Federal Register

10–13–00 **Friday**
Vol. 65 No. 199 **Oct. 13, 2000**
Pages 60831–61076

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

WASHINGTON, DC

WHEN: October 17, 2000, at 9:00 a.m.

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

RESERVATIONS: 202–523–4538

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Presidential Documents

Title 3—

The President

Proclamation 7359 of October 10, 2000

Suspension of Entry as Immigrants and Nonimmigrants of Persons Impeding the Peace Process in Sierra Leone

By the President of the United States of America

A Proclamation

In light of the longstanding political and humanitarian crisis in Sierra Leone, I have determined that it is in the interests of the United States to restrict the entry into the United States as immigrants and nonimmigrants of certain foreign nationals who plan, engage in, or benefit from activities that support the Revolutionary United Front or that otherwise impede the peace process in Sierra Leone, and the spouses, children of any age, and parents of such persons.

NOW, THEREFORE, I, WILLIAM J. CLINTON, by the power vested in me as President by the Constitution and the laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 or 3 of this proclamation, be detrimental to the interests of the United States. I therefore hereby proclaim that:

Section 1. The entry into the United States as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the Revolutionary United Front or that otherwise impede the peace process in Sierra Leone, and the spouses, children of any age, and parents of such persons, is hereby suspended.

Sec. 2. Section 1 shall not apply with respect to any person otherwise covered by section 1 where the entry of such person would not be contrary to the interests of the United States.

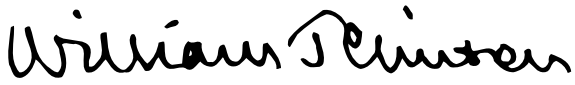
Sec. 3. Persons covered by sections 1 and 2 shall be identified pursuant to such procedures as the Secretary may establish under section 5 of this proclamation.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States obligations under applicable international agreements.

Sec. 5. The Secretary of State shall have responsibility to implement this proclamation pursuant to such procedures as the Secretary may establish.

Sec. 6. This proclamation is effective immediately and shall remain in effect, in whole or in part, until such time as the Secretary of State determines that it is no longer necessary and should be terminated, in whole or in part. The Secretary of State's determination shall be effective upon publication of such determination in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00–26529
Filed 10–12–00; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7360 of October 10, 2000

Eleanor Roosevelt Day, 2000

By the President of the United States of America

A Proclamation

Eleanor Roosevelt was one of the most influential figures of the 20th century, and her life spanned some of the most dramatic and challenging events in modern history. Steadfast in her commitment to America, democracy, and a world that honored human rights, she told Americans across the Nation, ''We are on trial to show what democracy means.'' Through the Great Depression, two world wars, the Holocaust, the creation of the United Nations, the Cold War, and the civil rights movement, her singular integrity and clear moral vision helped forge a better life for people around the world.

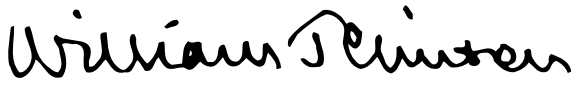
Eleanor Roosevelt was our longest-serving First Lady, and her dedicated efforts as a political leader, humanitarian, social activist, and journalist have made her an icon to millions. During the 12 years of Franklin Delano Roosevelt's Administration, she traveled tirelessly around the country, listening to the American people's problems, concerns, joys, and fears. She saw firsthand the ravages that poverty, greed, ignorance, and bigotry wreaked on the lives of ordinary Americans. She advocated strongly for our Nation's disadvantaged—urging an end to child labor, pushing for the establishment of a minimum wage, speaking out for workers' rights, confronting racial discrimination in New Deal programs, and encouraging greater power and independence for women in the workplace.

But perhaps her greatest achievement would come in the years after her husband's death. A delegate to the General Assembly of the newly created United Nations from 1945 to 1951, Eleanor Roosevelt was elected Chairperson of the U.N.'s Human Rights Commission in 1946. She played a pivotal role in drafting the Universal Declaration of Human Rights, and its final language vividly reflects her humanitarian ideals and uncompromising commitment to the inherent worth of every human being. The first article of the Declaration, ''All human beings are born free and equal in dignity and rights,'' set the standard by which all future human rights charters would be judged.

Whether working for the United Nations, the NAACP, the Girl Scouts, the Presidential Commission on the Status of Women, or the National Conference of Christians and Jews, Eleanor Roosevelt devoted her boundless energy to creating a world defined by respect for and dedication to democratic values. She was a woman ahead of her time, and her achievements transcend her generation. As we seek to chart a steady course for America, democracy, and human rights in this new century, we need only look to her values, character, and accomplishments to provide us with an unfailing moral compass.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 11, 2000, the anniversary of her birthday, as Eleanor Roosevelt Day. I call upon government officials, educators, labor leaders, employers, diplomats, human rights activists, and citizens of the United States to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00–26539
Filed 10–12–00; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7361 of October 10, 2000

General Pulaski Memorial Day, 2000

By the President of the United States of America

A Proclamation

Each year on October 11, we solemnly pause to honor the life and achievements of Casimir Pulaski, a true hero whose devotion to liberty has inspired the gratitude of the American people for more than 200 years.

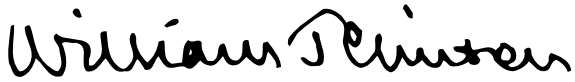
Born to wealth and privilege in Poland, Pulaski sacrificed both by joining his father and brothers in the fight against tyranny and foreign oppression in his beloved homeland. His battlefield exploits earned him a leading position among Polish patriotic forces as well as renown and admiration throughout Europe. After years of braving insurmountable odds, however, Pulaski and his fellow freedom fighters were overwhelmed by enemy forces. Undaunted, he continued to battle for Poland's freedom while in exile in Turkey and France.

Impressed by Pulaski's military record and reverence for freedom, Benjamin Franklin wrote from his post in Paris to George Washington and succeeded in helping Pulaski secure a commission in the Continental Army. As a result of Pulaski's brave and able conduct at the battle of Brandywine Creek in 1777, the Continental Congress granted him a Brigadier General commission and the command of all Continental Army cavalry forces. For the next 2 years, General Pulaski contributed much to the American cause in the Revolutionary War through his battlefield expertise, mastery of cavalry tactics, and extraordinary courage. On October 9, 1779, Pulaski was gravely wounded at the siege of Savannah while leading patriot forces against fire from enemy batteries. He died 2 days later, far from his beloved homeland and mourned by the brave Americans whose cause he had made his own.

Today, as both the United States and Poland enjoy freedom and growing prosperity and look forward to a bright future as friends and NATO allies, we remember with profound appreciation Casimir Pulaski's resolve and sacrifice and the generations of Poles and Americans like him who valiantly fought to secure the peace and liberty we enjoy today.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Wednesday, October 11, 2000, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00–26540
Filed 10–12–00; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 430

RIN 3206–AI57

MANAGING SENIOR EXECUTIVE PERFORMANCE

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its regulations governing performance appraisal in the Senior Executive Service (SES). The amended regulations will help agencies hold senior executives accountable by: Reinforcing the link between performance management and strategic planning; requiring agencies to use balanced measures in evaluating executive performance; and giving agencies more flexibility to tailor performance management systems to their unique mission requirements and organizational climates.

EFFECTIVE DATES: November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Anne Kirby, (202) 606–1610, or email to SESmgmt@opm.gov.

SUPPLEMENTARY INFORMATION: OPM published a proposed rule in the **Federal Register** on June 21, 2000 (65 FR 38442) to amend the regulations governing SES performance appraisal. We received 15 written comments during the public comment period: 7 from Federal departments and agencies; 2 from professional organizations; and 6 from individuals. In addition, we have discussed the proposals with a number of senior executives and other stakeholders since publication of the proposed rule. There was broad support for the proposed changes, especially those that give agencies greater flexibility for tailoring their performance management systems to their organizational and operational needs. There was also general support for the concept of balanced measurement, although some commenters said they need additional information and guidance about using balanced measures. There were a few suggested modifications to the proposals, and some commenters proposed additional requirements. We discussed the public comments and suggestions with a representative group of agency SES program managers. We have included their views in our reactions to these comments and suggestions.

Background

The members of the Senior Executive Service (SES) are dedicated, hard-working public servants. Individually and through the organizations they lead, these senior executives strive to deliver value to the American people. This results-orientation was central to the original vision for the SES, outlined in the Civil Service Reform Act (CSRA) of 1978. CSRA intended that SES performance management systems:

- ''Ensure accountability for honest, economical, and efficient Government''
- ''Assure that senior executives are accountable and responsible for the effectiveness and productivity of employees under them''
- ''Ensure that compensation, retention, and tenure are contingent on executive success which is measured on the basis of individual and organizational performance''
- ''Recognize exceptional accomplishment.''

The Government Performance and Results Act (GPRA) of 1993 and the National Partnership for Reinventing Government (NPR) validated this original vision and challenged Government to shift its focus from internal processes and outputs to results that are aligned with customer expectations.

In discussions with stakeholders that were triggered by OPM's 1998 *Draft Framework for Improving the Senior Executive Service*, executives and others said the current regulations discourage results-oriented performance management. They also told us that agency leaders must drive the effort to strengthen their SES performance management systems. Respondents to OPM's survey of the Senior Executive Service in 1999 reinforced these findings:

- Only 72% believed their performance rating represents a fair and accurate picture of their performance;
- Only 48% felt that SES bonus determinations are based on merit; and
- 57% did not think poor performing executives are removed from their positions.

(The survey findings are available on OPM's website (www.opm.gov/SES).)

In response to these concerns, OPM proposed to amend the regulations governing SES performance appraisal. The amended regulations give agencies more flexibility to reinvigorate their SES performance management systems—to focus on results over process. They reinforce the agencies' responsibility to communicate performance expectations and to use the results of the performance management process as a basis for performance awards and other personnel decisions. The regulations also require SES performance management systems to balance organizational results with the needs and perspectives of customers and employees.

Overall Approach

Our intent was to substantially deregulate in order to give agencies much more flexibility to tailor their systems and approaches for managing senior executive performance to fit their unique and changing mission and operational needs and organizational climates. We pared many of the current regulatory requirements back to the statutory requirements. We eliminated requirements that are unnecessarily constraining and burdensome to agencies or are process-bound. The changes balance the agencies' desire for maximum flexibility with the need for a corporate approach that safeguards merit principles and contributes to a better, more diverse, results-oriented Government. In addition, we totally restructured the regulations to organize the material more logically and to use plain language, as the President directed in June 1998.

We broadened the focus from determining annual summary ratings to managing performance on an ongoing basis and shifted the emphasis from process to results. The restructured regulations establish separate sections on the key components of performance

management: planning and communicating, monitoring, appraising, and rating performance and using performance results.

As part of this expanded focus, we revised the purpose statement to stress:

- Expecting excellence in senior executive performance;
- Holding executives accountable for results;
- Communicating regularly about goals and expectations;
- Appraising senior executive performance using measures that balance organizational results with customer, employee, or other perspectives; and
- Making performance the basis for pay, awards, and other personnel decisions.

This emphasis is fundamental to the key regulatory changes.

Most commenters supported this approach. One agency in particular expressed appreciation for OPM's efforts to make the regulations as open as possible, with few absolute restrictions. Four commenters specifically mentioned support for reinforcing the links between SES performance and agency strategic planning initiatives. Another agency said the changes would help agencies hold senior executives accountable.

Two commenters questioned whether regulations are needed to accomplish the goals of this initiative. One agency said that agencies can align performance management systems with GPRA goals under current regulations. A professional organization said rulemaking is not the most appropriate vehicle for establishing guidelines for managing performance, as this is an ever-evolving art. This organization preferred that we use more informal methods to provide guidance to agencies.

It is true that many of the performance management improvements included in these regulations can be implemented under the current framework of law and regulation. In fact, several agencies have already implemented innovative performance management systems which incorporate balanced measures. However, many agencies told us that the current regulations focus too much on process and inhibit results-oriented performance management. They asked for more latitude to design performance systems that better fit their organizational cultures and operational goals. By overhauling these regulations, we hope to promote a culture change—a culture change that views SES performance management as a tool for driving results, instead of an irritating, annual chore.

Key Changes in Current Requirements

We modified *system requirements* to prescribe a framework for agency systems that identifies key system components, without specifying how these components will be implemented. Within this framework, agencies can design performance management systems to meet their organizational and operational needs. No commenters opposed this modification.

We modified the *minimum appraisal period.* The current requirements provide for a minimum appraisal period of 90–120 days. Agencies can rate a senior executive's performance after he/she has completed the minimum period, provided there is enough information on which to base a rating. We proposed to keep the 90-day minimum, but remove the 120-day cap to allow agencies to establish minimum appraisal periods that are longer than 120 days. There was general support for this proposal. However, one professional organization recommended that the minimum appraisal period be lengthened from 90 days to 120 days because, in their view, 90 days does not give sufficient time to form the basis for a meaningful evaluation. The minimum appraisal period has always been 90 days, with the caveat that agencies can rate an executive's performance only if there is enough information on which to base a rating. To date, there has been no evidence of agency or senior executive difficulty with the 90-day minimum. Further, the SES program managers preferred to retain the 90-day minimum period, provided that we also retain the caveat. Therefore, we are not adopting the organization's recommendation. The final regulations reflect the minimum appraisal provisions as proposed.

