	$375.00
Permit fee (with or without [A]*a*dvance [D]*d*eposit [A]*a*ccount)	$100.00	$125.00
Monthly Fees for customers using weight averaging for nonletter-size business reply	$600.00	$600.00
Qualified BRM Quarterly Fee	N/A	$850.00

FEE SCHEDULE 932

Merchandise Return

	Current fee	Proposed fee
[Per Transaction]		
[Shipper must have an advance deposit account]	[$0.30]	
[(see DMCS Schedule 1000)]		
Annual License and Accounting Fees:		
Permit fee	$100.00	$125.00
Accounting fee for advance deposit account	$N/A	$375.00

FEE SCHEDULE 933

On-Site Meter *Service* [Setting]

	Current fee	Proposed fee
[First Meter By appointment]	[$27.50]	
[Unscheduled request]	[$31.00]	
Meter Service (per employee)	$27.50/$31.00	$31.00
[Additional meters]	$4.00	NA
Meters reset and/or examined (per meter)	NA	$4.00
Checking meter in or out of service (per meter)	$8.50	$4.00

FEE SCHEDULE 934

[Reserved]

FEE SCHEDULE 935

Bulk Parcel Return Service

	Current fee	Proposed fee
Per Returned Piece	$1.75	$1.65
Annual License and Accounting Fees:		
Permit fee	$100.00	$125.00
Accounting fee for advance deposit account	N/A	$375.00

Fee Schedule 936

Shipper Paid Forwarding

	Current fee	*Proposed fee*
Annual accounting fee for advance deposit account	N/A	*$375.00*

FEE SCHEDULE 941

Certified Mail

[Description]	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Per piece [Service (per mailpiece)]	$1.40	$2.10

Fee Schedule 942

Registered Mail

	Current		Proposed	
Declared Value of Article[1]	Fee (in addition to postage)	Handling Charge	Fee (in addition to postage)	Handling Charge
$0.00	$6.00	None	$7.25	None
$0.01 to 100	6.20		$7.50	
100.01 to 500	6.75		8.25	
500.01 to 1,000	7.30		9.00	
1,000.01 to 2,000	7.85		9.75	
2,000.01 to 3,000	8.40		10.50	
3,000.01 to 4,000	8.95		11.25	
4,000.01 to 5,000	9.50		12.00	
5,000.01 to 6,000	10.05		12.75	
6,000.01 to 7,000	10.60		13.50	
7,000.01 to 8,000	11.15		14.25	
8,000.01 to 9,000	11.70		15.00	
9,000.01 to 10,000	12.25		15.75	
10,000.01 to 11,000	12.80		16.50	
11,000.01 to 12,000	13.35		17.25	
12,000.01 to 13,000	13.90		18.00	
13,000.01 to 14,000	14.45		18.75	
14,000.01 to 15,000	15.00		19.50	
15,000.01 to 16,000	15.55		20.25	
16,000.01 to 17,000	16.10		21.00	
17,000.01 to 18,000	16.65		21.75	
18,000.01 to 19,000	17.20		22.50	
19,000.01 to 20,000	17.75		23.25	
20,000.01 to 21,000	18.30		24.00	
21,000.01 to 22,000	18.85		24.75	
22,000.01 to 23,000	19.40		25.50	
23,000.01 to 24,000	19.95		26.25	
24,000.01 to 25,000	20.50		27.00	

Declared value of Article[1]	Current fee (in addition to postage)	Proposed fee (in addition to postage)
25,000.01 to 1 million	$20.50—plus 55 cents for each $1,000 (or fraction thereof) over $25,000.	$27.00—plus 75 cents for each $1,000 (or fraction thereof) over $25,000.
Over $1 million to 15 million	$556.75—plus 55 cents for each $1,000 (or fraction thereof) over $1 million.	$758.25—plus 75 cents for each $1,000 (or fraction thereof) over $1 million.
Over 15 million	$8,256.75—plus amount determined by the Postal Service based on weight, space and value.	$11,258.25—plus amount determined by Postal Service based on weight, space and value.

[1] Articles with a declared value of more than $25,000 can be registered, but compensation for loss or damage is limited to $25,000.

FEE SCHEDULE 943

INSURANCE

Express Mail Insurance

Document reconstruction	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Coverage:	.	
$0.01 to $500	No charge	No charge.
Merchandise:		
$0.01 to $500	(in addition to postage) no charge	(in addition to postage) no charge.

FEE SCHEDULE 943—Continued

INSURANCE

Express Mail Insurance

Document reconstruction	Current fee (in addition to postage)	Proposed fee (in addition to postage)
500.1 to 5000	$0.95 for each $100 (or fraction thereof) over $500 in value.	$1.00 for each $100 (or fraction thereof) over $500 in value.

General Insurance

	Current fee[1] (in addition to postage)	Proposed fee[1] (in addition to postage)
Coverage:		
$0.01 to $50	$0.85	$1.35.
50.01 to 100	$1.80.	$2.10.
100.01 to 5000	$1.80 plus 0.95 for each $100 (or fraction thereof) over $100 in coverage.	$2.10 plus $1.00 for each $100 (or fraction thereof) over $100 in coverage.

[1] For bulk insurance *coverage between $0.01 to $50.00,* deduct [$0.40] *0.75* per piece.
[1] *For bulk insurance coverage between $50.01 to $5,000.00, deduct [$0.40] $1.00 per piece.*

FEE SCHEDULE 944

Collect on Delivery

Amount to be collected, or insurance coverage desired	Fee (in addition to postage)	
	Current	Proposed
$0.01 to $50	$4.00	$4.50
50.01 to 100	$5.00	$5.50
100.01 to 200	$6.00	$6.50
200.01 to 300	$7.00	$7.50
300.01 to 400	$8.00	$8.50
400.01 to 500	$9.00	$9.50
500.01 to 600	$10.00	$10.50
600.01 to 700	N/A	$11.50
700.01 to 800	N/A	$12.50
800.01 to 900	N/A	$13.50
900.01 to 1000	N/A	$14.50
Notice of nondelivery of COD	$3.00	$3.00
Alteration of COD charges or designation of new addressee	$3.00	$3.00
Registered COD	$4.00	$4.00

FEE SCHEDULE 945

Return Receipts

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Receipt [Issued] *requested* at [T]*i*me of [M]*m*ailing[1]		
Items other than [M]*m*erchandise	$1.25	$1.50
Merchandise (without another special service	$1.40	$2.35
Receipt [Issued] requested after [M]*m*ailing[2]	$7.00	$3.50

[1] This receipt shows the signature of the person to whom the mailpiece was delivered, the date of delivery and the delivery address, if such address is different from the address on the mailpiece.
[2] This receipt shows to whom the mailpiece was delivered and the date of delivery.

FEE SCHEDULE 946

Restricted Delivery

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Per Piece	$2.75	$3.20

FEE SCHEDULE 947

Certificate of Mailing

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Individual Pieces:		
Original certificate of mailing for listed pieces of all classes of ordinary mail (per piece)	$0.60	$0.75
Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece)	$0.25	$0.25
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail (each copy)	$0.60	$0.75
Bulk Pieces:		
Identical pieces of First-Class and [Regular, Enhanced Carrier Route, Nonprofit, and Nonprofit Enhance Carrier Route] Standard Mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:		
Up to 1,000 pieces (one certificate for total number)	$3.00	$3.50
Each additional 1,000 pieces or fraction	$0.40	$0.40
Duplicate copy	$0.60	$0.75

FEE SCHEDULE 948

Delivery Confirmation

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Used in Conjunction with Priority Mail:		
Electronic	$0.00	$0.00
Manual	$0.35	$0.40
Used in Conjunction with Parcel Post, Bound Printed Matter, Library *Mail,* and [Special Standard] *Media* Mail:		
Electronic	$0.25	$0.25
Manual	$0.60	$0.65
Used in Conjunction with Regular and Nonprofit Standard Mail Electronic	N/A	$0.25

[add new Fee Schedule 949]

Fee Schedule 949

Signature Confirmation

	Proposed fee (in addition to postage)
Used in Conjunction with Priority Mail:	
Electronic	*$1.25*
Manual	*$1.75*
Used in Conjunction with Parcel Post, Bound Printed Matter, Library Mail, and Media Mail:	
Electronic	*$1.25*
Manual	*$1.75*

FEE SCHEDULE 951

Parcel Air Lift

	Current fee (in addition to parcel post postage)	Proposed fee (in addition to parcel post postage)
Up to 2 pounds	$0.40	$0.40
Over 2 up to 3 pounds	$0.75	$0.75
Over 3 up to 4 pounds	$1.15	$1.15
Over 4 pounds	$1.55	$1.55

FEE SCHEDULE 952

Special Handling

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Not more than 10 pounds	$5.40	$5.40
More than 10 pounds	$7.50	$7.50

FEE SCHEDULE 961

Stamped Envelopes

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
[Replace Fee Schedule 961 with the following:]		
Single Sale—Basic	$0.07	$0.08
Single Sale—Special	$0.08	$0.09
Household (50): 6¾ through 10 size:		
Basic	$3.00/$3.25	$3.50
Special	$3.50	$4.50
BULK (500) 6¾ size:		
Plain Basic	$9.50/$8.50	$12.00
Printed Basic	$14.00	$17.00
BULK (500) size > 6¾ through 10 size		
Plain Basic	$12.00/$11.50	$14.00
Printed Basic	$15.00	$20.00
Plain Special	$15.50	$19.00
Printed Special	$19.00	$25.00

Note: ''Special'' includes all envelopes with patched in indicia.

FEE SCHEDULE 962

Stamped Cards

	Current fee (in addition to postage)	Proposed fee (in addition to postage)
Stamped Card	$0.01	$0.02
Doubled Stamped Card	$0.02	$0.04

FEE SCHEDULE 971

Money Orders

	Current fee	Proposed fee
Domestic—$0.01 to $700	$0.80	$0.90
APO–FPO—$0.01 to $700	$0.30	$0.35
Inquiry Fee, which includes the issuance of copy of a paid money order	$2.75	$3.00

SCHEDULE 981

Mailing Online

Feature	Fee
Paper (per sheet):	
8½ × 11	1.25(P_1).
8½ × 14	1.25(P_2).
11 × 17	1.25(P_3).
Printing (per impression):	
Simplex (8½ × 11)	1.25(P_4 + 0.1¢).
Simplex (8½ × 14)	1.25(P_5 + 0.1¢).
Duplex (8½ × 11)	1.25(P_6 + 0.1¢).
Duplex (8½ × 14)	1.25(P_7 + 0.1¢).
Spot Color (per impression)	1.25(P_8).

SCHEDULE 981—Continued

Mailing Online

Feature	Fee
Finishing:	
Folding (per fold)	1.25(P_9).
Stapling (per staple)	1.25(P_{10}).
Saddle Stitch (per finished piece)	1.25(P_{11}).
Tape Binding (8½ × 11) (per finished piece)	1.25(P_{12}).
Tape Binding (8½ × 14) (per finished piece)	1.25(P_{13}).
Applying Tabs to Self Mailer	1.25(P_{14}).
Envelopes:	
#10 envelope	1.25(P_{15}).
Flat envelope	1.25(P_{16}).
Inserting (per envelope):	
#10 envelope	1.25(P_{17}).
Flat envelope	1.25(P_{18}).

Note: P_X represents contractual costs, for feature x, that the Postal Service will pay based on the Mailing Online printer contract between Vestcom International, Inc. and the United States Postal Service. The market test fees expire in accordance with the provisions in section 981.51.