We changed *performance standards to performance requirements* to reflect the term used in statute, and eliminated the requirement to use the term *non-critical element.* Agencies will establish performance requirements for critical elements and any other performance elements that will be used to appraise performance and derive the annual summary rating. There were no objections to these changes, so they are adopted as proposed.

We modified *rating level* requirements to remove the requirement to establish three rating levels for each critical element. The performance on each critical element and any other performance elements must be appraised. No commenters objected to these changes, so they are adopted as proposed.

We reduced the *summary rating level requirements* to the minimum three summary rating levels prescribed in statute (*i.e.,* fully successful, minimally satisfactory, and unsatisfactory). We removed the current maximum of five levels (*i.e.,* no more than two levels above fully successful). There were no objections to these changes, so they are adopted as well.

We revised *rating terms* to reflect the statutory requirement for an annual summary rating. There are now only two rating terms: the *initial rating* becomes *initial summary rating* and the *final rating* becomes the *annual summary rating.* We removed references to other types of ratings. There were no comments on these changes, so they are adopted as proposed.

We modified the *method for deriving summary ratings* to remove the current requirement to give critical elements more weight than non-critical elements in determining a summary rating. There were no comments on this change, so it is adopted.

Balanced Measurement

The regulations require agencies to evaluate senior executive performance using measures that balance organizational results with customer satisfaction, employee perspectives, and any other measures agencies decide are appropriate. Introduction of the balanced scorecard concept in 1992 by Robert Kaplan and David Norton of the Harvard Business School as well as recent studies by the National Partnership for Reinventing Government and others have shown that both the public and private sectors are increasingly and successfully using balanced measurement to help create high-performing organizations. They indicate that an approach to performance planning, management, and measurement that balances the needs and perspectives of customers, stakeholders, and employees with the achievement of the organization's business or operational results is critical to successful improvement efforts.

By institutionalizing the use of balanced measures, the Government acknowledges what its best executives have always known: leading people and building customer coalitions are the foundation of organizational success. In OPM's 1999 SES survey, career executives reported that ''leading people'' and ''building coalitions'' are the most important contributors to executive success now, and they will be even more important in the future.

There is general support for the concept of balanced measurement, although some commenters requested additional information and guidance about using balanced measures. There

was consensus that the regulations should not prescribe how balanced measures are imposed and implemented. The regulations require agencies to evaluate senior executive performance using balanced measures, but they do not dictate how. Agencies can define the measures, determine the appropriate balance among the various measures, and decide an implementation method that best meets their organizational and operational needs.

In discussions with stakeholders about the proposed regulations, some have expressed anxiety about the measurement factors and what they mean. Some fear that employee perspectives means a supervisor's popularity with employees. Some said that senior executives have multiple customers and stakeholders, many of whom have conflicting views and interests. They are concerned that these considerations might not be taken into account. A few worried that senior executives would be held accountable for program results over which they have little or no control. Others were concerned that using balanced measurement would require agencies to invest in expensive surveys or sophisticated measurement tools.

These are all valid concerns, but agencies will have latitude under the regulations to weigh employee and customer concerns in whatever manner they decide is appropriate to their missions and structures. The employee perspectives factor is not a ''popularity contest.'' Rather, this factor focuses on such things as how executives lead and motivate their employees, address job and training needs, and provide a healthy working environment.

• Having multiple stakeholders is a ''given'' in the Federal sector, where executives frequently have to balance the needs of a variety of customers and stakeholders. For example, in regulatory agencies, executives often make decisions that stakeholders do not endorse. The customer satisfaction factor considers how executives deal with stakeholders, balance the varying needs of customers, and build partnerships and coalitions to achieve results. The issue is not always whether customers or stakeholders agree with the decision, but how the executives reach the decision; *i.e.*, whether stakeholders have an opportunity to participate in the decision-making and share their views, whether customers are treated with interest and respect, etc.

• Regarding measurement, we believe that agencies can measure results in ways that do not require elaborate systems.

Further, agencies will have the flexibility to define measures and design systems that fit their organizational and operational needs and are aligned with their strategic and performance planning initiatives. These flexibilities should enable agencies to address their senior executives' concerns.

Two commenters suggested mandating additional measures. One was the addition of financial results to more directly reflect Kaplan and Norton's balanced scorecard approach. The other proposed adding diversity and representation.

The National Partnership for Reinventing Government's August 1999 report on *Balancing Measures* states that, although there is no such thing as a fixed and truly balanced set of measures, a balanced approach should factor in at least employee, customer, and business perspectives. Agencies may add other measures; however they must not dilute the importance of the key measures. (The report on *Balancing Measures* is available on the NPR website at: www.npr.gov.)

We discussed these recommended additions with SES program managers, who preferred that the regulations only specify the three most common factors, *i.e.*, organization results, customer satisfaction, and employee perspectives. Most believed that the three key measures are broad enough to incorporate diversity and financial measures. However, agencies have the flexibility to address them as separate factors, if they choose. Therefore, consistent with our approach to give agencies as much flexibility as possible to develop measures that reflect their overall mission strategies, we are not adopting the recommendations. OPM will issue supplemental guidance and continue ongoing discussions with stakeholders to help agencies address balanced measurement.

Additional Proposed Requirements

Evaluation Criteria. Two commenters proposed that we mandate additional evaluation criteria. One proposed to include selected leadership competencies as an element of each executive's appraisal. Another proposed a requirement that two of the executive core qualifications for entry into the Senior Executive Service (leading people and building coalitions) be made critical elements in all SES appraisals.

Strong and effective leadership is fundamental to executive success; it is manifested through the three balanced measures. All new career executives must demonstrate their leadership ability in five areas (*i.e.*, leading change, leading people, results-driven, business acumen, and building coalitions). Some agencies have incorporated the themes of these Executive Core Qualifications into their SES performance management systems. We support this approach, but SES program managers indicated that we should not dictate it. Since the suggested changes would be inconsistent with the flexible approach taken in the regulations, we are not adopting them.

One commenter also suggested that an increased emphasis on diversity and representation as an SES performance element would serve to increase accountability for results. We agree that this is important. The appraisal criteria in the revised regulations at § 430.307(a) address an executive's progress in meeting affirmative action, equal employment opportunity, and diversity goals.

Another commenter proposed that the regulations clarify that senior executives are responsible and accountable for protecting the human and workplace assets under their control and for ensuring that these assets are used in ways that prevent pollution and use energy resources efficiently. We believe that effectively managing the work environment is inherent in both the ''organizational results'' and ''employee perspectives'' factors of balanced measurement, which agencies can describe in ways that are appropriate to their organizational needs. Accordingly, we are not adopting this proposed addition.

Supervisor Appraisals. An agency was concerned about the lack of incentive for supervisors to conduct timely performance assessments. The agency wanted the regulations to require that, before a supervisor changes jobs or leaves an agency he/she be required to appraise the performance of subordinate senior executives in writing. The proposed regulations include requirements for appraisals of senior executives who change jobs, but they are silent on departing supervisors. The current regulations do not address this, but we have issued supplemental guidance to agencies that encourages them to obtain appraisal information from departing supervisors. We sought the views of SES program managers, who felt that we should not mandate this as a governmentwide requirement, but continue to address it in supplemental guidance. We agree. Agencies have the latitude to include such a requirement in their performance management systems.

Written Progress Reviews. The same agency also felt that the requirement for periodic progress reviews needed to be strengthened by requiring that the

overall results of each progress review be documented in writing. We shared this comment with the SES program managers, who did not support the proposal. We understand the concern, but we prefer to let agencies decide how best to ensure that there is ongoing communication between supervisors and senior executives about their performance. The emphasis should be on communication, rather than process or format.

Performance Review Boards. A professional organization proposed mandating that agencies include women, minorities, and people with disabilities on Performance Review Boards (PRBs) in organizations, organizational components, and geographical locations where minorities, women, and persons with disabilities are determined to be underrepresented in the workforce. We appreciate the concerns about diversity that prompted this comment, but it might be difficult for other than large departments and agencies to comply with such a requirement. The revised regulations encourage agencies to include women, minorities, and people with disabilities on PRBs. Including this in the actual language of the regulation sends a strong message to agency leadership. Further, we want to maintain the focus on the substance of diversity and diverse viewpoints, rather than on numbers or process.

Editorial Suggestions. One commenter suggested more precise language for clarity. For example, the commenter felt the term ''strategic planning initiatives'' might be misinterpreted as a process-focused item, rather than a linkage between performance accountability and an agency's long-term and annual goals and objectives. By using this term, we intended a broad focus on strategic and annual performance planning and evaluation efforts and any related initiatives. In our view, using more precise terminology or definition could narrow that focus or limit an agency's flexibility. Therefore, we are not adopting the suggested language changes.

System Approval

During the public comment period, we discussed with agency SES program managers options for obtaining OPM approval of revised performance management systems, in accordance with 5 U.S.C. 4312. The general consensus was agency self-certification, similar to the method used to approve performance management systems for the general workforce to comply with requirements at 5 CFR 430.209 and 210. Under this approach, OPM would develop a checklist of key system requirements, and agencies would certify that their revised performance management systems comply with these requirements and provide supporting documentation as appropriate. OPM will provide these materials and accompanying guidance to agencies within 60 days of the publication of this final rule.

Additional Guidance

OPM will issue additional guidance in various formats to help agencies implement the changes, including examples of ways to use the various flexibilities provided under these regulations. We will also share information about how public and private sector organizations are using balanced measurement to evaluate senior executive performance.

Table of Changes

The following table lists the changes to the current regulations. The ''current rule'' column lists the regulations in the current subpart C affected by the final regulations. The ''final rule'' column shows the disposition of the current rules. The third column explains each change.

Current rule	Final rule	Explanation of change
430.301(a)	430.301(a)	Plain language edits.
430.301(b)	430.301(b)	Revises purpose to emphasize expecting excellence, holding senior executives accountable for results, communicating goals and expectations, factoring balanced measurement into performance appraisal, and making performance the basis for personnel decisions.
430.302(a)	430.302(a)	Plain language edits.
430.302(b)	430.302(b)	Plain language edits.
430.303	430.303	Revises definitions as follows: *Annual summary rating* replaces the term *summary rating* to reflect the statutory terminology and means the overall rating level the appointing authority assigns at the end of the appraisal period after considering PRB recommendations. *Appointing authority* is revised to clarify that this individual must be authorized to make SES appointments. *Appraisal* is replaced with *performance appraisal* and edited for plain language. *Appraisal period* reflects plain language edits. *Appraisal system* is replaced with the term *performance management system* to broaden the focus from the annual appraisal to managing performance on an ongoing basis. *Balanced measures* is added because the regulations require agencies to use balanced measurement to evaluate senior executive performance. *Critical element* is broadened to cover the senior executive's work, which may include more than the duties of the position, and focus on organizational results. *Final rating* is replaced with the term used in statute, *annual summary rating,* and edited for plain language. *Initial rating* is replaced with *initial summary rating* and revised for clarity. *Non-critical elements* is replaced with the broader term, *other performance elements,* which refers to components of an executive's work that are not critical but may be important enough to factor into the executive's appraisal. *Performance* is broadened from the focus on critical and non-critical elements of the position to the accomplishment of work described in the senior executive's performance plan. *Performance appraisal* is added to replace *appraisal* and edited for plain language.

Current rule	Final rule	Explanation of change
		Performance Appraisal System is replaced with the term *performance management system,* which refers to a framework of policies and practices for planning, monitoring, developing, evaluating, and rewarding individual and organizational performance and for using performance information as a basis for personnel decisions. *Performance Management Plan* is deleted. The concepts are covered under *performance management system.* *Performance plan* is replaced with the term *senior executive performance plan* which is expanded to address work the senior executive is expected to accomplish and the requirements against which performance will be evaluated. *Performance standard* is replaced by the term *performance requirement* used in statute and reflects plain language edits. *Progress review* reflects plain language edits. *Rating of record* is deleted. *Summary rating* is replaced with *annual summary rating.* *Strategic planning initiatives* is added because of new requirements for aligning performance plans with strategic planning.
430.304	430.304	Retitles section as SES Performance Management Systems; edits substantially and restructures it to include the key components of agency systems. Moves other requirements to other sections in the subpart.
430.304(a)	430.304(a)	Plain language edits.
430.304(b)	430.305(b)	Moves critical element requirements to Planning and Communicating Performance. Replaces reference to non-critical elements with the broader *other performance elements.*
	430.307(a)	Moves appraisal requirements to Appraising Performance; revises them to reflect deletion of term *non-critical elements.*
	430.308(d)	Moves summary rating requirements to Rating Performance.
430.304(c)	430.304(b)	Planning performance becomes a key component of performance management systems.
	430.305(a)	Moves requirements for individual senior executive performance plans to Planning and Communicating Performance.
430.304(d)(1)	430.304(b)	Replaces *performance standards* with the statutory term *performance requirements;* some provisions are included in performance management system requirements.
	430.305	Moves establishing and communicating critical elements and requirements to Planning and Communicating Performance.
	430.307(a)	Moves annual appraisal requirements to Appraising Performance.
430.304(d)(2)	430.304(b)(1), 430.305	Includes accomplishing organizational objectives in requirements to address organizational performance and to link performance management with GPRA goals and with strategic planning initiatives.
430.304(e)	430.305(b)	Revises section to eliminate the requirement to establish three rating levels for each critical element. Replaces *performance standards* with *performance requirements* and moves it to senior executive performance plan requirements under Planning and Communicating Performance.
430.304(f)	430.304(c)(3)	Edits derivation method requirements to remove references to non-critical elements and moves it to system requirements. New section incorporates restriction on rating level distribution.
430.304(g)	430.304(c)(2)	Modifies summary rating level requirements to reflect the statutory requirement for a minimum of three levels. Removes the 5-level maximum and rating level numbers.
430.304(h)	430.306(c)	Broadens requirement for performance assistance to require agencies to help senior executives improve their performance, not just those who are rated less than fully successful, to reflect the emphasis on overall performance improvement.
430.304(i)	430.309(c)	Edits requirements for action on less than successful performance ratings and moves them to the new section, Using Performance Results. This section is added to focus on basing personnel decisions on performance.
	430.305	Adds two new sections on Planning and Communicating Performance and Monitoring Performance, which are key components of performance management systems. Consolidates senior executive performance plan requirements under Planning and Communicating Performance.
	430.306	Consolidates progress review and performance improvement requirements under monitoring performance.
430.305	430.307	Retitles heading as Appraising Performance, a key component of performance management systems.
430.305(a)(1)	430.304(c)(1)	Moves appraisal period requirements to System Requirements.
	430.307(b)	Moves rating performance on details and temporary assignments to Appraising Performance. Replaces summary rating requirement with requirement to appraise performance and factor appraisal into initial summary rating.
430.305(a)(2)	430.304(c)(1)(ii)	Edits provisions for terminating the appraisal period and moves them to System Requirements.
430.305(a)(3)	430.304(c)(1)(iii)	Edits restriction on appraisals and ratings during Presidential election periods and moves it to System Requirements.
430.305(b)	430.304(c)(1)(i)	Revises minimum appraisal period to eliminate the 120-day maximum and moves it to System Requirements.