SCHEDULE 1000

	Current fee	Proposed fee
First-Class Presorted Mailing	$100.00	$125.00
Periodicals:		
A. Original Entry	$305.00	$350.00
B. Additional Entry	$50.00	$50.00
C. Re-entry	$50.00	$40.00
D. Registration for News Agents	$50.00	$40.00
Regular, Enhanced Carrier Route, Nonprofit and Nonprofit Enhanced Carrier Route Standard Mail Bulk Mailing	$100.00	$125.00
Parcel *Select*[Post: Destination BMC, SCF, and DDU]	$100.00	$125.00
Bound Printed Matter: Destination BMC, SCF, and DDU	N/A	$125.00
[Special and Library Standard Mail Presorted Mailing]	[$100.00]	
Media Mail Presorted Mailing	$100.00	$125.00
Library Mail Presorted Mailing	$100.00	$125.00
Authorization to Use Permit Imprint	$100.00	$125.00
[Prepaid Reply Mail Permit] [(see Fee Schedule 931)]		
Business Reply Mail Permit (see Fee Schedule 931)		
Merchandise Return Permit (see Fee Schedule 932)		
[Authorization to Use] Bulk Parcel Return Service *Permit (see Fee Schedule 935)*		

[FR Doc. 00–21426 Filed 8–24–00; 8:45 am]

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Friday,
August 25, 2000

Part IV

Department of Health and Human Services

National Institutes of Health

National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells and Notification of Request for Emergency Clearance; Modification of OMB No. 0925–0001/Exp. 2/01, "PHS 398 Research and Research Training Grant Applications and Related Forms"; Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells

SUMMARY: The National Institutes of Health (NIH) is hereby publishing final ''National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells.'' The Guidelines establish procedures to help ensure that NIH-funded research in this area is conducted in an ethical and legal manner.

EFFECTIVE DATE: These Guidelines are effective on August 25, 2000. The moratorium on research using human pluripotent stem cells derived from human embryos and fetal tissue put in place by the Director, NIH, in January 1999, will be lifted on August 25, 2000.

SUMMARY OF PUBLIC COMMENTS ON DRAFT GUIDELINES: On December 2, 1999 (64 FR 67576), the NIH published Draft Guidelines for research involving human pluripotent stem cells (hPSCs) in the **Federal Register** for public comment. The comment period ended on February 22, 2000.

The NIH received approximately 50,000 comments from members of Congress, patient advocacy groups, scientific societies, religious organizations, and private citizens. This Notice presents the final Guidelines together with NIH's response to the substantive public comments that addressed provisions of the Guidelines.

Scope of Guidelines and General Issues

Respondents asked for clarification of terminology used in the Guidelines and some commented that the language was not appropriate or was too technical, particularly the informed consent sections. The NIH agrees that these Guidelines should be clear and understandable. Changes, including some reorganization of the sections, were made to this end. The Guidelines are written primarily for the purpose of informing investigators of the conditions that must be met in order to receive NIH funding for research using hPSCs and, therefore, some technical language is required. The Guidelines do not define the precise language that should appear in informed consent documents because these should be developed by the investigator/clinician specifically for a particular study protocol or procedure for which the consent is being sought. Existing regulatory provisions require (45 CFR 46.116) that the language in informed consent documents be understandable to prospective participants in the study.

Respondents suggested that NIH funding for research using hPSCs would be in violation of the DHHS appropriations law and that derivation of hPSCs cannot be distinguished from their use. For this reason, a number of respondents asked that the NIH withdraw the draft Guidelines. The NIH sought the opinion of the DHHS General Counsel, who determined that ''federally funded research that utilizes hPSCs would not be prohibited by the HHS appropriations law prohibiting human embryo research, because such cells are not human embryos.'' Comments questioning this conclusion did not present information or arguments that justify reconsideration of the conclusion.

Respondents commented that the Guidelines are too restrictive or that there is no need for Federal Guidelines for this arena of research. Comments asserted that federally funded research using hPSCs should go forward without formal requirements, in the same manner as in the private sector. In order to help ensure that the NIH-funded research using hPSCs is conducted in an ethical and legal manner, the NIH felt it was advisable to develop and implement guidelines. To this end, the NIH Director convened a Working Group of the Advisory Committee to the Director, NIH (ACD), to advise the ACD on the development of guidelines and an oversight process for research involving hPSCs. The NIH Director charged the Working Group with developing appropriate guidelines to govern research involving the derivation and use of hPSCs from fetal tissue and research involving the use of hPSCs derived from human embryos that are in excess of clinical need.

Respondents commented regarding the sources of stem cells. Some respondents stated that research on hPSCs was unnecessary because stem cells from adults, umbilical cords, and placentas could be used instead. Other respondents asked the NIH to restrict Federal funding for hPSC research to those cells derived from fetal and adult tissue but not embryos. Other respondents asked that the Guidelines encompass research using stem cells from adult tissues.

As stated under Section I. *Scope of Guidelines*, the Guidelines apply to the use of NIH funds for research using hPSCs derived from human embryos or human fetal tissue. The Guidelines do not impose requirements on Federal funding of research involving stem cells from human adults, umbilical cords, or placentas.

Given the enormous potential of stem cells to the development of new therapies for the most devastating diseases, it is important to simultaneously pursue all lines of promising research. It is possible that no single source of stem cells is best or even suitable/usable for all therapies. Different types or sources of stem cells may be optimal for treatment of specific conditions. In order to determine the very best source of many of the specialized cells and tissues of the body for new treatments and even cures, it is vitally important to study the potential of adult stem cells for comparison to that of hPSCs derived from embryos and fetuses. Unless all stem cell types are studied, the differences between adult stem cells and embryo and fetal-derived hPSCs will not be known.

Moreover, there is evidence that adult stem cells may have more limited potential than hPSCs. First, stem cells for all cell and tissue types have not yet been found in the adult human. Significantly, cardiac stem cells or pancreatic islet stem cells have not been identified in adult humans.

Second, stem cells in adults are often present in only minute quantities, are difficult to isolate and purify, and their numbers may decrease with age. For example, brain cells from adults that may be neural stem cells have been obtained only by removing a portion of the brain of an adult with epilepsy, a complex and invasive procedure that carries the added risk of further neurological damage. Any attempt to use stem cells from a patient's own body for treatment would require that stem cells would first have to be isolated from the patient and then grown in culture in sufficient numbers to obtain adequate quantities for treatment. This would mean that for some rapidly progressing disorders, there may not be sufficient time to grow enough cells to use for treatment.

Third, in disorders that are caused by a genetic defect, the genetic error likely would be present in the patient's stem cells, making cells from such a patient inappropriate for transplantation. In addition, adult stem cells may contain more DNA abnormalities caused by exposure to daily living, including sunlight, toxins, and errors made during DNA replication than will be found in fetal or embryonic hPSCs.

Fourth, there is evidence that stem cells from adults may not have the same capacity to multiply as do younger cells. These potential weaknesses may limit the usefulness of adult stem cells.

Respondents were concerned that these are guidelines and not requirements or regulations. Although these are guidelines and not regulations, they prescribe the documentation and assurances that must accompany requests for NIH funding for research utilizing hPSCs. If the funding requests do not contain the prescribed information, funding for hPSC research will not be provided. Compliance with the Guidelines will be imposed as a condition of grant award.

Respondents commented that there had not been enough widespread public disclosure/discussion of this research or the Guidelines. Prior to the development of draft Guidelines, there were two Congressional hearings on hPSCs. In a further effort to ensure substantial discussion and comment, the NIH convened a Working Group of the Advisory Committee to the Director, NIH (ACD), to advise the ACD on the development of these Guidelines. The Working Group was composed of scientists, patients and patient advocates, ethicists, clinicians, and lawyers. The Working Group met in public session on April 8, 1999, and heard from members of the public, as well as professional associations and Congress. In developing the draft Guidelines, the NIH also considered advice from the National Bioethics Advisory Commission (NBAC). Draft Guidelines were published for public comment in the **Federal Register** on December 2, 1999, for 60 days, and, in response to public interest, the comment period was extended an additional 28 days. Approximately 50,000 comments were received. NIH issued a national press release announcing the **Federal Register** notice and many of the Nation's newspapers carried articles on this area of research and on the Guidelines. Patient groups, scientific societies, and religious organizations convened meetings and discussion groups and disseminated materials about this area of research and about the Guidelines.

Comment was received about whether the Guidelines apply to hPSC lines developed outside of the United States. The Guidelines make no distinction based upon the country in which an hPSC line is developed. All lines to be used in hPSC cell research funded by NIH must meet the same requirements.

Derivation and Use of hPSCs From Fetal Tissue

Respondents made the point that the NIH has specified certain requirements for the use of human fetal tissue to derive hPSCs in addition to those imposed on other areas of human fetal tissue research. These respondents suggested that the section of the Guidelines pertaining to fetal tissue sources be omitted. In order to ensure uniformity in NIH's oversight of research using hPSCs, the Guidelines were extended to govern hPSCs derived from both human embryos and fetal tissue.

Use of hPSCs Derived From Human Embryos

Respondents suggested that the Guidelines refer to ''fertility treatment'' rather than to ''infertility treatment'' in order to clarify that they allow the use of human embryos from treatments that employ assisted reproductive technologies to facilitate reproduction in fertile, as well as in infertile, individuals. The Guidelines have been changed accordingly.

Respondents suggested dropping the word ''early'' throughout the document or more clearly defining ''early.'' The word ''early'' in reference to human embryos has been deleted; the Guidelines make it clear that NIH funding of research using hPSCs derived in the private sector from human embryos can involve only embryos that have not reached the stage at which the mesoderm is formed.

Some respondents were concerned that embryos might be created for research purposes. Other respondents stated there should be no distinction between embryos created for research purposes and those created for fertility treatment. Investigators seeking NIH funds for research using hPSCs are required to provide documentation, prior to the award of any NIH funds, that embryos were created for the purposes of fertility treatment. President Clinton, many members of Congress, the NIH Human Embryo Research Panel, and the NBAC have all embraced the distinction between embryos created for research purposes and those created for reproductive purposes.

Respondents were concerned about the creation of a ''black market'' for human embryos, and expressed concerns that individuals will be coerced into donating embryos. The Guidelines state that there can be no incentives for donation and that a decision to donate must be made free of coercion. In addition, the Guidelines set forth conditions that will help ensure all donations are voluntary. For example, with regard to hPSCs derived from embryos, research using Federal funds may only be conducted if the cells were derived from frozen embryos that were created for the purpose of fertility treatment and that were in excess of clinical need.

Respondents commented on the requirement that human embryos be frozen in order to qualify for derivation of hPSCs to be used in NIH-funded research. Respondents suggested that the freezing requirement would preclude the use of hPSCs derived from embryos that are genetically and chromosomally abnormal, since such embryos are usually not frozen for reproductive purposes. While the NIH acknowledges that research on hPSCs derived from such embryos could yield important scientific information, limiting research to hPSCs derived from frozen human embryos will help ensure that the decision to donate the embryo for hPSC research is distinct and separate from the fertility treatment.

Financial Issues

Respondents expressed concern regarding the sale of fetal tissue for profit and whether hPSC research would encourage such activity. Respondents also were concerned about whether clinics or doctors would profit from the derivation of hPSCs and/or their sale. Section 498B of the Public Health Service Act prohibits any individual from knowingly acquiring or selling human fetal tissue for ''valuable consideration.'' In addition, the Guidelines prohibit any inducement for the donation of human embryos for research purposes. The Guidelines also call for an assurance that the hPSCs to be used in NIH-funded research were obtained through a donation or through a payment that does not exceed the reasonable costs associated with the transportation, processing, preservation, quality control and storage of the hPSCs. All grantees must sign an assurance that they are in compliance with all applicable Federal, State, and local laws. Each funded research institution is responsible for monitoring compliance by individual investigators with any such applicable laws.

Respondents questioned the prohibition against embryo donors benefitting financially from their donation. This clause was retained in the final Guidelines to help ensure that the donating individuals are offered no inducements to donate and that all donations are voluntary.

Respondents suggested that the Guidelines be strengthened to include a waiver of intellectual property rights. This proposed change would be inconsistent with 45 CFR 46.116 of the regulation for the protection of human subjects of research, which provides that no informed consent may include

language through which the subject waives or appears to waive any of the subject's legal rights.

Respondents questioned the reference in the requirements for informed consent related to the commercial potential of donated material. The paragraphs providing for disclosure in the informed consent of the possibility that the donated material could have commercial potential were modified. The reference in these paragraphs to ''donated material'' did not accurately reflect the intent of the provision. The Guidelines now make clear that the ''results of research on the human pluripotent stem cells may have commercial potential.''

Ineligible Research

Respondents objected to the areas of research that the NIH has deemed ineligible, particularly research that is not restricted by statute or regulation, such as research utilizing hPSCs that were derived using somatic cell nuclear transfer, i.e., the transfer of a human somatic cell nucleus into a human egg. The NIH determined that, at this time, research using hPSCs derived from such sources has not received adequate discussion and consideration by the public and is, therefore, ineligible for NIH funding.