Current rule	Final rule	Explanation of change
430.305(c)	430.307(a)(1)	Deletes the requirement to appraise on non-critical elements. Requires appraisal on critical elements only—appraising other elements is optional.
430.305(d)(1) & 430.305(d)(2).	430.307(b)(1), 430.307(b)(2), &430.307(b)(3).	Substantially edits requirements for appraising performance on details and temporary assignments. Modifies the current requirement for rating on critical elements to appraising performance and factoring that appraisal into the initial summary rating.
430.305(e)	430.306(b)	Edits progress review requirements and moves them to Monitoring Performance.
430.306	430.308	Retitles heading as Rating Performance, a key component of performance management systems.
430.306(a)(1)	430.308(a)	Plain language edits.
430.306(a)(2)	430.308(a)	Plain language edits.
430.306(a)(3)	430.308(b)	Plain language edits.
430.306(a)(4)	430.308(b), 430.308(c)	Plain language edits.
430.306(a)(5)	430.308(b)	Removes specific section; provisions are inherent in higher level review requirements.
430.306(b)	430.308(b)	Adds requirement that higher level reviewer may not change initial summary rating, but can recommend a different rating to PRB and appointing authority. Plain language edits.
	430.308(c)	Adds new section in Rating Performance on PRB review for clarity.
430.306(c)	430.308(d)	Changes term *final rating* to *annual summary rating* for consistency with statutory language and edits for plain language.
430.306(d)	430.304(c)(3)	Includes requirement in derivation methods under System Requirements and edits for plain language.
430.306(e)	430.308(e)	Includes provisions under new section, Extending the appraisal period; edits for plain language.
	430.308(f)	States statutory language that appraisals and ratings are not appealable.
430.306(f)	430.307(b)	Modifies requirement for summary rating on transfer to a written appraisal which the gaining supervisor must factor into the annual summary rating. Plain language edits.
430.306(g)	430.308(a), 430.308(b), 430.311(c).	Deletes section; incorporates requirements for executive notification in relevant sections. Edits documentation maintenance requirements and moves them to Training and Evaluation.
430.307	430.310	Plain language edits.
430.307(a)	430.310(a)(1)	Plain language edits.
430.307(b)	430.310(a)(4)	Plain language edits.
430.307(c)	430.310(a)(2)	Plain language edits.
430.307(d)	430.310(a)(3)	Deletes reference to OPM authority to waive requirement for career majority on PRBs. Authority is stated in statute.
430.307(e)	430.310(b)(1)	Plain language edits.
430.307(f)	430.310(b)(3)	Plain language edits.
430.307(g)	430.301(b)(2)	Plain language edits.
430.308	430.311(a), 430.311(b)	Plain language edits.
430.309(a)	430.312(b)	Plain language edits.
430.309(b)	430.312(c)	Plain language edits.
430.310	430.312(a)	Moves requirement to section on OPM review of agency systems and edits for plain language.

E.O. 12866, Regulatory Review

This final rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because the regulations pertain only to Federal employees and agencies.

List of Subjects in 5 CFR Part 430

Government employees, Performance management.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending 5 CFR Part 430 as follows:

PART 430—PERFORMANCE MANAGEMENT

1. The authority citation for part 430 continues to read as follows:

Authority: 5 U.S.C. chapter 43.

2. Subpart C is revised to read as follows:

Subpart C—Managing Senior Executive Performance

Sec.

430.301 General.
430.302 Coverage.
430.303 Definitions.
430.304 SES performance management systems.
430.305 Planning and communicating performance.
430.306 Monitoring performance.
430.307 Appraising performance.
430.308 Rating performance.
430.309 Using performance results.
430.310 Performance Review Boards (PRBs).
430.311 Training and evaluation.
430.312 OPM review of agency systems.

Subpart C—Managing Senior Executive Performance

§ 430.301 General.

(a) *Statutory authority.* Chapter 43 of title 5, United States Code, provides for performance management for the Senior Executive Service (SES), the establishment of SES performance appraisal systems, and appraisal of senior executive performance. This subpart prescribes regulations for managing SES performance to implement the statutory provisions at 5 U.S.C. 4311–4315.

(b) *Purpose.* The regulations in this subpart require agencies to establish performance management systems that hold senior executives accountable for their individual and organizational performance in order to improve the overall performance of Government by—

(1) Expecting excellence in senior executive performance;

(2) Linking performance management with the results-oriented goals of the Government Performance and Results Act of 1993;

(3) Setting and communicating individual and organizational goals and expectations;

(4) Systematically appraising senior executive performance using measures that balance organizational results with customer, employee, or other perspectives; and

(5) Using performance results as a basis for pay, awards, development, retention, removal, and other personnel decisions.

§ 430.302 Coverage.

(a) This subpart applies to all senior executives covered by subchapter II of chapter 31 of title 5, United States Code.

(b) This subpart applies to agencies identified in section 3132(a)(1) of title 5, United States Code.

§ 430.303 Definitions.

Terms used in this subpart are defined as follows:

Appointing authority means the department or agency head, or other official with authority to make appointments in the Senior Executive Service.

Appraisal period means the established period of time for which a senior executive's performance will be appraised and rated.

Balanced measures means an approach to performance measurement that balances organizational results with the perspectives of distinct groups, including customers and employees.

Critical element means a key component of an executive's work that contributes to organizational goals and results and is so important that unsatisfactory performance of the element would make the executive's overall job performance unsatisfactory.

Other performance elements means components of an executive's work that do not meet the definition of a critical element, but may be important enough to factor into the executive's performance appraisal.

Performance means the accomplishment of the work described in the senior executive's performance plan.

Performance appraisal means the review and evaluation of a senior executive's performance against performance elements and requirements.

Performance management system means the framework of policies and practices that an agency establishes under subchapter II of chapter 43 of title 5, United States Code, and this subpart, for planning, monitoring, developing, evaluating, and rewarding both individual and organizational performance and for using resulting performance information in making personnel decisions.

Performance requirement means a statement of the performance expected for a critical element.

Progress review means a review of the senior executive's progress in meeting the performance requirements. A progress review is not a performance rating.

Ratings: (1) *Initial summary rating* means an overall rating level the supervisor derives from appraising the senior executive's performance during the appraisal period and forwards to the Performance Review Board.

(2) *Annual summary rating* means the overall rating level that an appointing authority assigns at the end of the appraisal period after considering a Performance Review Board's recommendations. This is the official rating.

Senior executive performance plan means the written summary of work the senior executive is expected to accomplish during the appraisal period and the requirements against which performance will be evaluated. The plan addresses all critical elements and any other performance elements established for the senior executive.

Strategic planning initiatives means agency strategic plans, annual performance plans, organizational workplans, and other related initiatives.

§ 430.304 SES performance management systems.

(a) To encourage excellence in senior executive performance, each agency must develop and administer one or more performance management systems for its senior executives.

(b) Performance management systems must provide for:

(1) Planning and communicating performance elements and requirements that are linked with strategic planning initiatives;

(2) Consulting with senior executives on the development of performance elements and requirements;

(3) Monitoring progress in accomplishing elements and requirements;

(4) At least annually, appraising each senior executive's performance against requirements using measures that balance organizational results with customer and employee perspectives; and

(5) Using performance information to adjust pay, reward, reassign, develop, and remove senior executives or make other personnel decisions.

(c) Additional system requirements.

(1) *Appraisal period.* Each agency must establish an official performance appraisal period for which an annual summary rating must be prepared.

(i) There must be a minimum appraisal period of at least 90 days.

(ii) An agency may end the appraisal period any time after the minimum appraisal period is completed, if there is an adequate basis on which to appraise and rate the senior executive's performance.

(iii) An agency may not appraise and rate a career appointee's performance within 120 days after the beginning of a new President's term of office.

(2) *Summary performance levels.* Each performance management system must have at least three summary performance levels: one or more fully successful levels, a minimally satisfactory level, and an unsatisfactory level.

(3) *Method for deriving summary ratings.* Agencies must develop a method for deriving summary ratings from appraisals of performance against performance requirements. The method must ensure that only those employees whose performance exceeds normal expectations are rated at levels above fully successful. An agency may not prescribe a forced distribution of rating levels for senior executives.

§ 430.305 Planning and communicating performance.

(a) Each senior executive must have a performance plan that describes the individual and organizational expectations for the appraisal period and sets the requirements against which performance will be evaluated. Supervisors must develop performance plans in consultation with senior executives and communicate the plans to them on or before the beginning of the appraisal period.

(b) Senior executive performance plan requirements:

(1) *Critical elements.* At a minimum, plans must describe the critical elements of the senior executive's work and any other relevant performance elements. Elements must reflect individual and organizational performance.

(2) *Performance requirements.* At a minimum, plans must describe the level

of performance expected for fully successful performance of the executive's work. These are the standards against which the senior executive's performance will be appraised.

(3) *Link with strategic planning initiatives.* Critical elements and performance requirements for each senior executive must be consistent with the goals and performance expectations in the agency's strategic planning initiatives.

§ 430.306 Monitoring performance.

(a) Supervisors must monitor each senior executive's performance during the appraisal period and provide feedback to the senior executive on progress in accomplishing the performance elements and requirements described in the performance plan. Supervisors must provide advice and assistance to senior executives on how to improve their performance.

(b) Supervisors must hold a progress review for each senior executive at least once during the appraisal period. At a minimum, senior executives must be informed about how well they are performing against performance requirements.

§ 430.307 Appraising performance.

(a) *Annual appraisals.* Agencies must appraise each senior executive's performance in writing and assign an annual summary rating at the end of the appraisal period.

(1) At a minimum, a senior executive must be appraised on the performance of the critical elements in the performance plan.

(2) Appraisals of senior executive performance must be based on both individual and organizational performance, taking into account such factors as—

(i) Results achieved in accordance with the goals of the Government Performance and Results Act of 1993;

(ii) Customer satisfaction;

(iii) Employee perspectives;

(iv) The effectiveness, productivity, and performance quality of the employees for whom the senior executive is responsible; and

(v) Meeting affirmative action, equal employment opportunity, and diversity goals and complying with the merit system principles set forth under section 2301 of title 5, United States Code.

(b) *Details and job changes.* (1) When a senior executive is detailed or temporarily reassigned for 120 days or longer, the gaining organization must set performance goals and requirements for the detail or temporary assignment. The gaining organization must appraise the senior executive's performance in writing, and this appraisal must be factored into the initial summary rating.

(2) When a senior executive changes jobs or transfers to another agency after completing the minimum appraisal period, the supervisor must appraise the executive's performance in writing before the executive leaves.

(3) The annual summary rating and any subsequent appraisals must be transferred to the gaining agency. The gaining supervisor must consider the rating and appraisals when developing the initial summary rating at the end of the appraisal period.

§ 430.308 Rating performance.

(a) *Initial summary rating.* The supervisor must develop an initial summary rating of the senior executive's performance, in writing, and share that rating with the senior executive. The senior executive may respond in writing.

(b) *Higher level review.* The senior executive may ask a higher level official to review the initial summary rating before the rating is given to the Performance Review Board (PRB). The senior executive is entitled to one higher level review, unless the agency provides for more than one review level. The higher level official cannot change the supervisor's initial summary rating, but may recommend a different rating to the PRB and the appointing authority. Copies of the reviewer's findings and recommendations must be given to the senior executive, the supervisor, and the PRB.

(c) *PRB review.* The initial summary rating, the senior executive's response to the initial rating, and the higher level official's comments must be given to the PRB. The PRB must review the rating and comments from the senior executive and the higher level official, and make recommendations to the appointing authority, as provided in § 430.310.