Separation of Fertility Treatment and Abortion From Research

Respondents were concerned that hPSC research would encourage abortion. The law and the Guidelines guard against encouraging abortion by requiring that the decision to have an abortion be made apart from and prior to the decision to donate tissue.

Respondents objected to the condition in the Guidelines that the fertility physician could not be the same person as the researcher deriving stem cells. Some respondents stated that the Institutional Review Board (IRB) or an independent physician would be able to guard against this conflict of interest. The restriction was designed so that the person treating the individuals seeking fertility treatment, who is involved in decisions such as how many embryos to produce, is not the person seeking to derive hPSCs. This separation will help ensure that embryos will not be created in numbers greater than necessary for fertility treatment.

Respondents suggested that the clauses regarding donation of fetal tissue or human embryos for derivation of stem cells for eventual use in transplantation be changed explicitly to prevent directed donation. This change has been made.

Identifiers

Respondents were concerned about removing identifiers. There was concern that the investigator would not be able to document compliance with the Guidelines requirements without identifiers, or that the removal of identifiers would make it impossible to conduct certain genetic studies or develop therapeutic materials. The Guidelines have been modified to clarify that the term ''identifier'' refers to any information from which the donor(s) can be identified, directly or through identifiers linked to the donors. However, since information identifying the donor(s) may be necessary if the tissue or cells are to be used in transplantation, the Guidelines have also been modified to state that the informed consent should notify donor(s) whether or not identifiers will be retained.

Respondents commented that DNA is an identifier and that all donors of human embryos or fetal tissue should be told that identifiers such as DNA will be retained with the samples. Although DNA can be used to determine the individual from whom a tissue sample was taken, this can be done only when one has a sample from both the tissue in question and the putative donor; it cannot be used to identify an individual out of a population. Moreover, it is difficult to identify a donor using tissue derived from a fetus or embryo, since the tissue is not genetically identical to the donor.

Informed Consent and IRB Review

Respondents asked why investigators were expected to provide documentation of IRB review of derivation from human embryos, but not for derivation from fetal tissue. Respondents suggested that the requirements be changed so that protocols for both sources of hPSCs must be approved by an IRB. The Guidelines have been changed to make clear that the IRB review requirements regarding the derivation of cells from fetal tissue and human embryos are the same.

Comment was received expressing concern that the informed consent explicitly state that the donor will have no dispositional authority over derived pluripotent stem cells. The Guidelines state that donation of human embryos should have been made without any restriction regarding the individual(s) who may be the recipient of the cells derived from the hPSCs for transplantation. Such a statement is consistent with the statutory provision applicable to the donor informed consent for the use of fetal tissue for transplantation. The Guidelines now provide for the inclusion of a statement to this effect in the informed consent.

Respondents urged that the Guidelines be revised to remove the prohibition on potential donors receiving information regarding subsequent testing of donated tissue in the situation when physicians deem disclosure to be in the donors' best interest. This change has been made.

Respondents requested clarification regarding the persons from whom consent for donation of embryos for research must be obtained. The Guidelines call for informed consent from individual(s) who have sought fertility treatment. Only the individual(s) who were part of the decision to create the embryo for reproductive purposes should have been part of the decision to donate for the derivation of hPSCs.

Respondents urged that fertility clinics should be able to discuss with patients the option of donating embryos for research at the beginning of the IVF process. The Guidelines do not delineate the timeframe during which the general option of donating embryos for research can be discussed. However, according to the Guidelines, obtaining consent for donation of embryos for the purpose of deriving hPSCs should not occur until after the embryos are determined to be in ''excess of clinical need.''

Oversight

Respondents stated that the NIH's oversight in this area of research was very important to the legal and ethical conduct of this research, and asked for more information regarding the oversight process. Information about the operations of the Human Pluripotent Stem Cell Review Group (HPSCRG) can be found in the final Guidelines and on the NIH Web page.

Respondents were concerned about whether and how NIH would monitor research after a researcher receives NIH funds. Compliance with the Guidelines will be largely determined prior to the award of funds. Follow-up to ensure continued compliance with the Guidelines will be conducted in the same manner as for all other conditions of all other NIH grant awards. It is the responsibility of the investigator to file progress reports, and it is the responsibility of the funded institution to ensure compliance with the NIH Guidelines. NIH staff will also monitor the progress of these investigators as part of their regular duties.

Respondents asked about penalties for not following the Guidelines. The following actions may be taken by the NIH when there is a failure to comply with the terms and conditions of any award: (1) Under 45 CFR 74.14, the NIH can impose special conditions on an award, including increased oversight/monitoring/reporting requirements for an institution, project or investigator; and (2) under 45 CFR 74.62, if a grantee materially fails to comply with the terms and conditions of the award, the NIH may withhold funds pending correction of the problem or, pending more severe enforcement action, disallow all or part of the costs of the activity that was not in compliance, withhold further awards for the project, or suspend or terminate all or part of the funding for the project. Individuals and institutions may be debarred from eligibility for all Federal financial assistance and contracts under 45 CFR Part 76 and 48 CFR Subpart 9.4, respectively. Because these sanctions pertain to all conditions of grant award, the NIH did not reiterate them in the Guidelines.

Respondents suggested that the HPSCRG hold periodic Stem Cell Policy Conferences (similar to the Gene Therapy Policy Conferences conducted by the Recombinant DNA Advisory Committee (''RAC'')) in order to solicit and consider public comment from interested parties on the scientific, medical, legal, and ethical issues arising from stem cell research. Members of the HPSCRG will serve as a resource for recommending to the NIH any need for Human Pluripotent Stem Cell Policy Conferences.

Other Changes

Because compliance materials may be made public prior to funding decisions, we have added a sentence requiring the principal investigator's written consent to the disclosure of such material necessary to carry out public review and other oversight procedures.

The draft Guidelines required HPSCRG review of proposals from investigators planning to derive hPSCs from fetal tissue. Because the Guidelines address proposals for NIH funding for the use of hPSCs, this requirement has been removed from the Guidelines.

The text of the final Guidelines follows.

National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells

I. Scope of Guidelines

These Guidelines apply to the expenditure of National Institutes of Health (NIH) funds for research using human pluripotent stem cells derived from human embryos (technically known as human embryonic stem cells) or human fetal tissue (technically known as human embryonic germ cells). For purposes of these Guidelines, ''human pluripotent stem cells'' are cells that are self-replicating, are derived from human embryos or human fetal tissue, and are known to develop into cells and tissues of the three primary germ layers. Although human pluripotent stem cells may be derived from embryos or fetal tissue, such stem cells are not themselves embryos. NIH research funded under these Guidelines will involve human pluripotent stem cells derived: (1) From human fetal tissue; or (2) from human embryos that are the result of *in vitro* fertilization, are in excess of clinical need, and have not reached the stage at which the mesoderm is formed.

In accordance with 42 Code of Federal Regulations (CFR) 52.4, these Guidelines prescribe the documentation and assurances that must accompany requests for NIH funding for research using human pluripotent stem cells from: (1) Awardees who want to use existing funds; (2) awardees requesting an administrative or competing supplement; and (3) applicants or intramural researchers submitting applications or proposals. NIH funds may be used to derive human pluripotent stem cells from fetal tissue. NIH funds may not be used to derive human pluripotent stem cells from human embryos. These Guidelines also designate certain areas of human pluripotent stem cell research as ineligible for NIH funding.

II. Guidelines for Research Using Human Pluripotent Stem Cells That Is Eligible for NIH Funding

A. Utilization of Human Pluripotent Stem Cells Derived From Human Embryos

1. Submission to NIH

Intramural or extramural investigators who are intending to use existing funds, are requesting an administrative supplement, or are applying for new NIH funding for research using human pluripotent stem cells derived from human embryos must submit to NIH the following:

a. An assurance signed by the responsible institutional official that the pluripotent stem cells were derived from human embryos in accordance with the conditions set forth in section II.A.2 of these Guidelines and that the institution will maintain documentation in support of the assurance;

b. A sample informed consent document (with patient identifier information removed) and a description of the informed consent process that meet the criteria for informed consent set forth in section II.A.2.e of these Guidelines;

c. An abstract of the scientific protocol used to derive human pluripotent stem cells from an embryo;

d. Documentation of Institutional Review Board (IRB) approval of the derivation protocol;

e. An assurance that the stem cells to be used in the research were or will be obtained through a donation or through a payment that does not exceed the reasonable costs associated with the transportation, processing, preservation, quality control and storage of the stem cells;

f. The title of the research proposal or specific subproject that proposes the use of human pluripotent stem cells;

g. An assurance that the proposed research using human pluripotent stem cells is not a class of research that is ineligible for NIH funding as set forth in section III of these Guidelines; and

h. The Principal Investigator's written consent to the disclosure of all material submitted under Paragraph A.1 of this section, as necessary to carry out the public review and other oversight procedures set forth in section IV of these Guidelines.

2. Conditions for the Utilization of Human Pluripotent Stem Cells Derived From Human Embryos

Studies utilizing pluripotent stem cells derived from human embryos may be conducted using NIH funds only if the cells were derived (without Federal funds) from human embryos that were created for the purposes of fertility treatment and were in excess of the clinical need of the individuals seeking such treatment.

a. To ensure that the donation of human embryos in excess of the clinical need is voluntary, no inducements, monetary or otherwise, should have been offered for the donation of human embryos for research purposes. Fertility clinics and/or their affiliated laboratories should have implemented specific written policies and practices to ensure that no such inducements are made available.

b. There should have been a clear separation between the decision to create embryos for fertility treatment and the decision to donate human embryos in excess of clinical need for research purposes to derive pluripotent stem cells. Decisions related to the creation of embryos for fertility treatment should have been made free

from the influence of researchers or investigators proposing to derive or utilize human pluripotent stem cells in research. To this end, the attending physician responsible for the fertility treatment and the researcher or investigator deriving and/or proposing to utilize human pluripotent stem cells should not have been one and the same person.

c. To ensure that human embryos donated for research were in excess of the clinical need of the individuals seeking fertility treatment and to allow potential donors time between the creation of the embryos for fertility treatment and the decision to donate for research purposes, only frozen human embryos should have been used to derive human pluripotent stem cells. In addition, individuals undergoing fertility treatment should have been approached about consent for donation of human embryos to derive pluripotent stem cells only at the time of deciding the disposition of embryos in excess of the clinical need.

d. Donation of human embryos should have been made without any restriction or direction regarding the individual(s) who may be the recipients of transplantation of the cells derived from the human pluripotent stem cells.

e. Informed Consent

Informed consent should have been obtained from individuals who have sought fertility treatment and who elect to donate human embryos in excess of clinical need for human pluripotent stem cell research purposes. The informed consent process should have included discussion of the following information with potential donors, pertinent to making the decision whether or not to donate their embryos for research purposes.

Informed consent should have included:

(i) A statement that the embryos will be used to derive human pluripotent stem cells for research that may include human transplantation research;

(ii) A statement that the donation is made without any restriction or direction regarding the individual(s) who may be the recipient(s) of transplantation of the cells derived from the embryo;

(iii) A statement as to whether or not information that could identify the donors of the embryos, directly or through identifiers linked to the donors, will be removed prior to the derivation or the use of human pluripotent stem cells;

(iv) A statement that derived cells and/or cell lines may be kept for many years;

(v) Disclosure of the possibility that the results of research on the human pluripotent stem cells may have commercial potential, and a statement that the donor will not receive financial or any other benefits from any such future commercial development;

(vi) A statement that the research is not intended to provide direct medical benefit to the donor; and

(vii) A statement that embryos donated will not be transferred to a woman's uterus and will not survive the human pluripotent stem cell derivation process.

f. Derivation protocols should have been approved by an IRB established in accord with 45 CFR 46.107 and 46.108 or FDA regulations at 21 CFR 56.107 and 56.108.