(d) *Annual summary rating.* The appointing authority must assign the annual summary rating of the senior executive's performance, in writing, after considering any PRB recommendations. This rating is the official rating.

(e) *Extending the appraisal period.* When an agency cannot prepare an annual summary rating at the end of the appraisal period because the senior executive has not completed the minimum appraisal period or for other reasons, the agency must extend the executive's appraisal period. The agency will then prepare the annual summary rating.

(f) *Appeals.* Senior executive performance appraisals and ratings are not appealable.

§ 430.309 Using performance results.

(a) Agencies will use the results of performance appraisals and ratings as a basis for adjusting pay, granting awards, and making other personnel decisions. Performance information will also be a factor in assessing a senior executive's continuing development needs.

(b) A career executive whose annual summary rating is at least fully successful may be given a performance award under part 534, subpart D, of this chapter.

(c) An executive may be removed from the SES for performance reasons, subject to the provisions of part 359, subpart E, of this chapter.

(1) An executive who receives an unsatisfactory annual summary rating must be reassigned or transferred within the Senior Executive Service, or removed from the Senior Executive Service;

(2) An executive who receives two unsatisfactory annual summary ratings in any 5-year period must be removed from the Senior Executive Service; and

(3) An executive who receives less than a fully successful annual summary rating twice in any 3-year period must be removed from the Senior Executive Service.

§ 430.310 Performance Review Boards (PRBs).

Each agency must establish one or more PRBs to make recommendations to the appointing authority on the performance of its senior executives.

(a) *Membership.* (1) Each PRB must have three or more members who are appointed by the agency head, or by another official or group acting on behalf of the agency head. Agency heads are encouraged to include women, minorities, and people with disabilities on PRBs.

(2) PRB members must be appointed in a way that assures consistency, stability, and objectivity in SES performance appraisal.

(3) When appraising a career appointee's performance or recommending a career appointee for a performance award, more than one-half of the PRB's members must be SES career appointees.

(4) The agency must publish notice of PRB appointments in the **Federal Register** before service begins.

(b) *Functions.* (1) Each PRB must review and evaluate the initial summary rating, the senior executive's response, and the higher level official's comments on the initial summary rating, and

conduct any further review needed to make its recommendations.

(2) The PRB must make a written recommendation to the appointing authority about each senior executive's annual summary rating.

(3) PRB members may not take part in any PRB deliberations involving their own appraisals.

§ 430.311 Training and evaluation.

(a) To assure that agency performance management systems are effectively implemented, agencies must provide appropriate information and training to supervisors and senior executives on performance management, including planning and appraising performance.

(b) Agencies must periodically evaluate the effectiveness of their performance management system(s) and implement improvements as needed.

(c) Agencies must maintain all performance-related records for no less than 5 years from the date the annual summary rating is issued, as required in § 293.404(b)(1) of this chapter.

§ 430.312 OPM review of agency systems.

(a) Agencies must submit proposed SES performance management systems to OPM for approval.

(b) OPM will review agency systems for compliance with the requirements of law, OPM regulations, and OPM performance management policy.

(c) If OPM finds that an agency system does not meet the requirements and intent of subchapter II of chapter 43 of title 5, United States Code, or of this subpart, it will direct the agency to take corrective action, and the agency must comply.

[FR Doc. 00–26337 Filed 10–12–00; 8:45 am]

BILLING CODE 6325–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–91–AD; Amendment 39–11922; AD 2000–20–11]

RIN 2120–AA64

Airworthiness Directives; LET Aeronautical Works Model L–13 ''Blanik'' Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all LET Aeronautical Works (LET) Model L–13 ''Blanik'' sailplanes. This AD requires you to inspect the tail-fuselage hinge for strength requirements and damage, and also requires you to replace any hinge with damage or that does not meet strength requirements. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Czech Republic. The actions specified by this AD are intended to detect and correct any tail-fuselage hinge that is damaged or has inadequate material characteristics. Any tail-fuselage hinge with damage or inadequate material characteristics could fail and result in loss of controlled flight.

DATES: This AD becomes effective on November 27, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 27, 2000.

ADDRESSES: You may get the service information referenced in this AD from LET Aeronautical Works, Kunovice 686 04, Czech Republic; telephone: +420 632 55 44 96; facsimile: +420 632 56 41 13. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–91–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the **Federal Register**, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the Czech Republic, recently notified the FAA that an unsafe condition may exist on all LET Model L–13 ''Blanik'' sailplanes. The CAA reports an incident involving one of the affected sailplanes where the tail-fuselage attachment fitting was damaged. Further analysis reveals that the material characteristics of the tail-fuselage attachment fitting were inadequate.

What are the consequences if the condition is not corrected? The tail-fuselage attachment fitting is a primary structural element within the empennage. Failure of this part, if not detected and corrected, could result in loss of controlled flight.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all LET Model L–13 ''Blanik'' sailplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 9, 2000 (65 FR 48648). The NPRM proposed to require you to inspect the tail-fuselage hinge for strength requirements and damage, and would require you to replace any hinge with damage or that does not meet strength requirements.

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

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many sailplanes does this AD impact? We estimate that this AD affects 140 sailplanes in the U.S. registry.

What is the cost impact of the inspection for the affected sailplanes on the U.S. Register? We estimate that it will take approximately 4 workhours per sailplane to accomplish the inspection, at an average labor rate of $60 an hour. Based on the cost factors presented above, we estimate the total cost impact of the inspection on U.S. operators to be $33,600, or $240 per sailplane.

What is the cost impact of the replacement for the affected sailplanes on the U.S. Register? We estimate that it will take approximately 16 workhours per sailplane to accomplish the replacement (as necessary), at an average labor rate of $60 an hour. The manufacturer will provide the replacement attachment fittings at no cost. Based on the cost factors presented above, we estimate the total labor cost impact of the replacement on U.S. operators to be $960 per sailplane.

Regulatory Impact

Does this AD impact various entities? 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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under 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. FAA amends Section 39.13 by adding a new AD to read as follows:

2000–20–11 LET Aeronautical Works: Amendment 39–11922; Docket No. 99–CE–91–AD.

(a) What sailplanes are affected by this AD? This AD applies to Model L–13 ''Blanik'' sailplanes, all serial numbers, certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above sailplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent the tail-fuselage hinge failing and consequent loss of controlled flight.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance times	Procedures
(1) Inspect the tail-fuselage attachment fitting, part number (P/N) A 102 021N, for damage and material hardness.	Within 60 days after November 27, 2000 (the effective date of this AD).	Follow the procedures in Mandatory Bulletin No. L13/085a, dated November 17, 1999.
(2) If the tail-fuselage attachment fitting is damaged or the material does not meet the hardness requirements specified in the service bulletin, you must replace the tail-fuselage attachment fitting.	Before further flight after the inspection	You must notify LET Aeronautical Works and request they send the replacement part with installation instructions.
(3) Do not install, on any sailplane, a P/N A 102 021N attachment fitting that has not passed the inspection requirements specified in paragraph (d)(1) of this AD.	As of November 27, 2000 (the effective date of this AD).	Inspect any attachment fitting in accordance with the previously referenced service bulletin.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106.

Note 1: This AD applies to each sailplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

(g) *What if I need to fly the sailplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your sailplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with LET Mandatory Bulletin No. L13/085a, dated November 17, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from LET Aeronautical Works, Kunovice 686 04, Czech Republic; telephone: +420 632 55 44 96; facsimile: +420 632 611 26. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

(i) *When does this amendment become effective ?* This amendment becomes effective on November 27, 2000.

Note 2: The subject of this AD is addressed in Czech Republic AD Number CAA–AD–T–112/1999, dated November 18, 1999.

Issued in Kansas City, Missouri, on September 28, 2000.

Michael Gallagher,

Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–25548 Filed 10–12–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–15–AD; Amendment 39–11925; AD 2000–20–14]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models A36 and B36TC Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Corporation (Raytheon) Beech Models

A36 and B36TC airplanes. This AD requires you to inspect for the installation of firewall sealant and install firewall sealant if not present. This AD is the result of a report that firewall sealant was not found during a routine production inspection. The actions specified by this AD are intended to correct the absence of sealant and prevent the consequent entry of smoke or fire into the flight compartment or cabin in the event of an engine compartment fire.

DATES: This AD becomes effective on November 28, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 28, 2000.

ADDRESSES: You may get the service information referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; on the Internet at <http://www.raytheon.com/rac/servinfo/53–3375.pdf>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <http://www.adobe.com/>. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–15–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Jeff Pretz, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4153; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? Raytheon recently notified FAA that a Beech Model A36 airplane did not have sealant between the faying surfaces of the part number (P/N) 109–361023–13 tube assembly fitting and the P/N 36–430054–69 upper firewall panel. Raytheon found this condition during a routine production process inspection.

Other airplanes that were part of this particular production process are:

Beech Model A36: Serial numbers E–3113 through E–3231, E–3233 through E–3263, E–3265 through E–3267, E–3269, E–3271, E–3273, and E3277

Beech Model B36TC: Serial numbers EA–594 through EA–644

What are the consequences if the condition is not corrected? This condition, if not corrected, could result in smoke or fire penetrating the firewall and entering the flight compartment or cabin.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Beech Models A36 and B36TC airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 16, 2000 (65 FR 49952). The NPRM proposed to require you to inspect for the installation of firewall sealant; and install firewall sealant if not present.

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

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 134 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour × $60 per hour = $60	No parts required for the inspection.	$60 per airplane	$60 × 134 = $8,040.

We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
2 workhours × $60 per hour = $120.	No parts required for the modification.	$120 per airplane	$120 × 134 = $16,080.

Regulatory Impact

Does this AD impact various entities? 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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under 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. FAA amends Section 39.13 by adding a new AD to read as follows:

2000–20–14 Raytheon Aircraft Company: Amendment 39–11925; Docket No. 2000–CE–15–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following airplanes, certificated in any category:

Beech Model A36: Serial numbers E–3113 through E–3231, E–3233 through E–3263, E–3265 through E–3267, E–3269, E–3271, E–3273, and E3277.

Beech Model B36TC: Serial numbers EA–594 through EA–644.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct the lack of a firewall seal and consequent progression of fire and smoke through the firewall panel into the flight compartment or cabin in the event of an engine compartment fire.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following actions:

Actions	Compliance time	Procedures
(1) Inspect for sealant between the faying surfaces of the part number (P/N) 109–361023–13 tube assembly fitting and the P/N 36–430054–69 upper firewall panel. (i) If sealant is present, no further action is necessary (ii) If sealant is not present, apply sealant to the tube assembly and the upper firewall panel.	Inspection required within 50 hours time-in-service after November 28, 2000 (the effective date of this AD), and sealant application required before further flight after the inspection.	Accomplish all actions in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin SB 53–3375, Issued: December 1999.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* You can contact Jeff Pretz, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4153; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Raytheon Mandatory Service Bulletin No. SB 53–3375, dated December 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; on the Internet at <http://www.raytheon.com/rac/servinfo/53–3375.pdf>. This file is in Adobe Portable Document Format. The Acrobat Reader is available at <http://www.adobe.com/>. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

(i) *When does this amendment become effective?* This amendment becomes effective on November 28, 2000. Issued in Kansas City, Missouri, on September 28, 2000.

Issued in Kansas City, Missouri, on September 28, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–25549 Filed 10–12–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–90–AD; Amendment 39–11921; AD 2000–20–10]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Model DG–800B Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain DG Flugzeugbau (DG Flugzeugbau) GmbH Model DG 800B sailplanes. This AD requires you to measure and correct improper propeller drive belt tension. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Federal Republic of Germany. The actions specified in this AD are intended to correct improper drive belt tension and consequent engine crankshaft or connecting rod bearing damage. Such damage could result in loss of propulsion during critical phases of flight.

DATES: This AD becomes effective on November 27, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 27, 2000.

ADDRESSES: You may get the service information referenced in this AD from DG Flugzeugbau, Postbox 41 20, D–76646 Bruchsal, Federal Republic of Germany; telephone: +49 7257–890; facsimile: +49 7257–8922. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–90–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this proposed AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, recently notified the FAA that an unsafe condition may exist on all DG Flugzeugbau GmbH Model DG–800B sailplanes equipped with a SOLO engine. The LBA reports that 5 sailplanes had a broken crankshaft or connecting rod bearing failures. Improper drive belt tension caused the damage and failures.

What happens if you do not correct the condition? This condition, if not corrected, could result in loss of propulsion during critical phases of flight.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain DG Flugzeugbau Model DG 800B sailplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 10, 2000 (65 FR 48931). The NPRM proposed to measure and correct improper propeller drive belt tension.

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

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

What are the differences between the LBA AD and this AD? The German AD requires measuring the drive belt tension within the next 25 hours time-in-service but no later than December 31, 1999, on the affected sailplanes registered in Germany. We require measuring the drive belt tension within the next 25 hours time-in-service or 90 days after the effective date of this AD, whichever occurs first.

Why is the compliance time in both hours time-in-service and calendar time? The unsafe condition described in this AD does not originate as a result of sailplane operation. Applying improper tension to the propeller belt drive can occur at any time. The condition worsens with sailplane operation, but could already exist now. The compliance times afford the following:

- The 25 hours TIS provides that the high-usage sailplanes are inspected for improper tension in a reasonable time period; and
- The 90 day compliance time provides that improper tension does not go undetected for a long period of time on low-usage sailplanes.