B. Utilization of Human Pluripotent Stem Cells Derived From Human Fetal Tissue

1. Submission to NIH

Intramural or extramural investigators who are intending to use existing funds, are requesting an administrative supplement, or are applying for new NIH funding for research using human pluripotent stem cells derived from fetal tissue must submit to NIH the following:

a. An assurance signed by the responsible institutional official that the pluripotent stem cells were derived from human fetal tissue in accordance with the conditions set forth in section II.A.2 of these Guidelines and that the institution will maintain documentation in support of the assurance;

b. A sample informed consent document (with patient identifier information removed) and a description of the informed consent process that meet the criteria for informed consent set forth in section II.B.2.b of these Guidelines;

c. An abstract of the scientific protocol used to derive human pluripotent stem cells from fetal tissue;

d. Documentation of IRB approval of the derivation protocol;

e. An assurance that the stem cells to be used in the research were or will be obtained through a donation or through a payment that does not exceed the reasonable costs associated with the transportation, processing, preservation, quality control and storage of the stem cells;

f. The title of the research proposal or specific subproject that proposes the use of human pluripotent stem cells;

g. An assurance that the proposed research using human pluripotent stem cells is not a class of research that is ineligible for NIH funding as set forth in section III of these Guidelines; and

h. The Principal Investigator's written consent to the disclosure of all material submitted under Paragraph B.1 of this section, as necessary to carry out the public review and other oversight procedures set forth in section IV of these Guidelines.

2. Conditions for the Utilization of Human Pluripotent Stem Cells Derived From Fetal Tissue.

a. Unlike pluripotent stem cells derived from human embryos, DHHS funds may be used to support research to derive pluripotent stem cells from fetal tissue, as well as for research utilizing such cells. Such research is governed by Federal statutory restrictions regarding fetal tissue research at 42 U.S.C. 289g–2(a) and the Federal regulations at 45 CFR 46.210. In addition, because cells derived from fetal tissue at the early stages of investigation may, at a later date, be used in human fetal tissue transplantation research, it is the policy of NIH to require that all NIH-funded research involving the derivation or utilization of pluripotent stem cells from human fetal tissue also comply with the fetal tissue transplantation research statute at 42 U.S.C. 289g–1.

b. Informed Consent

As a policy matter, NIH-funded research deriving or utilizing human pluripotent stem cells from fetal tissue should comply with the informed consent law applicable to fetal tissue transplantation research (42 U.S.C. 289g–1) and the following conditions. The informed consent process should have included discussion of the following information with potential donors, pertinent to making the decision whether to donate fetal tissue for research purposes.

Informed consent should have included:

(i) A statement that fetal tissue will be used to derive human pluripotent stem cells for research that may include human transplantation research;

(ii) A statement that the donation is made without any restriction or direction regarding the individual(s) who may be the recipient(s) of transplantation of the cells derived from the fetal tissue;

(iii) A statement as to whether or not information that could identify the donors of the fetal tissue, directly or through identifiers linked to the donors, will be removed prior to the derivation or the use of human pluripotent stem cells;

(iv) A statement that derived cells and/or cell lines may be kept for many years;

(v) Disclosure of the possibility that the results of research on the human pluripotent stem cells may have commercial potential, and a statement that the donor will not receive financial or any other benefits from any such future commercial development; and

(vi) A statement that the research is not intended to provide direct medical benefit to the donor.

c. Derivation protocols should have been approved by an IRB established in accord with 45 CFR 46.107 and 46.108 or FDA regulations at 21 CFR 56.107 and 56.108.

III. Areas of Research Involving Human Pluripotent Stem Cells That Are Ineligible for NIH Funding

Areas of research ineligible for NIH funding include:

A. The derivation of pluripotent stem cells from human embryos;

B. Research in which human pluripotent stem cells are utilized to create or contribute to a human embryo;

C. Research utilizing pluripotent stem cells that were derived from human embryos created for research purposes, rather than for fertility treatment;

D. Research in which human pluripotent stem cells are derived using somatic cell nuclear transfer, *i.e.,* the transfer of a human somatic cell nucleus into a human or animal egg;

E. Research utilizing human pluripotent stem cells that were derived using somatic cell nuclear transfer, *i.e.,* the transfer of a human somatic cell nucleus into a human or animal egg;

F. Research in which human pluripotent stem cells are combined with an animal embryo; and

G. Research in which human pluripotent stem cells are used in combination with somatic cell nuclear transfer for the purposes of reproductive cloning of a human.

IV. Oversight

A. The NIH Human Pluripotent Stem Cell Review Group (HPSCRG) will review documentation of compliance with the Guidelines for funding requests that propose the use of human pluripotent stem cells. This working group will hold public meetings when a funding request proposes the use of a line of human pluripotent stem cells that has not been previously reviewed and approved by the HPSCRG.

B. In the case of new or competing continuation (renewal) or competing supplement applications, all applications shall be reviewed by HPSCRG and for scientific merit by a Scientific Review Group. In the case of requests to use existing funds or applications for an administrative supplement or in the case of intramural proposals, Institute or Center staff should forward material to the HPSCRG for review and determination of compliance with the Guidelines prior to allowing the research to proceed.

C. The NIH will compile a yearly report that will include the number of applications and proposals reviewed and the titles of all awarded applications, supplements or administrative approvals for the use of existing funds, and intramural projects.

D. Members of the HPSCRG will also serve as a resource for recommendations to the NIH with regard to any revisions to the NIH Guidelines for Research Using Human Pluripotent Stem Cells and any need for human pluripotent stem cell policy conferences.

Dated: August 17, 2000.

Ruth L. Kirschstein,

Principal Deputy Director, NIH.

[FR Doc. 00–21760 Filed 8–23–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notification of Request for Emergency Clearance; Modification of OMB No. 0925–0001/Exp. 2/01, ''PHS 398 Research and Research Training Grant Applications and Related Forms''

SUMMARY: In accordance with section 3507(j) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) hereby publishes notification of a request for Emergency Clearance for modification of the information collection related to the National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells, published elsewhere in today's **Federal Register**. The currently approved information collection OMB No. 0925–0001 permits the NIH to request from applicant institutions information related to application, award, and continued compliance with the terms of Federal assistance for research and research-related training. The approval also covers the information collection authorized in accordance with 42 CFR 52, specifically the obtaining of ''[o]ther pertinent information the Secretary may require to evaluate the proposed project.'' (42 CFR 52.4(f))

The final National Institutes of Health Guidelines for Research Using Pluripotent Stem Cells requires submission of additional documentation in the form of additional institutional records from a limited number of institutions to enable an independent panel of non-Government experts to ascertain institutional compliance with the Guidelines. Compliance with the requirements of existing law and regulations is authorized under OMB No. 0925–0418, Exp. 1/01, ''Protection of Human Subjects: Assurance Identification/Certification/ Declaration.''

The present modification relates to the added reporting requirement of submission of documentation to permit the agency to exercise the oversight responsibility established under the Guidelines.

This modification is essential to the mission of NIH (42 USC 241 and 282(b)) and is of the highest scientific priority as determined by both internal review and external review by a panel of scientific and other experts in the field of stem cell research. After extensive consultation with the public and a public meeting, the NIH published proposed National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells in the **Federal Register** on December 2 , 1999 (**Federal Register**, Vol. 64, No. 231, pages 67576–67579). The comment period was extended to February 22, 2000. (**Federal Register**, February 3, 2000, Vol. 65, No. 23, page 539). Following the period of comment, NIH has proceeded to finalize the Guidelines, which are published elsewhere in this issue of the **Federal Register**.

These Guidelines are essential to ensure that NIH-funded research in this area is conducted in an ethical and legal manner. The NIH has determined that the oversight process stipulated in the Guidelines will achieve this objective. The Guidelines will require that institutions requesting or using NIH funds for research using human pluripotent stem cells submit additional documentation to the NIH in the form of institutional records that will permit NIH oversight in accordance with the Guidelines.

NIH has taken all practicable steps to consult with the scientific community and the public, through the process described above and through the careful consideration of all comments received from the public.

In view of the extensive period of comment and the thorough consideration of all views, both prior to the publication of the proposed Guidelines in December 1999 and subsequently, NIH is herewith requesting that OMB approve the modification of the collection of information simultaneously with the publication of the **Federal Register**

notice and the publication of the Guidelines in the **Federal Register**.

Proposed Collection

Title: Research and Research Training Grant Applications and Related Forms PHS–398 and PHS–2590.

Type of Information Collection Request: Revision.

Need and Use of Information Collection: The additional NEW reporting requirement is needed to ascertain compliance with the National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells. PHS–398 and PHS–2590 are used to apply for research project grants, Research Career Awards (RCA), and Institutional National Research Service Awards (NRSA).

Frequency of Response: On occasion and annually.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; Federal Government; and State, local or tribal government.

Type of Respondents: Research institutions.

The annual reporting burden was:

Estimated Number of Respondents: 111,482.

Estimated Number of Responses per Respondent: 1.05.

Average Burden Hours Per Response: 16.34.

Estimated Total Annual Burden Hours Requested: 1,913,166.

The NEW annual reporting burden is as follows:

Estimated Number of Respondents: 111,582.

Estimated Number of Responses per Respondent: 1.05.

Average Burden Hours Per Response: 16.33.

Estimated Total Annual Burden Hours Requested: 1,913,466.

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

FOR FURTHER INFORMATION CONTACT: The Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH.

Dated: August 17, 2000.

Ruth L. Kirschstein,

Principal Deputy Director, National Institutes of Health.

[FR Doc. 00–21761 Filed 8–23–00; 8:45 am]

BILLING CODE 4140–01–P

Federal Register

Friday,
August 25, 2000

Part V

Department of Labor

Office of the Secretary

State Guidance for Developing Methods of Administration Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998; Notice

DEPARTMENT OF LABOR

Office of the Secretary

State Guidance for Developing Methods of Administration (MOA) Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998 (WIA)

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide interested parties with the final approved Guidance for use by States in submitting their Methods of Administration as required by 29 CFR part 37. That part implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Annabelle T. Lockhart, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N–4123 FPB, Washington, DC 20210, telephone number (202) 219–8927 (voice)(this is not a toll-free number), or (800) 326–2577 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Workforce Investment Act of 1998 (WIA), Public Law 105–220 (August 7, 1998), provides the framework for a reformed national workforce preparation and employment system designed to meet the needs of the nation's employers, its job seekers, and those who want to further their careers. While WIA makes many programmatic changes in the workforce development system authorized under the Job Training Partnership Act of 1982 (JTPA), one constant has been the prohibition against discrimination. The nondiscrimination and equal opportunity provisions of JTPA (section 167) prohibit discrimination against applicants, beneficiaries and employees on the bases of race, color, national origin, age, disability, sex, religion, and political affiliation or belief. Further, section 167 prohibits discrimination against beneficiaries on the bases of citizenship and participation in JTPA. The nondiscrimination and equal opportunity provisions of WIA (section 188) prohibit discrimination against applicants, beneficiaries and employees on the same bases.

Methods of Administration (MOA), designed to assure the Secretary of Labor that State programs financially assisted by the Department operate in a nondiscriminatory manner, have been required of States since 1984. This requirement was codified when, on January 15, 1993, the Department of Labor issued 29 CFR part 34, the regulations that implement section 167 of JTPA. (See 29 CFR 34.33.)

Section 188(e) of WIA requires the Secretary to issue regulations implementing section 188. An interim final rule implementing that section was published on November 12, 1999, at 29 CFR part 37. As with part 34, part 37 includes the requirement that States develop, implement and maintain, for each of their State programs, an MOA. (See 29 CFR 37.54 and 37.55.) The MOA standards contained in part 37 are substantially the same as those contained in part 34. States that have faithfully implemented and maintained their MOAs under JTPA will find that the time and effort needed to update their MOA to meet WIA requirements will be minimal.

Signed at Washington, D. C., this 21st day of August, 2000.

Alexis M. Herman,

Secretary of Labor.

ATTACHMENT: State Guidance for Developing Methods of Administration (MOA) Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998 (WIA)

OMB Control No. 1225–0077
Expires January 31, 2003

The regulations that implement the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA), published at 29 CFR part 37, require that each Governor establish and adhere to a Methods of Administration (MOA) for his/her State programs. This document provides Guidance for Governors and States in meeting the regulatory requirements regarding MOAs.

An MOA is a document that describes the actions an individual State will take to ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. States were first required to prepare and submit MOAs in 1984, under the Job Training Partnership Act (JTPA). The requirement was continued in 1993, under the regulations implementing the nondiscrimination and equal opportunity provisions of JTPA. The JTPA MOA requirements were set forth in 29 CFR 34.33. The form and content of the MOAs required under 29 CFR part 37 remain substantially the same as those of the MOAs required under JTPA.

Title 29 CFR 37.54(a) provides that each Governor must establish and maintain an MOA for State programs. 29 CFR 37.54(d) describes the required elements of an MOA. Finally, 29 CFR 37.55 addresses requirements related to submitting and updating the MOA.

By submitting an MOA, the Governor agrees to fully follow its provisions. Failure to do so may result in a finding of noncompliance. See 29 CFR 37.65(a).

This Guidance specifically discusses the requirements of 29 CFR 37.54(b) and 37.55, and is intended to explain, not to add to, the requirements contained in those regulatory provisions. The Guidance is based upon materials the Civil Rights Center (CRC) prepared in 1993 to train Equal Opportunity (EO) Officers regarding the requirements of MOAs under JTPA. This Guidance does not create new legal requirements or change current legal requirements. Instead, it reflects the view of CRC and is intended to serve as a basic resource document on CRC-administered laws. The legal requirements related to nondiscrimination and equal opportunity that apply to recipients of financial assistance under WIA are contained in the statutes and regulations cited in this Guidance. Every effort has been made to ensure that the information contained in the Guidance is accurate and up to date.

I. Guidance on Meeting the Requirements of 29 CFR 37.54(b)

Section 37.54(b) Requires That Each MOA Shall be:

- ☐ In writing, addressing each requirement of 29 CFR 37.54(d) with narrative and documentation;
- ☐ Reviewed and updated as required by 29 CFR 37.55; and
- ☐ Signed by the Governor.

The MOA should be organized in the nine elements listed below, with both a narrative and a documention section for each element.

Section A. Narrative

The first section of each element should be a narrative description of how the State and its recipients, as that term is defined in 29 CFR 37.4, are meeting and will continue to meet the requirements of part 37. The narrative should be specific. CRC regards the narrative as the more important section, since it contains the description of what the State and its recipients are doing and will continue to do to fulfill their obligations under WIA section 188 and 29 CFR part 37.

Section B. Documentation

The second section of each element should include documentation that shows how the State is carrying out that element of the MOA. When reviewing

the adequacy of and/or performance under an MOA, CRC may request additional supporting documentation pursuant to 29 CFR 37.65.

Element 1. Designation of State-and local-level Equal Opportunity (EO) Officers (29 CFR 37.54(d)(1)(ii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.23 through 37.28. The intent of this section is to ensure that any individual the recipient appoints as EO Officer has the education, training and experience, and is provided the necessary ongoing training and qualified staff, to perform his or her duties assigned under 29 CFR part 37. Additionally, the EO Officer should not be in a position that would constitute, or appear to constitute, a conflict of interest. Further, the State should ensure that he or she reports, on EO matters, directly to the appropriate official in the organization (see 29 CFR 37.25(e). In summary, any individual appointed as EO Officer should have the skill, ability, knowledge and authority to properly oversee and direct the EO program to which that individual has been assigned.

(a) The narrative section of this element should identify, at a minimum:

☐ Each individual designated as a State-level Equal Opportunity Officer and each individual designated as a local-level Equal Opportunity Officer, by name, position title, business address (including e-mail address if applicable) and telephone number (including TDD/TTY number). (See 29 CFR 37.23.)

☐ The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer(s). (See 29 CFR 37.24.)

☐ The duties of the EO Officer(s), and the manner in which those duties are carried out. (At a minimum, duties assigned to the EO Officer must include those listed in 29 CFR 37.25.) Describe both the EO duties, responsibilities and activities associated with the implementation of 29 CFR part 37, and all other duties, responsibilities and activities.

Note: The EO Officer may not be assigned duties, responsibilities or activities that would constitute a conflict of interest or the appearance of such a conflict; see 29 CFR 37.24.)

☐ The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public. (See 29 CFR 37.26.)

☐ The level of staff and other resources available to State- and local-level EO Officer(s) to ensure that WIA Title I–financially assisted programs and activities operate in a nondiscriminatory way. (See 29 CFR 37.26(c).)

☐ The State's plan for ensuring that State- and local-level EO Officers and their staffs are sufficiently trained to maintain competency. (See 29 CFR 37.26(d).)

☐ The identity, by name, title and organization, of the individual to whom each State- and local-level EO Officer reports on equal opportunity matters.

☐ A description of the professional and support staffing levels and resources provided to each State- and local-level EO Officer to assist him or her in ensuring compliance with WIA section 188 and part 37.

☐ The type and level of training each State- and local-level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.

☐ The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of each State- and local-level EO Officer.

☐ A description of any duties, other than WIA equal opportunity responsibilities, assigned to each State- and local-level EO Officer.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Examples of each document (*e.g.,* notices, directives, memoranda, letters to community groups, flyers, and relevant pages of handbooks and manuals) that communicates, either internally or externally, the EO Officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.

☐ Examples of each communication (e.g., directives) that instructs the State's recipients as to the actions they are to take to comply with 29 CFR 37.23 through 28 with regard to EO Officers.

☐ A copy of the State EO Officer's position description, showing those duties specifically related to WIA equal opportunity activities, and other duties.

☐ A representative sample of local-level EO Officer position descriptions. NOTE: If a single, standard position description has been adopted for all local-level EO Officers, then a single copy of that description is sufficient.

☐ Copies of organization chart(s) showing the organizational location of each EO Officer.

☐ The identity of any staff who perform duties that support WIA EO activities (*e.g.*, clerical, data analysis), a position description for each such staff member, and average hours per week spent on EO-related activities by each such staff member (if positions are not devoted to WIA equal opportunity activities on a full-time basis).

☐ EO budget and source of funds.

☐ Summary of EO-related training that staff (EO staff and others) have received and a schedule of EO training to be delivered in the future. This may be training delivered by the State- or local-level EO Officer to recipient staff, or training delivered to EO Officers or recipient staff by outside sources, such as CRC.

Element 2. Notice and Communication (29 CFR 37.54(d)(1)(iii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.29 through 37.36. States should ensure the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of both the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

(a) The narrative section of this element should describe, at a minimum:

☐ The methods and frequency of dissemination of the notice, including initial dissemination. (See 29 CFR 37.29.)

☐ The means by which the notice is made available to individuals with disabilities. (See 29 CFR 37.31(b).)

☐ The means by which the State ensures that recipients post the notice. (See 29 CFR 37.33.)

☐ The means by which a copy of the notice is placed in the participant's file (see 29 CFR 37.31(a)), or where

the files are maintained electronically, how the requirement of 37.31(a) is and will continue to be met.

- ☐ The means by which the State ensures that recruitment brochures and other materials routinely made available to the public include the statements ''equal opportunity employer/program'' and ''auxiliary aids and services are available upon request to individuals with disabilities.'' (See 29 CFR 37.34(a).)
- ☐ Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (See 29 CFR 37.34(a).)
- ☐ The means by which program-related information is published or broadcast in the news media (*e.g.*, publication of Requests for Proposal) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (See 29 CFR 37.34(b).)
- ☐ The manner in which and extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of limited English-speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (See 29 CFR 37.35.)
- ☐ The manner in which and extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIA section 188 and 29 CFR part 37. (See 29 CFR 37.36.)
- ☐ The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (See 29 CFR 37.29(b).)
- ☐ The process the State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. (See 29 CFR 37.25(c), and 37.54(d)(2)(iii), and 37.54(d)(2)(vi).)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

- ☐ A copy of each communication that instructs the State's recipients on how they are to comply with the requirements of 37.29 through 37.36 regarding notice and communication.
- ☐ A copy of the posted notice required by 29 CFR 37.29 and 37.30.
- ☐ A copy of any checklist of the contents of participant and employee files, indicating that the notice requirement has been met. (See 29 CFR 37.31(a)(4).)
- ☐ A copy of any orientation agendas that include, as an agenda item, a discussion of equal opportunity and nondiscrimination under WIA section 188 and 29 CFR part 37. (See 29 CFR 37.36.)
- ☐ A copy of each item of material, distributed at orientation sessions, that addresses the rights of individuals under WIA section 188 and 27 CFR part 37. (See 29 CFR 37.36.)
- ☐ Copies of agendas (and a list of dates) of past and proposed EO policy briefings and EO training. (See 29 CFR 37.25(f), 37.26(d) and 29 CFR 37.54(d)(2)(vi).)
- ☐ A copy of each policy issuance or instruction that relates to WIA section 188 or 29 CFR part 37. (See 29 CFR 37.25(c), 37.54(d)(iii), 29 CFR 54(d)(vi) and 37.54(d)(viii).)
- ☐ A copy of each recruitment brochure and other item of material distributed to the public by a WIA Title I-financially assisted recipient, showing that each includes:
- ☐ The statements ''equal opportunity employer/program'' and ''auxiliary aids and services are available upon request to individuals with disabilities''; and
- ☐ The telephone numbers for TDD/TTY access and/or telephone relay services. (See 29 CFR 37.34(a).)

Element 3. Review assurances, job training plans, contracts, and policies and procedures (29 CFR 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.20 and 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv) regarding the review of assurances, job training plans, contracts, and policies and procedures. Additionally, this element should address the procedures the State and its recipients are following and will continue to follow in assessing the ability of grant applicants, if funded, or training providers, if declared eligible, to comply with WIA section 188 and 29 CFR part 37.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

- ☐ Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIA the required EO assurance. (See 29 CFR 37.20(a)(1).)
- ☐ The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIA is made available. (See 29 CFR 37.20(a)(2).) NOTE: 29 CFR 37.20(a)(2) provides that the assurance may be incorporated by reference into these documents.
- ☐ Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (See subpart C of 29 CFR part 32.)
- ☐ Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (See 29 CFR 37.54(b)(2)(iv).)
- ☐ State- and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (See 29 CFR 37.54(d)(2)(iii).)
- ☐ Policies on WIA Title I nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

- ☐ A copy of each directive that instructs individuals at the State and/or local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures as to the requirements of, and their duties under, 29 CFR 37.20, 37.54(d)(1)(i), and (d)(2)(i), (iii) and (iv).
- ☐ Copies of assurance pages of plans, contracts, and other agreements.
- ☐ Copies of memos or directives to contract managers advising them to include the required assurance in the appropriate documents.
- ☐ Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination

and equal opportunity are considered in the evaluation of such documents.

☐ A copy of procedures developed to review the ability of grant applicants, and training providers seeking eligibility, to comply with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR part 37.

☐ A copy of each WIA EO issuance (*e.g.*, the general EO policy statement, the policy statement on sexual harassment and the policy statement on religious accommodation).

Element 4. Universal Access (29 CFR 37.54(d)(1)(vi)

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.42 relating to the provision of universal access to programs and activities.

(a) The narrative section of this element should describe, at a minimum, how:

☐ The State has communicated the obligation of recipients (including, *e.g.*, LWIAs, one-stop operators and service providers) to make efforts (including outreach) to broaden the composition of the pool of those considered for participation or employment in their programs and activities in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.

☐ Recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

☐ The State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Copies of targeting, outreach and recruitment plans.

☐ Criteria for determining priority of service.

☐ Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, and age.

☐ Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

Element 5. Compliance with section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR part 37 (29 CFR 37.54(d)(2)(v))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of the disability related requirements of WIA section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 37.7, 37.8, and 37.9 and Subparts B and C of 29 CFR Part 32.

(a) The narrative section of this element should describe, at a minimum how the State ensures that recipients:

☐ Meet their obligation not to discriminate on the basis of disability. (See 29 CFR 32.12 (a), 32.26, and 37.7.)

☐ Provide reasonable accommodation for individuals with disabilities (See 29 CFR 32.13 and 29 CFR 37.8);

☐ Provide reasonable modification of policies, practices and procedures, as required (See 29 CFR 37.8);

☐ Provide architectural accessibility for individuals with disabilities (See 29 CFR 32.28); and

☐ Provide programmatic accessibility for persons with disabilities (See 29 CFR 32.27).

☐ Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability. (See 29 CFR 32.14.)

☐ Limit preemployment/employment medical inquiries to those permitted by and in accordance with WIA section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (See 29 CFR 32.15.)

☐ Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (See 29 CFR 32.15.)

☐ Administer their WIA Title I-financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual. (See 29 CFR 37.7(d).)