Cost Impact

How many sailplanes does this AD impact? We estimate that this AD affects 6 sailplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected sailplanes? We estimate the following costs to accomplish the measurement:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. sailplane operators
3 workhours × $60 per hour = $180..	Not applicable	$180 per sailplane	$180 × 6 = $1,080.

Regulatory Impact

Does this AD impact various entities? 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.

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

A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under 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. FAA amends Section 39.13 by adding a new AD to read as follows:

2000–20–10 DG Flugzeugbau GMBH: Amendment 39–11921; Docket No. 99–CE–90–AD.

(a) *What sailplanes are affected by this AD?* Model DG–800B sailplanes, all serial numbers, that are:

(1) certificated in any category; and

(2) equipped with SOLO engines.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above sailplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct improper drive belt tension and consequent engine crankshaft or connecting rod bearing damage. Such damage could result in loss of propulsion during critical phases of flight.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance times	Procedures
(1) Measure the drive belt tension. The difference should be a minimum of 6 millimeters (mm) (0.236 inches (in)) and should not exceed 11 mm (0.433 in).	Within the next 25 hours time-in-service (TIS) or 90 days after November 27, 2000, (the effective date of this AD),whichever comes first.	Follow the procedures in DG Flugzeugbau Technical Note (TN) 873/16, dated October 25, 1999, and the Maintenance Manual for DG–800B.
(2) If you find improper tension as specified in this AD, accomplish the following:.	Before operating the sailplane.	
(i) Lower the tension if it is too high. Check the position of the propeller in relation to the engine compression point to assure it is within limits, and adjust if necessary.		
(ii) If you have to reduce the drive belt tension, execute a ground test run. Check to assure that the position of the propeller in relation to the engine compression point has not changed, and adjust as necessary. If this has happened, the drive belt has slipped due to too low tension.		
(iii) Notify DG Flugzeugbau if tension problems are still not resolved.		

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 1: This AD applies to each sailplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; facsimile: (816) 329–4090.

(g) *What if I need to fly the sailplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your sailplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with DG Flugzeugbau Technical Note (TN) 873/16, dated October 25, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from DG Flugzeugbau, Postbox 41 20, D–76646 Bruchsal, Federal Republic of Germany; telephone: +49 7257–890; facsimile: +49 7257–8922. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC 20001.

Note 2: The subject of this AD is addressed in German AD Number 1999–377, dated December 2, 1999.

(i) *When does this amendment become effective?* This amendment becomes effective on November 27, 2000.

Issued in Kansas City, Missouri, on September 28, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate,, Aircraft Certification Service.

[FR Doc. 00–25550 Filed 10–12–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–12–AD; Amendment 39–11924; AD 2000–20–13]

RIN 2120–AA64

Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. This AD requires you to inspect the rudder quadrant support structure for cracks and correct D-washer installation; and also requires you to replace any cracked component and replace any incorrectly installed D-washers. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to detect, correct, and prevent further cracking in the rudder quadrant structure caused by incorrectly installed D-washers. Cracks in this structure could result in loss of rudder control with consequent airplane control problems.

DATES: This AD becomes effective on November 27, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 27, 2000.

ADDRESSES: You may get the service information referenced in this AD from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–12–AD, 901 Locust, Room 506, Kansas

City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. The CAA reports two incidents of cracks in the upper edge member radii and bottom diaphragm radii of the rudder quadrant support structure.

Investigation of these incidents revealed that the D-washers in the rudder quadrant support structure were installed incorrectly. These D-washers, when installed correctly, are designed to reinforce the bend radii of the affected structure.

What are the consequences if the condition is not corrected? Cracks in the rudder quadrant support structure, if not detected and corrected, could result in loss of rudder control with consequent airplane control problems.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain British Aerospace HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 10, 2000, (65 FR 48933). The NPRM proposed to require you to inspect the rudder quadrant support structure for cracks and correct D-washer installation; and would require you to replace any cracked component and replace any incorrectly installed D-washers.

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

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

Compliance Time

What is the compliance time of this AD? The compliance time of this AD will be ''within 90 calendar days after the effective date of this AD.''

Why is the compliance in calendar time instead of hours time-in-service (TIS)? The cracks in the rudder quadrant support structure occur as a direct result of airplane operation if the D-washers are incorrectly installed. Because the D-washers could have been incorrectly installed in the field or at the factory, the problem has the same chance of occurring on an airplane with 50 hours TIS as one with 5,000 hours TIS. Therefore, we believe that 90 calendar days will:

- Assure that the unsafe condition does not go undetected for a long period of time on the affected airplanes; and
- Will not inadvertently ground any of the affected airplanes.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 264 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate that it will take approximately 1 workhour per airplane to accomplish the inspection of the rudder quadrant support structure and the D-washers, at an average labor rate of $60 an hour. Based on the figures presented above, the total cost impact of the inspection on U.S. operators is estimated to be $15,840, or $60 per airplane.

Costs for any necessary replacements are as follows:

Action	Number of workhours	Parts cost	Total cost per airplane
Right upper edge member replacement	8 workhours at $60 per hour.	$514	$994
Lower diaphragm replacement	8 workhours at $60 per hour.	760	1,240
D-washer replacement	4 workhours at $60 per hour.	250	490

Regulatory Impact

Does this AD impact various entities? 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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under 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. FAA amends Section 39.13 by adding a new AD to read as follows:

2000–20–13 British Aerospace: Amendment 39–11924; Docket No. 2000–CE–12–AD.

(a) *What airplanes are affected by this AD?* This AD affects Models HP137 Mk1, Jetstream Series 200 airplanes, and Jetstream Models 3101 and 3201 airplanes, all serial numbers excluding 936 and 940, certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect, correct, and prevent further cracking in the rudder quadrant structure caused by incorrectly installed D-washers. Cracks in this structure could result in loss of rudder control with consequent airplane control problems.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance times	Procedures
(1) Inspect the upper edge member radii and bottom diaphragm radii adjacent to the rudder artificial feel assembly attachments at the rudder quadrant support for cracks and inspect the D-washers to assure correct installation.	Within 90 calendar days after November 27, 2000 (the effective date of this AD).	Accomplish in accordance with the ''ACCOMPLISHMENT INSTRUCTIONS: Part 1—Inspection'' section of British Aerospace Mandatory Alert Service Bulletin 53–JA–990842, Revision 1, dated February 21, 2000.
(2) If cracks are found in the area of the upper edge member radii on the rudder quadrant support structure, replace this component by incorporating material Kit No. '53–JA–990842PT2'.	Before further flight after the inspection where the cracked part was detected.	Accomplish in accordance with the ''ACCOMPLISHMENT INSTRUCTIONS: Part 2—Replacement of the right upper edge member if cracks are found at Part 1'' section of British Aerospace Mandatory Alert Service Bulletin 53–JA–990842, Revision 1, dated February 21, 2000.
(3) If cracks are found in the area of the bottom diaphragm on the rudder quadrant support structure, replace this component by incorporating material Kit No. '53–JA–990842PT3'.	Before further flight after the inspection where the cracked part was detected.	Accomplish in accordance with the ''ACCOMPLISHMENT INSTRUCTIONS: Part 3—Replacement of the bottom diaphragm of the rudder quadrant support structure'' section of British Aerospace Mandatory Alert Service Bulletin 53–JA–990842, Revision 1, dated February 21, 2000.
(4) Remove any incorrectly installed D-washer and replace with a new D-washer. This replacement is accomplished by incorporating material Kit No. '53–JA–990842PT4'.	Before further flight after the inspection where the incorrect installation was detected.	Accomplish in accordance with the ''ACCOMPLISHMENT INSTRUCTIONS: Part 4—Removal and replacement of D-washers'' section of British Aerospace Mandatory Alert Service bulletin 53–JA–990842, Revision 1, dated February 21, 2000.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Small Airplane Directorate approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with British Aerospace Mandatory Alert Service Bulletin 53–JA–990842, Revision 1, dated February 21, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC 20001.

(i) *When does this amendment become effective?* This amendment becomes effective on November 27, 2000.

Note 2: The subject of this AD is addressed in British AD Number 006–12–99, not dated.

Issued in Kansas City, Missouri, on September 28, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–25554 Filed 10–12–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 734, 738, 740, 742, 743, 744, 748, and 774

[Docket No. 000204027–0266–02]

RIN 0694–AC14

Revisions to License Exception CTP

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is amending the

Export Administration Regulations (EAR) by revising License Exception CTP to reflect continuing technological advancement in the computer industry. High Performance Computers (HPCs) with a composite theoretical performance (CTP) of up to 45,000 millions of theoretical operations per second (MTOPS) can be exported to Computer Tier 2 countries under License Exception CTP, and HPCs with a CTP up to 28,000 MTOPS can be exported Computer Tier 3 destinations under License Exception CTP. The civil-military distinction for computer Tier 3 end-users and end-uses is removed. Effective February 26, 2001, this rule also raises the advance notification level for HPC exports to Computer Tier 3 countries to 28,000 MTOPS. As required by the National Defense Authorization Act of 1998 (NDAA), changes in the advance notification level for HPC exports to Tier 3 destinations are only effective 180 days following the submission by the President of a report to Congress. The President sent the report to Congress on August 30, 2000. This rule moves Argentina from Computer Tier 2 to Computer Tier 1. This rule also moves Estonia from Computer Tier 3 to Computer Tier 2, effective December 28, 2000.

DATES: This rule is effective October 13, 2000.

FOR FURTHER INFORMATION CONTACT: James A. Lewis, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–0092.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2000, the President announced significant changes to export control policy for HPCs. The new policy continues the Administration's commitment, as announced on July 1, 1999, to review and update its HPC policy every six months to reflect rapid advancements in microprocessor technology, as well as identify any risk posed by HPC exports to certain end-users and countries. This policy strengthens America's high-tech competitiveness, while maintaining export controls to protect U.S. national security.

The Administration, in consultation with the national security community and industry, has determined the following adjustments are warranted. Effective immediately, the upper License Exception CTP level for Computer Tier 2 countries is raised from 33,000 to 45,000 MTOPS and the upper License Exception CTP level for Computer Tier 3 countries is raised from 20,000 to 28,000 MTOPS. For purposes of License Exception CTP eligibility, this rule removes the distinction between military and civil end-users and end-uses in Computer Tier 3 countries. Effective February 26, 2001, this rule raises the advance notification level for HPC exports to Computer Tier 3 countries from 12,500 to 28,000 MTOPS. As required by the NDAA, changes in the advance notification level for HPC exports to Tier 3 destinations are only effective 180 days following the President's submission of a report to Congress. The President sent this report to Congress on August 30, 2000. This new level reflects the Administration's determination that widespread commercial availability of computers with performance capabilities up to 28,000 MTOPS makes that a realistic and enforceable control level.

The Administration has decided to combine the Tier 3 civil and military licensing thresholds, as agencies have determined that the previous distinction, based on the judgement that there is a difference in the availability and ease of upgrade/assembly between four and eight processor systems, is no longer valid. Agencies now judge that this distinction no longer exists due to improvement in, and the world-wide availability of single processors, boards, chipsets, and operating systems. Removal of the distinction will allow agencies to focus export control resources on meaningful control levels.

This rule removes Argentina from Computer Tier 2 and places it in Computer Tier 1, and removes Estonia from Computer Tier 3 and places it in Computer Tier 2. However, due to requirements in the 1998 NDAA, removing Estonia from Computer Tier 3 is not effective until 120 days after the Congress receives a report justifying such a removal. On August 30, 2000, the President informed the Congress of his intent to remove Estonia from Computer Tier 3; thus, Estonia will be moved to Computer Tier 2 effective December 28, 2000.

Finally, this rule raises the CTP levels under License Exception TSR relating to items controlled under ECCNS 4D003 and 4E003 on the Commerce Control List to 33,000 MTOPS. This update reflects the rapid advances in HPC technology and aligns the level with our domestic policy and our multilateral Wassenaar Arrangement obligations. Requirements for reporting exports in § 743.1(c)(2) remain consistent with our Wassenaar Arrangement obligations.

Due to advancement in HPC and microprocessor technology, the United States will review these levels to determine if further adjustments are warranted. In particular, agencies will review control levels by December 2000 to determine if further changes are warranted; additional countries may also be moved between tiers.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect the EAR, and to the extent permitted by law, the provisions of the EAA, as amended, in Executive Order 12924 of August 19, 1994, as extended by the President's notices of August 15, 1995 (60 FR 42767), August 14, 1996 (61 FR 42527), August 13, 1997 (62 FR 43629), August 13, 1998 (63 FR 44121), August 10, 1999 (64 FR 44101), and August 8, 2000 (65 FR 48347).

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor 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. This regulation involves collections previously approved by the Office of Management and Budget under control numbers 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 45 minutes per manual submission and 40 minutes per electronic submission. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Information is also collected under OMB control number 0694–0107, ''National Defense Authorization Act,'' Advance Notifications and Post-Shipment Verification Reports, which carries a burden hour estimate of 15 minutes per report. This rule also involves collections of information under OMB control number 0694–0073, ''Export Controls of High Performance Computers'' and OMB control number 0694–0093, ''Import Certificates and End-User Certificates''.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132.

4. The provisions of the Administrative Procedure Act requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs

function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rule making and an opportunity for public comment be given for this rule. Because a notice of proposed rule making and opportunities for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Parts 734 and 738

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Parts 740, 743 and 748

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Foreign trade.