☐ Are able to communicate with persons with disabilities as effectively as with others. (See 29 CFR 37.9.)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Copies of policies/procedures issued by the State or any of its WIA Title I recipients, such as:

☐ The procedures by which persons with disabilities are assured of participation in programs and activities in as integrated setting as possible;

☐ The procedures by which the availability of reasonable accommodation and reasonable modification are made known to persons with disabilities, and the procedures for making and resolving such requests;

☐ The procedures by which the State ensures that communication with persons with disabilities is as effective as communication with others; and

☐ The procedures by which the State ensures that the programs and activities operated by its WIA Title I recipients are architecturally and programmatically accessible to individuals with disabilities.

☐ Any evaluation conducted to determine the programmatic or architectural accessibility of a WIA Title I-financially assisted program or activity and the status of any corrective actions taken by the recipient involved.

☐ Copies of publications and agendas for any training conducted for recipient staff that is intended to raise awareness of disability issues.

Element 6. Data and Information Collection and Maintenance (29 CFR 37.54(d)(1)(iv) and (vi))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance. The State must ensure that a data and information collection and maintenance system for its WIA Title I-financially assisted State programs is established and maintained. (See 29 CFR 37.53.)

The most important purposes of the equal opportunity data and information collection and maintenance system required by 29 CFR part 37 are to assist CRC and those assigned by the State (*e.g.*, State- and/or local-level EO Officers) in:

☐ Monitoring recipient equal opportunity performance;

☐ Identifying instances or areas of discrimination; and

☐ Identifying individuals or groups of individuals who have been

discriminated against on a basis prohibited by WIA section 188 and 29 CFR part 37.

A vital element of any system designed to fulfill these purposes is a way to permit the reviewer to correlate aggregate data to individual records. For example, 29 CFR part 37 requires that recipient's collect four pieces of demographic information about each registrant, applicant, eligible applicant, participant, employee, and applicant for employment: Race/ethnicity, sex, age, and disability status. This information must be kept separate from the recipient's individual records about such persons. However, the system for data and information collection and maintenance must be designed in such a way to allow cross referencing of data to individual records.

It is CRC's policy that existing systems for data and information collection and maintenance that meet all the requirements of 29 CFR 37.37 through 37.41 are acceptable. These systems may be designed by the recipient or some other entity. However, to the extent that a system does not meet all the requirements of these regulatory sections, that system must be modified so that it does meet those requirements.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

- ☐ Recipients:
- ☐ Collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment;
- ☐ Record the race/ethnicity, sex, age and, disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment (See 29 CFR 37.37(b)(2).);
- ☐ Treat records, particularly those containing medical information, in a manner that ensures their confidentiality (See 29 CFR 32.15; 29 CFR 37.37(b)(2); and 29 CFR 37.41.);
- ☐ Maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIA section 188 (See 29 CFR 37.37(c).); and
- ☐ Maintain such records for a period of three years. (See 29 CFR 37.39.)
- ☐ Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA section 188. (See 29 CFR 37.37(a).)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, copies of:

- ☐ Instructions to recipients within the State regarding information collection, access to records, and maintenance of records. (See 29 CFR 37.37.)
- ☐ Samples of each policy issuance that discusses ensuring the confidentiality of demographic information regarding individuals.
- ☐ Samples of reports regarding the above demographic information.
- ☐ Samples of formats and instructions, in hard copy and electronic file forms, for complaint logs used by the State and its recipients to track complaints that allege a violation of WIA section 188 or 29 CFR part 37.

Element 7. Monitor Recipients for Compliance (29 CFR 37.54(d)(2)(ii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(1)(iii). The State is required to establish procedures to monitor periodically all aspects of the recipient's compliance with WIA section 188 and 29 CFR part 37.

Each EO monitoring review must include a review of each recipient's:

- ☐ Compliance with its administrative obligations under WIA section 188 and 29 CFR part 37 (*e.g.*, assurances, notice and communication, EO Officers);
- ☐ Compliance with responsibilities it has been assigned through the MOA;
- ☐ Programs and activities, to determine whether discrimination is occurring. This activity is the most important part of the monitoring review.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

(1) Analysis of the data and records collected by the recipient pursuant to 29 CFR 37.37 through 41, to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance; and

(2) Where significant differences are found, follow-up investigations to determine, through records review, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.

The analyses mentioned in section (1) above may include those that may reveal practical significance, such as the ''80% rule'' (see 41 CFR 60–3, the DOL regulation regarding the Uniform Employee Selection Guidelines), and those that reveal statistical significance, such as the two-standard deviation test.

(a) The narrative section of this element must describe, at a minimum, the system for evaluating the extent to which recipients are:

- ☐ Complying with the administrative obligations of 29 CFR part 37, including, but not limited to:
- ☐ Assurances. (See 29 CFR 37.20 through 37.22.)
- ☐ Equal Opportunity Officers. (See 29 CFR 37.23 through 37.28.)
- ☐ Notice and communication. (See 29 CFR 37.29 through 37.36.)
- ☐ Data and information collection and maintenance. (See 29 CFR 37.37 through 37.41.)
- ☐ Universal access. (See 29 CFR 37.42.)
- ☐ Complaint processing procedures. (See 29 CFR 37.70 through 37.80.)
- ☐ Performing the responsibilities assigned such recipients by the State through the MOA, such as:
- ☐ Conducting equal opportunity monitoring/evaluation reviews of applicants for and recipients of WIA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).
- ☐ Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.
- ☐ Ensuring policy development, communication, and training are carried out.
- ☐ Ensuring that their programs and activities are operating in a nondiscriminatory manner and ensuring equal opportunity, including but not limited to:
- ☐ Conducting analyses, by race/ethnicity and sex, of program and employment activity, including but not limited to rates of application, placement, and termination, to determine if significant differences exist, and
- ☐ Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment; interviews; and other appropriate techniques.

Additionally, the narrative should describe:

- ☐ The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 37.10.

☐ The written reports prepared for each review. These reports must provide, among other things, that the results of the monitoring review will be made available to the recipient(s) reviewed.
☐ The involvement of the State- and local-level EO Officer(s) in conducting reviews. Where EO monitoring is carried out by individuals other than the State- or local-level EO Officer, the narrative should provide the names, titles, and organizations of those persons.
☐ The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, copies of:

☐ Schedules of reviews and criteria for targeting recipients for review.
☐ Monitoring instrument(s) used by State- and/or local-level staff to monitor recipient EO activities.
☐ Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
☐ A representative sample of reports of monitoring reviews, including findings resulting from reviews and the status of follow-up actions.

Element 8. Complaint Processing Procedures (29 CFR 37.54(d)(1)(v))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.76 through 37.79 regarding complaint processing procedures.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

☐ Recipients that are required to do so (see 29 CFR 37.77) have developed and published complaint procedures. (See 29 CFR 37.76.) At a minimum, such procedures must:
☐ Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed. (See 29 CFR 37.76(a).)
☐ Contain the elements listed in 29 CFR 37.76(b), which include:
☐ Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process (see 29 CFR 37.76(b)(1));
☐ A written statement, provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection (see 29 CFR 37.76(b)(2));
☐ A period for fact-finding or investigation of the circumstances underlying the complaint (see 29 CFR 37.76(b)(3));
☐ A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR) (see 29 CFR 37.76(b)(4) and (c)); and,
☐ A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint:
☐ Either a statement of the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue; and
☐ Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint. (See 29 CFR 37.76(b)(5).)
☐ Describe the procedures to be followed if the complaint is filed more than 180 days after the date of the alleged violation. (See 29 CFR 37.78.)
☐ Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.
☐ Recipients follow the established procedures.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, a copy of:

☐ The State's discrimination complaint procedures developed pursuant to 29 CFR 37.76 through 37.79.
☐ The instrument (*e.g.*, directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
☐ The ADR procedures, if not included with complaint processing procedures.

Element 9. Corrective Actions/Sanctions (29 CFR 37.54(d)(2)(vii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(2)(vii).

(a) The narrative section of this element should describe, at a minimum:

☐ The standard for corrective and remedial actions to be applied when violations of WIA section 188 or 29 CFR part 37 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (*e.g.*, training, policy development and communication) to ensure that the discrimination does not recur.
☐ The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.
☐ Reports required from the violating recipient regarding actions to correct the violation(s).
☐ Sanction procedures to be followed where voluntary compliance cannot be achieved.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ A copy of any policy memorandum/directive explaining corrective actions/sanctions. The sanction procedures described in Subpart E of 29 CFR part 37 may be used as a model for States in the preparation of their procedures.
☐ A copy of each instrument (*e.g.*, directives, memoranda) used to inform recipients of the State's procedures regarding corrective actions and sanctions.

II. Guidance on Meeting the Requirements of 29 CFR 37.55

Section 37.55 requires that each State's MOA must be:

- Developed and implemented, and a copy submitted to the CRC Director within 180 days of the effective date of 29 CFR part 37, or within 180 days of the Department of Labor's approval of that State's Strategic Five-year Plan, whichever is later;

- Updated when necessary, and the Director notified of any updates at the time of the update; and
- Reviewed every two years from the date on which the initial MOA is submitted to the Director under 29 CFR 37.55(a)(2); for each such review, either the changes made to the MOA as a result of the review, or a certification that no changes are necessary, must be submitted to the Director.

Initial Submission of MOA

Title 29 CFR 37.55(a) requires that each Governor develop and implement an MOA, and submit to the Director a copy of that State's MOA, within 180 days after the State becomes subject to WIA section 188 and 29 CFR part 37. The date on which the 180-day clock begins running is contingent upon the date upon which DOL gave final approval to the State's Five-year Strategic Plan (Plan). MOAs of States whose Plan received final approval on or before November 12, 1999, the effective date of 29 CFR part 37 we due to be submitted to the Director within 180 days of that effective date, in other words, by May 10, 2000.

On the other hand, MOAs of States whose Plan received final approval after November 12, 1999, must be submitted 180 days after the date the Plan received final approval by DOL. For example, State A is delaying its transition to WIA until July 1, 2000, and does not submit its Plan to DOL until February 1, 2000. State A's Plan receives final approval on May 1, 2000. Given this scenario, State A is required to submit its MOA on or before the date that falls 180 days after May 1. The final date for the submission of State A's MOA, therefore, is October 28, 2000.

Note: The 180-day timeframe described above applies only to the submission of the MOA. In general, States and their WIA Title I-financially assisted recipients are subject to the requirements of WIA section 188 and 29 CFR part 37 on November 12, 1999 or on the date they begin operating WIA Title I programs and activities, whichever is later. The provisions of JTPA section 167 and its implementing regulations, 29 CFR part 34 continue to apply to programs and activities that are implemented under and authorized by JTPA.

Updating the MOA

Title 29 CFR 37.55(b) requires the Governor to (1) update the MOA as necessary and (2) notify the Director of those updates. The requirements regarding updating were not part of the JTPA MOA regulations at 29 CFR 34.33. CRC deemed these new requirements necessary as a result of reviews of MOAs developed under JPTA. Those reviews indicated that the procedures to which a State originally committed in its MOA were not necessarily those in effect at the time of CRC's review. The purpose of an MOA is to describe to DOL how a State will ensure that WIA Title I financial assistance will be administered in a nondiscriminatory way. Further, the MOA is intended to be a document that State-and local-level staff and management, through the EO Officer, can consult when determining appropriate steps to take when confronted with an EO issue. Therefore, the MOA should be kept current and the Director notified of any changes.

State-level MOA Review

Title 29 CFR 37.55(c) requires that, every two years from the date on which the initial MOA is submitted to the Director under 29 CFR 37.55(a)(2), the Governor must review the MOA and its implementation to determine if any changes are necessary , either to the document or the way in which it is implemented. At the time of the review, the Governor must either (1) provide the Director with any changes that are made or (2) certify to the Director, in writing, that no changes are necessary. This requirement is also a change from the MOA requirements under JTPA. It has been CRC's intent that the MOA be a living document, a guide describing how the State will ensure that its WIA Title I-financially assisted programs operate in a nondiscriminatory manner. Through these modest regulatory changes, CRC hopes to convey that the MOA is to be a document that serves as a guide in fulfilling the recipient's obligations of nondiscrimination and equal opportunity.

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Part VI

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 660

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure; Emergency Interim Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000822244–0244–01; I.D. 082100B]

RIN 0648-AO66

Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure

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

ACTION: Emergency interim rule; notice of closure; request for comments.

SUMMARY: As ordered by the U.S. District Court for the District of Hawaii, NMFS issues an emergency interim rule that closes certain waters in the central and north Pacific Ocean to longline fishing, imposes fishing gear restrictions, effort limits, fish sale restrictions, and catch reporting requirements, and requires increased observer coverage in the Hawaii-based pelagic longline fishery. This rule replaces an emergency interim rule issued by NMFS on December 23, 1999, and subsequently extended on June 26, 2000. Like that rule, the intent of this rule is to reduce adverse impacts to sea turtles by the Hawaii longline fishery while NMFS prepares a comprehensive environmental impact statement (EIS) that analyzes the environmental effects of fishing activities conducted under the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP).

DATES: This emergency interim rule is effective August 25, 2000, through February 21, 2001. Comments must be received no later than 5 p.m., local time, on October 10, 2000.

ADDRESSES: Written comments on this action must be mailed to Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700; or faxed to 808-973-2941. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the environmental assessment (EA) and regulatory impact review (RIR) prepared for this action may be obtained from Dr. Charles Karnella, PIAO.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru at 808-973-2937.

SUPPLEMENTARY INFORMATION: On December 23, 1999, to comply with an order dated November 23, 1999, issued by the U.S. District Court for the District of Hawaii in the case *Center for Marine Conservation* v. *NMFS,* NMFS issued, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), an emergency interim rule closing certain waters to fishing by the Hawaii-based pelagic longline fishery (64 FR 72290, December 27, 1999). That rule was extended on June 26, 2000, (65 FR 37917, June 19, 2000) for an additional 180 days, through December 27, 2000. The Court directed NMFS to prohibit all fishing activities of the Hawaii longline fishery in waters north of the Hawaiian Islands above 28° N. lat. (between 168° W. long. and 150° W. long.). That rule, like this emergency interim rule, was intended to reduce adverse impacts to sea turtles resulting from the activities of the Hawaii-based longline fishery while NMFS prepares a comprehensive EIS for the FMP.

In the November 23 Order the Court also directed NMFS to analyze the temporal and spatial distribution of interactions between sea turtles and the Hawaii-based longline fleet, and report its findings to the Court. On May 5, 2000, NMFS presented its analysis to the Court and recommended modifications to the December 1999 time-area closure. The Court also received recommendations from the other parties, including the Defendant-Intervener Hawaii Longline Association (HLA) and plaintiffs in *Center for Marine Conservation* v. *NMFS*. The objective of these recommendations, as stated in the Court's Order, was to have ''appropriate time and area closures based upon the greatest benefit to the sea turtles and considering the costs to the Hawaii-based pelagic longline fishery.''

On June 23, 2000, the Court issued an Order (Order Modifying Provisions of Order of Injunction), which was clarified on June 26, 2000, requiring NMFS to establish, within 30 days, a different set of longline area closures, fishing effort restrictions (e.g., a cap of 636 longline sets in ''Area A'', maximum 4-hour rest time) and 100 percent observer coverage for the entire fishery. However, on July 21, 2000 the Court issued a stay of the June 23 Order (Order Staying Amended Order Modifying Provisions of Order of Injunction) pending further consideration and action.

On August 4, 2000, after hearing motions by NMFS and HLA for reconsideration of the June 23 Order, the Court issued an Order Further Amending Order Modifying Provisions of Order of Injunction. The August 4th Order prohibits all Hawaii-based pelagic longline fishing activities throughout the year in waters between 28° N. and 44° N. lat., from 150° W. to 168° W. long.(''Area A''); limits longline fishing to a total of 154 sets from August 10 through December 31, 2000, and a total of 77 sets from January 1 through March 14, 2001, and requires 100 percent observer coverage in waters between 28° N. and 44° N. lat., from 137° W. to 150° W. long., and in waters between 28° N. and 44° N. lat., from 168° W. to 173° E. long. (both areas are collectively designated as ''Area B''); prohibits Hawaii-based pelagic longline fishing for swordfish in waters between 0° (the equator) and 28° N. lat., from 137° W. to 173° E. long. (''Area C''; limits sales or landings of swordfish such that profits from swordfish that were harvested in Area C and sold by the permit holder, or landed in any port in U.S. territory, must be donated to charity; directs NMFS to provide observer coverage for the longline fishery in Area C at a minimum level of 10 percent by September 21, 2000, and 20 percent by November 7, 2000; requires vessel operators to report their swordfish catch from Area C to NMFS within 5 days following their return to port; and prohibits all longline fishing activities in Area B and Area C from March 15 through May 31. This emergency interim rule, issued under authority of section 305(c) of the Magnuson-Stevens Act, implements the Court's August 4th Order and replaces the emergency interim rule issued on December 23, 1999.

Until NMFS has access to additional trained observers, NMFS expects the number of available observers to be insufficient to cover all the fishermen who will want to longline in Area B. Initially, observers will be assigned to vessels fishing in Area B, or any portion thereof, on a first-come-first-served basis relying on current regulations requiring permit holders or vessel operators to notify NMFS at least 72 hours before their vessel leaves port on a fishing trip. Observers will be assigned according to the order that fishermen provide notice to NMFS via telephone. This assignment procedure will be employed as long as sufficient numbers of observers are available. However, in the event of an observer shortage, observers for Area B will be apportioned through a random selection process. Vessel owners or operators of vessels intending to fish in Area B will have the names of their vessels entered into an observer placement pool from which vessel names will be randomly drawn by computer to generate an observer placement list. The first vessel on the

list will be given the first opportunity to carry a NMFS observer, the second vessel on the list will be given the second opportunity, etc. After a vessel completes a fishing trip with an observer, that vessel will be moved to the end of the list. Any vessel owner may request the vessel be removed from the list altogether, or moved to the bottom of the list. The purpose of this limitation is to preserve opportunities for other vessels to take observers and fish in Area B.

NMFS is required to increase observer coverage in Area C under a schedule prescribed by the Court. No later than 45 days following the date of entry of the Order (September 21, 2000), NMFS must have a minimum of 10 percent observer coverage in Area C, and no later than 90 days from the date of the Order (November 7, 2000), the fishery must have at least a 20 percent observer coverage rate. Since NMFS is allowed some time to ramp up the observer coverage in Area C, the process for assigning observers to vessels fishing in Area C differs slightly from the process employed for Area B. Vessel owners or operators intending to fish in Area C after September 21, 2000, will have their vessels assigned observers on a random, sequential basis, e.g., one observer for every 8 vessels embarking on fishing trips to Area C. This process relies on the current pre-trip notification requirement under which permit holders or vessel operators must call NMFS regarding observer assignment at least 72 hours prior to leaving port for a fishing trip. The Regional Administrator will assign observers or provide written exemptions (waivers) for observer placement on a per trip basis consistent with the level of observer coverage required by the Court. A vessel may not fish in Area C unless there is an observer on board or the vessel has been issued a waiver. If a vessel that is assigned an observer fails to depart on its fishing trip within 72 hours of notification, the next vessel listed in accordance to the pre-trip notification list will be assigned the observer. A vessel that has been assigned an observer but failed to depart as intended will not be allowed to leave port on a fishing trip without an observer. Any vessel owner may request the vessel be removed from the list altogether, or moved to the bottom of the list. If at any time there is a shortage of available observers, the Regional Administrator will allow vessels to fish in Area C via a random selection process, similar to the one used for Area B, using a computer to randomly select vessels to generate a list of vessels that may go fishing.

The Court Order contains a reporting requirement specific to swordfish caught by Hawaii-based longliners in Area C. A longline vessel operator must submit swordfish catch information to NMFS within 5 days following the vessel's return to port. Under the FMP and its implementing regulations, operators of all vessels registered for use under the Hawaii longline limited access permit are currently required to complete daily longline logbooks. Catch and effort information on all longline-caught Pacific pelagic management unit species, including swordfish, is recorded on logbooks that must be submitted to NMFS within 72 hours from the vessel's return to port following each fishing trip (50 CFR 660.14). Therefore, no additional reporting requirement for the Hawaii longline fishery is established under this emergency interim rule.

This rule bans the use of lightsticks by Hawaii-based longliners fishing in Area C to facilitate compliance with the Court's order prohibiting longliners from targeting swordfish. It is anticipated that a prohibition on lightsticks would reduce swordfish catch by as much as 90 percent. This is based on the aggregated average catch rate for swordfish in Area C for all trip types (tuna, mixed, swordfish) during 1998-99. The catch rate during this period was 7.4 swordfish per 1,000 hooks when lightsticks were employed by longliners and 0.7 swordfish per 1,000 hooks without lightsticks. NMFS considered other approaches for prohibiting vessels from targeting swordfish in Area C, such as banning night setting of longline gear, banning the use of squid bait, or establishing a trip limit on swordfish. However, at this time, it appears that banning lightsticks in this fishery should facilitate compliance with the Court Order. NMFS will be monitoring the swordfish catch in Area C based on observer coverage and daily logbook reports of turtle takes and, if necessary, NMFS will impose additional measures to prohibit longline vessels from targeting swordfish in Area C.

To comply with the Court's Order requiring that profits from the sale of swordfish caught incidentally in Area C be donated to an IRS-approved charitable organization, this rule requires that 20 percent of the gross revenue (total sales price) of all such swordfish be donated to one or more organizations holding charitable status with the Internal Revenue Service. This 20 percent requirement is based on NMFS' analysis of data from tuna-targeted longline fishing trips in 1999. NMFS estimated from survey and logbook data that 20 percent of the ex-vessel value of swordfish landed in Honolulu by Hawaii longline vessels targeting tuna can be considered profit (revenue less operating costs, including repairs). This profit amounts to roughly $55 per swordfish ($0.41 per pound) or $2,800 per vessel annually. For the purpose of ensuring compliance with the Court Order, as authorized under Federal regulations implementing the FMP, NMFS will monitor the amount of swordfish landed through daily logbooks and fish dealer records on the sale or other transactions involving swordfish incidentally harvested from Area C.

Criteria for Issuing an Emergency Interim Rule

This emergency interim rule meets NMFS policy guidelines for the use of emergency interim rules (62 FR 44421, August 21, 1997). Also, it realizes benefits that outweigh the value of prior notice, opportunity for public comment, and deliberative consideration expected under the normal rulemaking process.

Recent, Unforeseen Events or Recently Discovered Circumstances

The Court's Order Further Amending Order Modifying Provisions of Order of Injunction was issued August 4, 2000; it requires NMFS to implement various restrictions on the Hawaii-based longline fishery within 3 days from the date of entry of the Order (August 7, 2000). Emergency action is necessary for NMFS to comply with the Order.

Immediate Benefits

Although there are many variables that make it difficult to predict the effects of this fishery upon different sea turtle populations, NMFS anticipates the closure will have a positive benefit on sea turtles by reducing overall fishing effort and thereby reducing the number of turtles that might otherwise be taken by Hawaii-based longline vessels.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this emergency interim rule is necessary to comply with a valid order of the U.S. District Court for the District of Hawaii. The AA has also determined that this emergency interim rule is consistent with the Magnuson-Stevens Act and other applicable laws.

NMFS prepared an EA for this emergency interim rule that describes the impact on the human environment caused by this rule and found that no

significant impact would result. NMFS also prepared an RIR for this action which assesses the economic costs and benefits of the action. This emergency interim rule is of limited duration and is expected to result in a reduction of overall sea turtle interactions with longline fisheries. The Hawaii longline fishery was valued at $46.7 million in a 1998 baseline. Under the assumption that displaced fishing effort that results from the Area A closure and Area B fishing restrictions is transferred into Area C tuna effort, the estimated loss of ex-vessel gross fishery revenues is 32 percent ($14.9 million) annually. At the other end of the extreme is a scenario in which all the displaced effort is totally removed from the fishery, which would result in an estimated decline in fishery revenues of 53 percent ($24.8 million) annually. The economic effect for the limited duration of these measures would be less, but due to a lack of data the actual economic impact cannot be calculated. Copies of the EA and RIR are available (see **ADDRESSES**).

The AA finds that this emergency interim rule, which is being implemented under section 305(c) of the Magnuson-Stevens Act, must become effective immediately to comply with the August 4, 2000, amended Order issued by the U.S. District Court for the District of Hawaii. The Order requires that the various fishing restrictions and area closures in the Hawaii-based longline fishery be implemented within 3 days from the date of entry of the Order. Under section 305(c) of the Magnuson-Stevens Act, this emergency interim rule may remain in effect for not more than 180 days after the date this notification is published, and may be extended for one additional period of not more than 180 days.