15 CFR Parts 744 and 774

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, parts 734, 738, 740, 742, 743, 744, 748, and 774 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citation for 15 CFR part 734 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 10, 1999, 64 FR 61767, 3 CFR, 1999 Comp., p. 318; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

2. The authority citation for 15 CFR Part 738 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

3. The authority citation for 15 CFR Part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

4. The authority citation for 15 CFR Part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 10, 1999, 64 FR 61767, 3 CFR, 1999 Comp., p. 318; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

5. The authority citation for 15 CFR part 743 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 et seq; 50 U.S.C. 1701 et seq; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

6. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of November 10, 1999, 64 FR 61767, 3 CFR, 1999 Comp., p. 318; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

7. The authority citation for 15 CFR part 748 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

8. The authority citation for part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; Notice of August 3, 2000 (65 FR 48347, August 8, 2000).

PART 734—[AMENDED]

§ 734.4 [Amended]

9. Section 734.4 is amended by revising the phrase ''20,000 MTOPS'' in paragraph (a) to read ''28,000 MTOPS''.

PART 738—[AMENDED]

10. Supplement No. 1 to Part 738 is amended by revising the phrase ''greater than 33,000 MTOPS'' in the second footnote to read ''greater than 45,000 MTOPS''.

PART 740—[AMENDED]

11. Section 740.7 is amended by revising the first sentence of paragraph (a) and paragraphs (b)(1), (c), (d)(1), (d)(2), (d)(4), (d)(5)(i), and (d)(5)(v) introductory text to read as follows:

§ 740.7 Computers (CTP).

(a) *Scope.* License Exception CTP authorizes exports and reexports of computers and specially designed components therefor, exported or reexported separately or as part of a system for consumption in Computer Tier countries as provided by this section. * * *

(b) *Computer Tier 1*—(1) *Eligible countries.* The countries that are eligible to receive exports and reexports under this License Exception are Argentina, Australia, Austria, Belgium, Brazil, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and Vatican City.

* * * * *

(c) *Computer Tier 2*—(1) *Eligible countries.* The countries that are eligible to receive exports under this License Exception include Antigua and Barbuda, Bahamas, Barbados, Bangladesh, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Cyprus, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia (The), Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hong Kong, Indonesia, Jamaica, Kenya, Kiribati, Korea (Republic of), Lesotho, Liberia, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Mozambique, Namibia, Nauru,

Nepal, Nicaragua, Niger, Nigeria, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Rwanda, St. Kitts & Nevis, St. Lucia, St. Vincent and Grenadines, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Sri Lanka, Surinam, Swaziland, Taiwan, Tanzania, Togo, Tonga, Thailand, Trinidad and Tobago, Tuvalu, Uganda, Uruguay, Venezuela, Western Sahara, Western Samoa, Zaire, Zambia, and Zimbabwe. As of December 26, 2000, Estonia is a Computer Tier 2 country.

(2) *Eligible computers.* The computers eligible for License Exception CTP to Tier 2 destinations are those having a CTP greater than 6,500 MTOPS, but less than or equal to 45,000 MTOPS.

(d) *Computer Tier 3*—(1) *Eligible countries.* The countries that are eligible to receive exports and reexports under this License Exception are Afghanistan, Albania, Algeria, Andorra, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Bosnia & Herzegovina, Bulgaria, Cambodia, China (People's Republic of), Comoros, Croatia, Djibouti, Egypt, Estonia, Georgia, India, Israel, Jordan, Kazakhstan, Kosovo (Serbian province of), Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Lithuania, Macau, Macedonia (The Former Yugoslav Republic of), Mauritania, Moldova, Mongolia, Montenegro, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Serbia, Tajikistan, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, and Yemen. Until December 26, 2000, Estonia is a Computer Tier 3 country. As of December 26, 2000, Estonia is moved to Computer Tier 2.

(2) *Eligible computers.* The computers eligible for License Exception CTP to Tier 3 destinations are those having a CTP greater than 6,500 MTOPS, but less than or equal to 28,000 MTOPS, subject to the restrictions in paragraph (d)(3) of this section.

* * * * *

(4) *Supporting documentation.* Prior to February 26, 2001, exports of computers with a CTP greater that 12,500 MTOPS, as described by paragraph (d)(2) of this section, to the People's Republic of China must be supported by a PRC End-User Certificate, regardless of value. See § 748.10(c)(3) of the EAR for information on obtaining the PRC End-User Certificate.) Exporters are required to obtain a PRC End-User Certificate before exporting computers regardless of value to the People's Republic of China. Exporters are also required to provide the PRC End-User Certificate Number to BXA as part of their post-shipment report (see paragraph (d)(5) of this section). When providing the PRC End-User Certificate Number to BXA, you must identify the transaction in the post shipment report to which that PRC End-User Certificate Number applies. The original PRC End-User Certificate shall be retained in the exporter's files in accordance with the recordkeeping provisions of § 762.2 of the EAR.

(5) *NDAA notification*—(i) *General requirement.* The National Defense Authorization Act (NDAA) of FY98 (Public Law 105–85, 111 Stat. 1629) enacted on November 18, 1997 requires advance notification of certain exports and reexports of computers to Computer Tier 3 countries. Prior to February 26, 2001, advance notification is required for all exports and reexports of computers with a CTP greater than 12,500 but less than or equal to 28,000 MTOPS to Computer Tier 3 destinations. For each such transaction destined to Computer Tier 3, prior to using License Exception CTP, you must first notify BXA by submitting a completed Multipurpose Application Form (BXA–748P). The Multipurpose Application Form must be completed including all information required for a license application according to the instructions described in Supplement No. 1 to part 748 of the EAR, with two exceptions. You (the applicant as listed in Block 14) shall in Block 5 (Type of Application) mark the box ''Other.'' This designator will permit BXA to route the NDAA notice into a special processing procedure. (Blocks 6 and 7, regarding support documentation, may be left blank.) BXA will not initiate the registration of an NDAA notice unless all information on the Multipurpose Application form is complete. Beginning on February 26, 2001, advance notification is not required for exports and reexport of computers with a CTP less than or equal to 28,000 MTOPS to Computer Tier 3 destinations. You must also provide a notice using this procedure prior to exporting or reexporting items that you know will be used to enhance beyond 12,500 MTOPS the CTP of a previously exported or reexported computer. Beginning on February 26, 2001, you must obtain a license prior to exporting or reexporting items that you know will be used to enhance beyond 28,000 MTOPS the CTP of a previously exported or reexported computer.

* * * * *

(v) *Post-shipment verification.* This section outlines special post-shipment reporting requirements for exporters of certain computers to destinations in Computer Tier 3. Exporters must file post-shipment reports for computer exports, as well as exports of items used to enhance previously exported or reexported computers, according to the following schedule: for exports occurring on or after January 23, 2000, but on or before August 13, 2000, reports are required for computers with a CTP greater than 6,500 MTOPS; for exports occurring on or after August 14, 2000, but on or before February 25, 2001, reports are required for computers with a CTP greater than 12,500 MTOPS; and for exports occurring on or after February 26, 2001, reports are required for computers with a CTP greater than 28,000 MTOPS. Post-shipment reports must be submitted in accordance with the provisions of this paragraph (d)(5)(v), and all relevant records of such exports must be kept in accordance with part 762 of the EAR.

* * * * *

§ 740.11 [Amended]

12. Section 740.11 is amended by revising the phrase ''33,000 MTOPS'' in paragraphs (a)(2)(ii) and (a)(2)(iii) and in paragraph (c)(2)(i) to read ''45,000 MTOPS''.

13. Supplement No. 1 to section 740.11 is amended by revising the phrase ''33,000 MTOPS'' in paragraphs (a)(1)(ii), (a)(1)(iii), (b)(1)(ii), and (b)(1)(iii) to read ''45,000 MTOPS''.

14. Section 740.16 is amended by revising the phrase ''10,000 MTOPS'' in paragraph (b)(1) to read ''45,000 MTOPS''.

PART 742—[AMENDED]

15. Section 742.12 is amended by revising the phrase ''greater than 33,000'' in paragraph (b)(2)(i) to read ''greater than 45,000''; and by revising paragraphs (b)(3)(i)(B), (b)(3)(i)(C), and (b)(3)(iv) introductory text to read as follows:

§ 742.12 High performance computers.

* * * * *

(b) * * *

(3) * * *

(i) * * *

(B) A license is required to export or reexport computers with a CTP greater than 28,000 MTOPS to a country in Computer Tier 3.

(C) Prior to February 26, 2001, a license may be required to export or reexport computers with a CTP greater than 12,500 MTOPS to countries in Computer Tier 3 pursuant to the NDAA (see § 740.7(d)(5) of the EAR). Beginning on February 26, 2001, a license is required to export or reexport computers with a CTP greater than

28,000 MTOPS to countries in Computer Tier 3.

* * * * *

(iv) *Post-shipment verification.* This section outlines special post-shipment reporting requirements for exporters of certain computers to destinations in Computer Tier 3. Exporters must file post-shipment reports for computer exports, as well as exports of items used to enhance previously exported or reexported computers, according to the following schedule: for exports occurring on or after January 23, 2000, but on or before August 13, 2000, reports are required for computers with a CTP greater than 6,500 MTOPS; for exports occurring on or after August 14, 2000, but on or before February 25, 2001, reports are required for computers with a CTP greater than 12,500 MTOPS; and for exports occurring on or after February 26, 2001, reports are required for computers with a CTP greater than 28,000 MTOPS. Post-shipment reports must be submitted in accordance with the provisions of this paragraph (b)(3)(iv), and all relevant records of such exports must be kept in accordance with part 762 of the EAR.

* * * * *

PART 743—[AMENDED]

§ 743.1 [Amended]

16. § 743.1 is amended by revising the phrase ''provisions of § 740.7(d)(4)(v)'' to read ''provisions of § 740.7(d)(5)(v)'' in the Note to paragraph (c)(2).

PART 744—[AMENDED]

17. Supplement No. 4 to part 744 is amended by revising the phrase ''For computers above the Tier 3 military level described in § 742.12(b)(3)(i)(B)'' in the License requirement column for the Israeli entity ''Ben Gurion University, Israel'' to read ''For computers above the Tier 3 level described in § 742.12(b)(3)(i)(B)''.

PART 748—[AMENDED]

18. Section 748.10 is amended by revising paragraph (b)(3) as follows:

§ 748.10 Import and End-User Certificates.

* * * * *

(b) * * *

(3) Your transaction involves an export to the People's Republic of China of a computer, you must obtain a PRC End-User Certificate, regardless of dollar value, as follows:

(i) For license applications submitted on or before February 25, 2001, a PRC End-User Certificate is required for computers with a Composite Theoretical Performance (CTP) greater than 12,500 Million Operations Per Second (MTOPS) and for license applications submitted on or after February 26, 2001, a PRC End-User Certificate is required for computers with a CTP greater than 28,000 MTOPS;

(ii) For exports under License Exception CTP occurring on or before February 25, 2001, a PRC End-User Certificate is required for computers with a CTP of greater than 12,500 MTOPS.

* * * * *

PART 774—[AMENDED]

19. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers is amended by revising the ''License Requirements'' section of Export Control Classification Numbers (ECCNs) of 4A001 and 4A002, the ''License Exceptions'' section of ECCN 4A003, and the ''License Requirements'' and ''License Exceptions'' sections of ECCNs 4D001 and 4E001, to read as follows:

4A001 Electronic computers and related equipment, and ''electronic assemblies'' and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT, NP, XP.

Control(s)	Country chart
NS applies to entire entry	NS Column 2
MT applies to items in 4A001.a when the parameters in 4A101 are met or exceeded.	MT Column 1
AT applies to entire entry	AT Column 1

NP applies to electronic computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to electronic computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. XP controls vary according to destination and end-user and end-use. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

* * * * *

4A002 ''Hybrid computers'' and ''electronic assemblies'' and specially designed components therefor.

License Requirements

Reason for Control: NS, MT, AT, NP, XP.

Control(s)	Country chart
NS applies to entire entry	NS Column 2
MT applies to hybrid computers combined with specially designed ''software'', for modeling, simulation, or design integration of complete rocket systems and unmanned air vehicle systems that are usable in systems controlled for MT reasons.	MT Column 1
AT applies to entire entry	AT Column 1

NP applies to hybrid computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to hybrid computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. XP controls vary according to destination and end-user and end-use. See § 742.12 of the EAR for additional information.

* * * * *

4A003 ''Digital computers'', ''electronic assemblies'', and related equipment therefor, and specially designed components therefor.

* * * * *

License Exceptions

LVS: $5000; N/A for MT and ''digital'' computers controlled by 4A003.b and having a CTP exceeding 12,500 MTOPS; or ''electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 12,500 MTOPS.

GBS: Yes, for 4A003.d, .e, and .g and specially designed components therefor, exported separately or as part of a system.

CTP: Yes, for computers controlled by 4A003.a, .b and .c, to the exclusion of other technical parameters, with the exception of parameters specified as controlled for Missile Technology (MT) concerns and 4A003.e (equipment performing analog-to-digital or digital-to-analog conversions exceeding the limits of 3A001.a.5.a). See § 740.7 of the EAR.

CIV: Yes, for 4A003.d (having a 3–D vector rate less than or equal to 100 M vectors/sec), .e, and .g.

* * * * *

4D001 ''Software'' specially designed or modified for the ''development'', ''production'' or ''use'' of

equipment or ''software'' controlled by 4A001 to 4A004, or 4D (except 4D980, 4D993 or 4D994).

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP.

Control(s)	Country chart
NS applies to ''software'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1
MT applies to ''software'' for equipment controlled by 4A001 to 4A003 for MT reasons.	MT Column 1
CC applies to ''software'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry	AT Column 1

NP applies to ''software'' for computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''software'' for computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. XP controls vary according to destination and end-user and end-use. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

CIV: N/A

TSR: Yes, except for the following:

(1) ''Software'' controlled for MT reasons;

(2) ''Software'' for equipment or ''software'' requiring a license; or

(3) Exports and reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''software'' specially designed for the ''development'' or ''production'' of equipment controlled as follows:

(a) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding 33,000 MTOPS; or

(b) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS.

* * * * *

4E001 ''Technology'' according to the General Technology Note, for the ''development'', ''production'' or ''use'' of equipment or ''software'' controlled by 4A (except 4A980, 4A993 or 4A994) or 4D (except 4D980, 4D993, 4D994).

License Requirements

Reason for Control: NS, MT, CC, AT, NP, XP.

Control(s)	Country chart
NS applies to ''technology'' for commodities or software controlled by 4A001 to 4A004, 4D001 to 4D003.	NS Column 1
MT applies to ''technology'' for items controlled by 4A001 to 4A003, 4A101, 4D001, 4D102 or 4D002 for MT reasons.	MT Column 1
CC applies to ''technology'' for computerized finger-print equipment controlled by 4A003 for CC reasons.	CC Column 1
AT applies to entire entry ..	AT Column 1

NP applies to ''technology'' for computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. See § 742.3(b) of the EAR for information on applicable licensing review policies.

XP applies to ''technology'' for computers with a CTP greater than 6,500 Mtops, unless a License Exception is available. XP controls vary according to destination and end-user and end-use. See § 742.12 of the EAR for additional information.

License Requirement Notes: See § 743.1 of the EAR for reporting requirements for exports under License Exceptions.

License Exceptions

CIV: N/A.

TSR: Yes for ''technology'' directly related for hardware exported under a License Exception.

N/A for the following:

(1) ''Technology'' controlled for MT reasons; or

(2) Exports and reexports to destinations outside of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, Spain, Sweden, or the United Kingdom of ''technology'' for the ''development'' or ''production'' of the following items:

(a) ''Digital'' computers controlled by 4A003.b and having a CTP exceeding 33,000 MTOPS;

(b) ''Electronic assemblies'' controlled by 4A003.c and capable of enhancing performance by aggregation of ''computing elements'' so that the CTP of the aggregation exceeds 33,000 MTOPS; or

(c) ''Software'' specially designed for the ''development'' or ''production'' of equipment listed in paragraphs (a) or (b) above.

* * * * *

Dated: October 5, 2000.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 00–26239 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–33–P

FEDERAL TRADE COMMISSION

16 CFR Parts 1 and 311

Federal Civil Penalties Inflation Adjustment Act of 1990; and Debt Collection Improvement Act of 1996

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule amendments.

SUMMARY: These rule amendments adjust the dollar amounts of civil penalties under statutes within the FTC's jurisdiction to reflect inflation that has occurred since the Commission last made such inflation adjustments in 1996.

EFFECTIVE DATE: November 20, 2000.

FOR FURTHER INFORMATION CONTACT: Alex Tang, Attorney, Office of General Counsel, FTC, 600 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326–2447, atang@ftc.gov.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), as amended by the Debt Collection Improvement Act of 1996 (DCIA), 28 U.S.C. 2461 note, requires each federal agency to issue regulations adjusting civil monetary penalty amounts within its jurisdiction for inflation at least once every four years, using the June consumer price index (CPI) published by the United States Department of Labor, Bureau of Labor Statistics. The last time the Commission adjusted its civil penalties was in 1996, when it published the initial adjustments required by the Act. *See* 61 FR 54548 (Oct. 21, 1996), 55840 (Oct. 29, 1996) (correction); Commission Rule 1.98, 16 CFR 1.98 (inflation adjustments of civil monetary penalty amounts).

The Commission is now amending Rule 1.98 to reflect the 10.02% increase in the relevant CPI since 1996 (*i.e.*, from 156.7 in June 1996 to 172.4 in June 2000), with the amount of each increase being rounded in accordance with

section 5(a) of the FCPIAA. The Commission is also making conforming amendments to include its Recycled Oil Rule, which was inadvertently omitted from the previous adjustment. *See* 16 CFR 1.98(l), as amended; 16 CFR 311.6 (prohibited acts under test procedures and labeling standards for recycled oil).

Thus, the civil penalty amount for violations of Clayton Act section 7A and of rules and orders enforced under or by reference to the FTC Act will increase from $11,000 to $12,000. *See* amended Rule 1.98(a), (c)–(e), (m). Civil penalty amounts prescribed by Webb-Pomerence Act section 5, Wool Products Labeling Act section 6(b), Fur Products Labeling Act sections 3(e) and 8(d)(2), and Energy Policy and Conservation Act sections 333(a) (Appliance Labeling Rule) will increase from $110 to $120. *See* amended Rule 1.98(g)–(k). Civil penalty amounts prescribed by Clayton Act section 11(*l*), FTC Act section 10, and Energy Policy and Conservation Act section 525(a) and (b) (Recycled Oil Rule) will reflect comparable percentage increases. *See* amended Rule 1.98(b), (f), (l). These inflation adjustments will become effective November 20, 2000, and will apply to violations occurring after that date, pursuant to section 7 of the FCPIAA.

Because the Commission has no discretion in determining the relevant amounts of these mandatory adjustments, the Commission finds it unnecessary to seek public comment on them. *See* 5 U.S.C. 553(b)(B). The requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

List of Subjects

16 CFR Part 1

Administrative practice and procedure, Penalties, Trade practices.

16 CFR Part 311

Energy conservation, Labeling, Recycled oil, Trade practices.

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, chapter I, subchapters A, Part 1, and C, Part 311, of the Code of Federal Regulations as follows:

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart L—Civil Penalty Adjustments Under the Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996

1. Revise the authority for subpart L to read as follows:

Authority: 28 U.S.C. 2461 note.

2. Revise the heading of subpart L to read as set forth above.

(3) Revise § 1.98 to read as follows:

§ 1.98 Adjustment of civil monetary penalty amounts.

This section makes inflation adjustments in the dollar amounts of civil monetary penalties provided by law within the Commission's jurisdiction. The following civil penalty amounts apply to violations occurring after November 20, 2000:

(a) Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1)—$12,000;

(b) Section 11(*l*) of the Clayton Act, 15 U.S.C. 21(*l*)—$6,500;

(c) Section 5(*l*) of the FTC Act, 15 U.S.C. 45(*l*)—$12,000;

(d) Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A)—$12,000;

(e) Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B)—$12,000;

(f) Section 10 of the FTC Act, 15 U.S.C. 50—$120;

(g) Section 5 of the Webb-Pomerene (Export Trade) Act, 15 U.S.C. 65—$120;

(h) Section 6(b) of the Wool Products Labeling Act, 15 U.S.C. 68d(b)—$120;

(i) Section 3(e) of the Fur Products Labeling Act, 15 U.S.C. 69a(e)—$120;

(j) Section 8(d)(2) of the Fur Products Labeling Act, 15 U.S.C. 69f(d)(2)—$120;

(k) Section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a)—$120;

(l) Sections 525(a) and (b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) and (b)—$6,500 and $12,000, respectively; and

(m) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission—refer to the amounts set forth in paragraphs (c), (d), (e) and (f) of this section, as applicable.

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 311—TEST PROCEDURES AND LABELING STANDARDS FOR RECYCLED OIL

4. The authority for part 311 continues to read as follows:

Authority: 42 U.S.C. 6363(d).

5. Amend § 311.6 by revising the last sentence to read as follows:

§ 311.6 Prohibited acts.

* * * Violations will be subject to enforcement through civil penalties (as adjusted for inflation pursuant to § 1.98 of this chapter), imprisonment, and/or injunctive relief in accordance with the enforcement provisions of Section 525 of the Energy Policy and Conservation Act (42 U.S.C. 6395).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–26303 Filed 10–12–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 99F–3087]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium Stearoyl Lactylate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sodium stearoyl lactylate as an emulsifier, stabilizer, and texturizer in cream liqueur drinks. This action is in response to a petition filed by the American Ingredients Co.

DATES: This rule is effective October 13, 2000. Submit written objections and requests for a hearing by November 13, 2000.

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

FOR FURTHER INFORMATION CONTACT: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW.,Washington, DC 20204, 202–418–3047.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** on September, 13, 1999 (64 FR 49495), FDA announced that a food additive petition (FAP 9A4684) had

been filed by the American Ingredients Co., 3947 Broadway, Kansas City, MO 64111. The petition proposed to amend the food additive regulations in § 172.846 *Sodium stearoyl lactylate* (21 CFR 172.846) to provide for the safe use of sodium stearoyl lactylate as an emulsifier, stabilizer, and texturizer in cream liqueur drinks.

II. Conclusions

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of sodium stearoyl lactylate is safe, that the additive will achieve its intended technical effect, and, therefore, that the regulation in § 172.846 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

III. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 9A4684. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

IV. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

V. Objections

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by November 13, 2000. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.846 is amended by adding paragraph (c)(9) to read as follows:

§ 172.846 Sodium stearoyl lactylate

* * * * *

(c) * * *

(9) As an emulsifier, stabilizer, or texturizer in cream liqueur drinks, at a level not to exceed 0.5 percent by weight of the finished product.

Dated: October 2, 2000.

L. Robert Lake,

Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–26251 Filed 10–12–00; 8:45 am]

BILLING CODE 4160–01–F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in November 2000. Interest assumptions are also published on the PBGC's web site (www.pbgc.gov).

EFFECTIVE DATE: November 1, 2000.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) a set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022). (See the PBGC's two final rules published March 17, 2000, in the **Federal Register** (at 65 FR 14752 and 14753). Effective May 1, 2000, these rules changed how the interest

assumptions are used and where they are set forth in the PBGC's regulations.)

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during November 2000, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during November 2000, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during November 2000.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 7.10 percent for the first 25 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent an increase (from those in effect for October 2000) of 0.10 percent for the first 25 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 5.25 percent for the period during which a benefit is in pay status, 4.50 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for October 2000) of 0.25 percent for the period in which a benefit is in pay status and for the seven-year period directly preceding benefit's placement in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during November 2000, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 85, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
85	11–1–00	12–1–00	5.25	4.50	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 85, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
85	11–1–00	12–1–00	5.25	4.50	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * * * *

For valuation dates occurring in the month—	The values of i_1 are					
	i_1	for t=	i_1	for t=	i_1	for t=
* * *	*		*		*	*
November 2000	.0710	1–25	.0625	>25	N/A	N/A

Issued in Washington, DC, on this 6th day of October 2000.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–26328 Filed 10–12–00; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 752

RIN 0703–AA68

Admiralty Claims

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is updating its Admiralty Claims regulations to reflect a change in the Division name and address, to update citations to the United States Code provisions, and to remove the reference to Commander, Fleet Air Caribbean, a command that has been disestablished.

DATES: Effective October 13, 2000.

ADDRESSES: Office of the Judge Advocate General (Code 13), 1322 Patterson Ave SE, Suite 3000, Washington Navy Yard, DC 20374–5066.

FOR FURTHER INFORMATION CONTACT: Commander Gregg A. Crevi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General (Code 11), 1322 Patterson Ave SE, Suite 3000, Washington Navy Yard, DC 20374–5066, (202) 685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Department of the Navy amends 32 CFR part 752. This amendment provides notice that the Deputy Judge Advocate General of the Navy (Admiralty and Maritime Law) has made administrative corrections to the Admiralty Claims regulations. It has been determined that invitation of public comment on this amendment would be impracticable and unnecessary, and it is therefore not required under the public rulemaking provisions of 32 CFR part 336 or Secretary of the Navy Instruction 5720.45. Interested persons, however, are invited to comment in writing on this amendment. All written comments received will be considered in making subsequent amendments or revisions of 32 CFR Part 752, or the instructions on which they are based. Changes may be initiated on the basis of comments received. Written comments should be addressed to Commander Gregg A. Crevi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General (Code 11), 1322 Patterson Ave SE, Suite 3000, Washington Navy Yard, DC 20374–5066. It has been determined that this final rule is not a ''significant regulatory action'' as defined in Executive Order 12866.

Executive Order 13132, Federalism

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will have little or no direct effect on States or local governments.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Paperwork Reduction Act

This rule does not impose collection of information requirements for purposes of the Paperwork Reduction Act (44 U.S.C. Chapter 35, 5 CFR Part 1320).

List of Subjects

Admiralty, Claims, Salvage.

For the reasons set forth in the preamble, amend part 752 of title 32 of the Code of Federal Regulations as follows:

PART 752—ADMIRALTY CLAIMS

1. The authority citation for 32 CFR part 752 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 5013, 5148, and 7621–7623, 32 CFR 700.206 and 700.1202.