The AA finds for good cause that providing prior notice and opportunity for public comment for this rule is unnecessary given that the Court ordered the specific actions contained in this rule, thus precluding implementation of any alternative, and is impracticable given the Court's deadline. Similarly, the AA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this rule for 30 days is impracticable given the Court's deadline. Accordingly, the AA is making this rule effective upon publication in the Federal Register.

Because this emergency interim rule is not required to be published with notice and opportunity for public comment under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act do not apply.

This rule restates a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by the Office of Management and Budget (OMB) under control number 0648-0214. Public reporting burden for a pre-trip notification is estimated to average 5 minutes per response, including the 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 this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES** above) and OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503 (Attention: NOAA Desk Officer).

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

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

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

Dated: August 23, 2000.

William T. Hogarth,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.22, paragraphs (z), (aa), and (bb) are suspended, and new paragraphs (ee) through (jj) are added to read as follows:

§ 660.22 Prohibitions.

* * * * *

(ee) Fish for Pacific pelagic management unit species with a vessel registered for use under a Hawaii longline limited access permit using longline gear within the Hawaii emergency closed areas in violation of § 660.33(b)(1), (c)(1), (c)(4), (c)(5), or (d)(1).

(ff) Use a receiving vessel registered for use under a receiving vessel permit to receive from another vessel Pacific pelagic management unit species harvested with longline gear, if the fish were harvested or the transfer occurs within the Hawaii emergency closed areas in violation of § 660.33(b)(2), (c)(2), or (d)(2).

(gg) Land or transship shoreward of the outer boundary of the EEZ around Hawaii Pacific pelagic management species that were harvested with longline gear within the Hawaii emergency closed areas in violation of § 660.33(b)(3), (c)(3), or (d)(3).

(hh) Use light sticks within the Hawaii emergency longline closed Area C in violation of § 660.33(d)(4).

(ii) Land or sell swordfish (Xiphias gladius) caught by longline gear within the Hawaii emergency longline closed Area C in violation of § 660.33(d)(5).

(jj) Use longline gear to fish for Pacific pelagic management unit species in Hawaii emergency longline closed Area B or Area C without a NMFS-approved observer aboard the vessel in violation of § 660.33(e)(1) or (e)(2).

3. In § 660.23, paragraph (a) is suspended and new paragraph (c) is added to read as follows:

§ 660.23 Notifications.

* * * * *

(c) The permit holder of a vessel registered for use with a Hawaii longline limited access permit or with an agent designated by the permit holder shall provide notice to the Regional Administrator at least 72 hours (not including weekends and holidays) before the vessel leaves port on a fishing trip, any part of which occurs in Area B or Area C, as described in § 660.33(a)(2) or (a)(3). The vessel operator will be presumed to be an agent designated by the permit holder unless the Regional Administrator is otherwise notified by the permit holder. The notice must be provided to the telephone number designated by the Regional Administrator. The notice must provide the official number of the vessel, the name of the vessel, the intended departure date, time, and location, the name of and telephone number of the agent designated by the permit holder to be available between 8:00 a.m. to 5 p.m. (Hawaii time) on weekdays for NMFS to contact in order to arrange observer placement.

4. In § 660.28, paragraph (c) is suspended.

5. New § 660.33 is added to subpart C to read as follows:

§ 660.33 Hawaii emergency closure.

(a) *Longline fishing restricted areas.* (1) Area ''A'' as used in this section, is defined as all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 150° W. long., and on the west by 168° W. long. (see Figure 2 to this section).

(2) ''Area B''as used in this section, is defined as all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 137° W. long., and on the west by 150° W. long; and all waters bounded on the south by 28° N. lat., on the north by 44° N. lat., on the east by 168° W. long., and on the west by 173° E. long. (see Figure 2 to this section).

(3) ''Area C'', as used in this section, is defined as all waters bounded on the south by 0° latitude, on the north by 28° N. lat., on the east by 137° W. long., and on the west by 173° E. long. (see Figure 2 to this section to this section).

(b) *Longline fishing restrictions in Area A.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area A.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area A.

(3) A vessel registered for use under a Hawaii longline limited access permit or receiving vessel permit may not land or transship Pacific pelagic management unit species that were harvested with longline gear in Area A shoreward of the outer boundary of the EEZ surrounding Hawaii.

(c) *Longline fishing restrictions in Area B.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area B from March 15 through May 31.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area B from March 15 through May 31.

(3) A vessel registered for use under a Hawaii longline limited access permit or receiving vessel permit may not land or transship Pacific pelagic management unit species that were harvested with longline gear in Area B shoreward of the outer boundary of the EEZ surrounding Hawaii.

(4) From August 7 through December 31, 2000, the number of longline sets allowed in Area B is limited to a total of 154 sets.

(5) From January 1 through March 14, 2001, the number of longline sets allowed in Area B is limited to 77 sets.

(6) Between August 7 through December 31, 2000, the Regional Administrator shall prohibit the use of longline gear to fish for Pacific pelagic management unit species on the date and time that an estimated 154 longline sets will have been made in Area B.

(7) Between January 1 through March 14, 2001, the Regional Administrator shall prohibit the use of longline gear to fish for Pacific pelagic management unit species on the date and time that an estimated 77 longline sets will have been made in Area B.

(8) The Regional Administrator shall determine on the basis of available data when the maximum number of sets will be reached in Area B.

(9) The Regional Administrator will notify each permit holder and each operator of vessels fishing in Area B when further use of longline gear to fish for Pacific pelagic management unit species in Area B is prohibited.

(10) At least 24 hours advance notice will be given of the effective date and time after which the use of longline gear to fish for Pacific pelagic management unit species in Area B is prohibited, as prescribed in paragraph (c)(9) of this section.

(d) *Longline fishing restrictions in Area C.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area C from March 15 through May 31.

(2) A vessel registered for use under a receiving vessel permit may not receive from another vessel Pacific pelagic management unit species in Area C from March 15 through May 31.

(3) Landing or transshipping Pacific pelagic management unit species, that were harvested with longline gear in Area C from March 15 through May 31, shoreward of the outer boundary of the EEZ surrounding Hawaii is prohibited.

(4) A vessel registered for use under a Hawaii longline limited access permit may not use lightsticks in Area C.

(5) Within 30 days of each landing of swordfish caught by longline gear in Area C, the permit holder or operator of a vessel registered for use under a Hawaii longline limited access permit must donate to charity at least 20 percent of the total proceeds from the sale of such swordfish.

(6) For the purpose of this section, ''charity'' means an entity to which a taxpayer can contribute and deduct the value of any such contribution from taxable income as a ''charitable contribution'' as defined by the Internal Revenue Code at 26 U.S.C. 170(c).

(e) *Emergency closure at-sea observer coverage.* (1) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear to fish for Pacific pelagic management unit species in Area B without a NMFS-approved observer aboard the vessel.

(2) A vessel registered for use under a Hawaii longline limited access permit may not use longline gear in Area C without a NMFS-approved observer aboard the vessel, unless it is issued a written exemption on a per trip basis by the Regional Administrator.

(3) The Regional Administrator may assign NMFS-approved observers to vessels registered for use under Hawaii longline permits:

(i) Based on notice provided by the permit holder or by an agent designated by the permit holder to the Regional Administrator according under §660.23(c); or

(ii) According to a list containing vessel names randomly ordered by the Regional Administrator.

(4) When NMFS notifies the permit holder or the designated agent of the obligation to carry an observer as required under this section, the vessel may not engage in the fishery without taking the observer.

(5) An operator of a vessel registered for use under a Hawaii longline limited access permit must immediately terminate longline fishing in Area C while at sea upon notification by the Regional Administrator that the level of observer coverage is below the 10 percent or 20 percent level of observer coverage established by NMFS.

(6) An operator of a vessel registered for use under a Hawaii longline limited access permit that has been notified by the Regional Administrator as described in paragraph (e)(5) of this section is prohibited from using longline gear in Area C for the remainder of the trip, unless notified by the Regional Administrator that the prohibition has been removed for the vessel.

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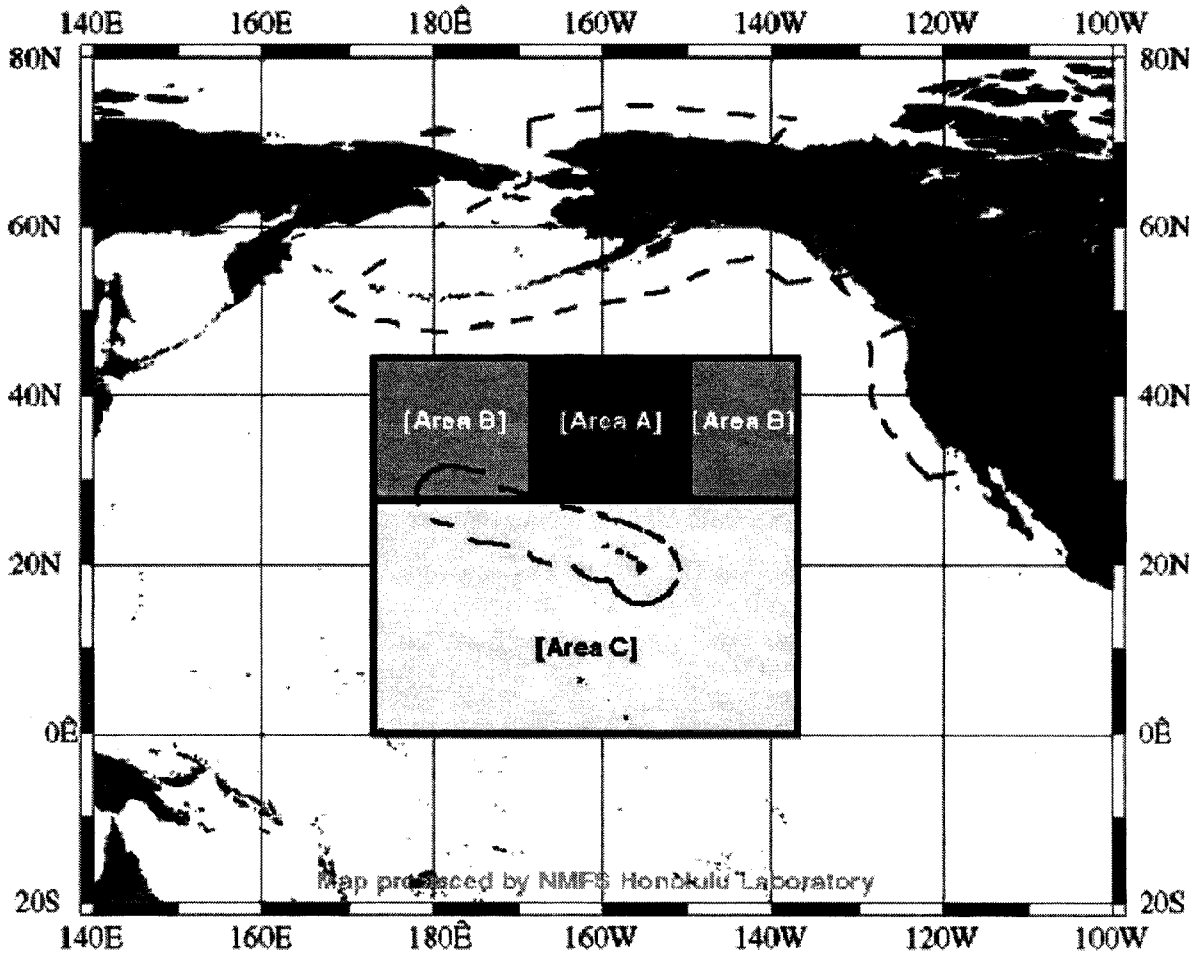

Figure 2 to § 660.33—Longline Fishing Restricted Areas

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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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Federal Acquisition Regulation (FAR):
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Federal Acquisition Regulation (FAR):
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LIST OF PUBLIC LAWS

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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. 3519/P.L. 106–264

Global AIDS and Tuberculosis Relief Act of 2000 (Aug. 19, 2000; 114 Stat. 748)

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