§§ 752.2, 752.3, 752.4, 752.5 [Amended]

2. a. In 32 CFR part 752 remove the words ''Admiralty Division'' and add, in their place, the words ''Admiralty and Maritime Law Division'' in the following places:

(1) Section 752.2(b), (c), (d) and (g)

(2) Section 752.4(d)

(3) Section 752.5(a)

b. In addition to the amendments set forth above, in 32 CFR part 752 remove the date ''(1982)'' following all citations to the United States Code, and add, in its place, the date ''(1994)'' in the following places:

(1) Section 752.2(a)

(2) Section 752.3(a)

(3) Section 752.4(a) and (c)

(4) Section 752.5(b)

§ 752.2 [Amended]

3. In 32 CFR 752.2(b), remove the words ''(Code 31), Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400'' and add, in their place, the words ''(Code 11), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374–5066''.

§ 752.3 [Amended]

4. In 32 CFR 752.3(a), remove the word ''(Admiralty)'' and add, in its place, the words ''(Admiralty and Maritime Law)'' and remove the words ''Commander Fleet Air, Carribean, for damage to fishing equipment arising in Culebra-Vieques waters, not to exceed $3,000.''

§ 752.5 [Amended]

5. In 32 CFR 752.5(b), remove the words ''Washington, DC 20362–5101'' and add in their place ''2531 Jefferson Davis Highway, NC/3 Room 11E54, Arlington, VA 22242–5160.''

Dated: October 2, 2000.

C.G. Carlson,

Major, U.S. Marine Corps, Alternate Federal Register, Liaison Officer.

[FR Doc. 00–26270 Filed 10–12–00; 8:45 am]

BILLING CODE 3810–FF–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1258

RIN 3095–AA87

NARA Reproduction Fee Schedule

AGENCY: National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: NARA is revising its schedule of fees for reproduction of records and other materials in the custody of the Archivist of the United States. This rule covers reproduction of Federal records created by other agencies that are in the National Archives of the United States, donated historical materials, Presidential records, Nixon Presidential historical materials, certain Federal agency records in NARA Federal records centers, and records filed with the Office of the Federal Register. The fees are being changed to reflect current costs of providing the reproductions. This rule will affect members of the public and Federal agencies who order reproductions from NARA.

EFFECTIVE DATE: November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Allard on (301)713–7360, ext. 226.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the April 25, 2000, **Federal Register** (65 FR 24164) for a 60-day public comment period. NARA announced the availability of the proposed rule widely and posted notices in its research rooms nationwide. A copy of the proposed rule was also posted on the NARA web site for review.

Overview

NARA received over 285 timely comments by mail, fax, and email to the Comments, Inquire, and OIG Hotline mailboxes. We considered multiple comments from a single respondent (e.g., to more than one NARA email address or to provide additional examples of concerns with specific copiers) as a single timely comment. We also received a number of Congressional inquiries on behalf of constituents and have considered those inquiries also.

Most of the comments were from individuals, a number of whom identified themselves as genealogists. We received comments from 9 genealogical organizations, ranging in scope from a local genealogy club in California and a subordinate Grange unit in Wisconsin to the Ohio Society of the War of 1812 to the joint Federation of Genealogical Societies/National Genealogy Society Records Preservation and Access Committee. We received comments from several individuals who identified themselves as professional/academic historians.

In response to the comments, we have modified the fees and process for ordering pension files and clarified the effective date of the final rule. In addition, we have removed the fee for diazo microfiche reproductions (§ 1258.12(d) in the proposed rule). There is no longer a need to include this item in the fee schedule because we have completed conversion of all of the microfiche previously covered by the fee schedule to products sold through NARA's microform publication program. The fee for published microfiche, unchanged since 1996, is $4.25 per fiche. All other provisions in the proposed Part 1258, including the fees for other products specified in § 1258.12, are unchanged in this final rule. Following is a discussion of the major issues addressed in the comments.

Magnitude of Increases for Fixed Fee Orders

Comments: A large number of respondents commented that the fee increases for fixed fee (NATF 80 series) orders would put them beyond their reach and asked NARA to reconsider the proposal. A recurring theme throughout these comments was that many genealogists are retired and on fixed incomes. A number of respondents voiced suspicion that NARA was intentionally discouraging requests to reduce its workload. Still others questioned why NARA was raising prices when the Federal Government was reporting a budget surplus. The Records Preservation and Access Committee, which sought input from the genealogical community before developing their position, reported that that the comments to the Committee were ''overwhelmingly negative'' and that the $40 fee for pension files was ''almost universally condemned.'' The Committee's experience also reflects the comments NARA received directly.

Only a handful of respondents supported the proposed fixed fee order changes. The Records Preservation and Access Committee and one individual reluctantly supported the revised fees because they are based on actual costs. Several other individuals stated their full support for the fees. Four respondents in addition to the Records Preservation and Access Committee said that they could ''live with'' the proposed $17–$17.75 fee for non-pension file fixed fee orders.

NARA response: The current fees for fixed fee orders were last changed in 1991. Since that time, there have been increases in salaries, equipment costs, and postage, as well as changes in how the orders are handled that account for the additional costs. The order fulfillment system, required as part of a mandatory upgrade to our Trust Fund accounting system to meet Government financial accounting requirements and to make the system Y2K compliant, and use of a contractor to copy the records are major differences in how orders are handled.

We regret the need to increase fees for providing copies of NARA records using the fixed fee order forms and we recognize that the amount of the increase may cause a hardship for some of our customers. A major component of NARA's mission is to provide continuing access to our archival holdings, and we do not want to diminish access provided through reproduction of the records. To provide such access requires resources. As we explained in the preamble to the proposed rule, NARA does not receive appropriations to provide copies of our holdings for the public. The cost of searching for files that are not found and providing negative responses, however, is funded by appropriations. Customers who receive copies are not also absorbing the cost for negative searches

and customers who receive negative responses are not charged for NARA's effort.

NARA fees for reproduction of records in 36 CFR Part 1258, including these fixed fee orders, are set under the Archivist's authority in 44 U.S.C. 2116(c). That statute requires that, to the extent possible, NARA recover the actual cost of making copies of records and other materials transferred to the custody of the Archivist of the United States. The actual cost of making copies of records in response to pension fixed-fee orders includes materials and equipment, order handling, shipping, and the labor costs associated with making the reproduction. A brief description of these cost elements for a copy of a full pension file follows.

Cost element	Description
Materials ($0.08 per page copied from microfilm; $0.02 per page copied from paper).	—Paper. —Toner (microfilm reader-printer; included in rental costs copied for fixed-fee paper-to-paper copiers).
Equipment ($0.027 per page copied from microfilm; $0.025 per page copied from paper).	—Equipment rental or depreciation (over 5 years). —Service maintenance agreement/repairs.
Order handling costs ($5.00 per pension file order)	—Proportional share of the cost of the system to track orders from receipt through payment to shipping and close out. —Costs associated with receiving and handling payments. —Proportional share of the Trust Fund overhead costs to manage the National Archives Trust Fund (*e.g.,* policy, oversight, procurement functions).
Shipping ($3.15 per full pension file order)	—Postage for bill notice and mailing reproductions. —Envelopes for mailing.
Labor cost—NARA staff ($1.91 per pension file order)	—Batch incoming requests for processing (we receive approximately 1,000 pension requests per week). —Search and pull paper records from their boxes; for pension files, there is an additional step of searching the pension index). —Take paper records to the on-site contractor for reproduction. —Reshelve paper records after copying. —Supervisory oversight of the above processes.
Labor costs—contractor ($24.00 per full pension file order)	—Enter orders into the workflow system. —Making copies of paper files. —For records Revolutionary War pension records (which are on microfiche): (1) Locating and mounting the correct microfiche on the reader printer, (2) Locating the correct frame(s) on the fiche, making the copies, and removing the microfiche from the carrier, and (3) Returning the microfiche to the storage cabinet. —For all orders, packaging the orders for mailing.

Pension Files: Size of Files

Comments: We received a number of comments questioning our statement that the average pension file is approximately 105 pages. While some of the respondents may have confused selected pension files or military service files which they had received with full pension files, many researchers who had ordered a number of complete pension files reported their experience that the file size was generally 40–50 pages or less. The Sons of Union Veterans of the Civil War stated that none of their members had received a pension file close to 102 pages.

NARA response: Because of the number of comments on the size of files and the level of concern that a requester would be charged $40 for 20 or fewer pages, NARA conducted a new 2-week sample of all NATF 80 pension and bounty land warrant orders copied by the on-site contractor between June 16 and June 29, 2000. The 2-week sample contained 1,338 files, and all pages in each file were counted regardless of whether the order was for the selected file or remaining documents. Each side that had writing on it was counted. If the back was blank, it was not counted. For this sample, we collected additional information on the period of service for which the pension was sought to allow us to analyze the orders in greater depth.

Our analysis showed that the size of the pension file was affected by the service time period. The Civil War and post-Civil War period had the largest number of orders and the greatest variation in size of the file. Eighty-seven percent of the orders in the sample were for Civil War or post-Civil War pensions; the size of these files ranged from a low of 5 pages to 546 pages. Five percent of the files from the Civil War/post-Civil War period (60 files) had more than 200 pages. In contrast, pre-Civil War pension files accounted for only 2 percent of the total orders in the sample period (25 files) and ranged from 4 pages to 111 pages. Eleven percent of the orders in the sample were for Revolutionary War records, which are the only pension files serviced on microfilm. The size of these files ranged from a low of 5 pages to a maximum of 184 pages.

Because the new sample is larger and more current than the sample on which the proposed $40 fee for complete pension files was based, we have used the new sample as the basis for the revisions to the fees for pension file orders discussed later in this **SUPPLEMENTARY INFORMATION.** We have calculated the revised fees based on a weighted composite order that includes records from all three eras. The weighting omits the highest and lowest 10 percent of the orders in the samples to reduce the distortion in pricing that their inclusion would cause. For paper records (89 percent of the total files), we used an order size of 66 pages. For microfilm records (11 percent of the total files), we used an order size of 26 pages.

Pension Files: All Pages in the File

Comments: A relatively small number of respondents strongly endorsed the proposal to copy all pages in a pension file, and several respondents expressed surprise that more people did not realize they were not receiving the entire file. The proposed fee for the full file orders may have been the reason

more researchers did not support the proposal, but 13 respondents provided other specific reasons why a partial file at a lower fee is desirable. Several comments stated that a full file is only useful if it is for the right person. These respondents noted that it is not always possible to be sure of the identification of the veteran when placing the order. Another reason raised in five comments was that the researcher might be seeking only basic information. One respondent had ordered 43 files in the past and only needed the full pension file 3 or 4 times. A professional genealogist, who endorsed offering full files, also noted that many people use the pension file only as a supplementary source for information on the veteran and his family. Several respondents expressed their views that the full pension file contains duplicative or unimportant materials.

Eighteen respondents recommended that NARA offer an option for full or partial pension files. Some of these respondents suggested a variety of alternatives including charging more for expedited service, raising fees only for customers who are not veterans, charging a flat fee for a set number of pages plus an additional charge per page or increment of 10 pages, and establishing a multi-tiered fee structure based on whether records are available on microfilm through other sources such as the Family History Centers or if NARA is the only source.

NARA response: We considered the alternative pricing structures suggested in the comments before deciding on the approach to take. It is not feasible to retain the current $10 fee for any pension file order due to the cost increases described earlier in the **SUPPLEMENTARY INFORMATION.**

We are aware that copies of vital records (birth, death, and marriage records) are available on an expedited basis from some states for an extra fee. We currently allow expedited service only for still pictures and motion picture and video recordings among the holdings of a Presidential library and only if staff is available to handle the order or the NARA contractor making the reproduction can provide the service. Given that the standard fee cannot stay at $10 as the respondent assumed, we do not believe that there would be sufficient demand for expedited handling of fixed fee orders to warrant setting up special handling procedures to accommodate it.

We also find no basis for charging veterans less than other citizens for the reproduction of pension files that are not related to their own service. Department of Defense regulations govern furnishing copies of military service records at the National Personnel Records Center to veterans and their immediate family members because those records are still in the legal custody of the Department. The pension files ordered through the NATF Form 85 are in NARA legal custody in the National Archives of the United States.

We carefully evaluated the proposals for charging a flat search/order handling fee plus a copying fee per page or per increment of pages. These proposals would add to the staff handling costs. The pricing information on the number of pages or increments would have to be entered in the order processing/fulfillment system for each order; the staff would have to count the number of pages and send a price quote to the customer; and, when a response is received, retrieve the file again for copying. The proposals would also increase the overall response time.

Fixed Fee Orders: Alternatives for Reducing Costs

Comments: Some respondents suggested ways that NARA might reduce its costs to provide copies of military service and pension files. A number of respondents suggested that NARA put key genealogical records on the Internet. One respondent suggested that NARA donate digital copies to RootsWeb where the public could download copies. While one respondent acknowledged that it would be costly for NARA to digitize the records, most respondents did not address the cost to scan the records or maintain them on the NARA web site. Several encouraged NARA to use volunteers to assist in the process or to assist with scanning or microfilming the records. One person recommended that people rent the Revolutionary War microfilm from a Family History Center and make their own copies. Three respondents urged NARA to have the Church of Jesus Christ of Latter Day Saints microfilm or digitize the records and make the records available through their Family History Centers. Another three respondents suggested privatizing the service. One person suggested charging a $5 research fee for all searches instead of raising the reproduction fee.

NARA response: The suggestions relating to microfilming or scanning the records are not solutions that can be implemented quickly to avoid raising the fees for copies of military service and pension files. We have worked with both volunteers and private sector partners on other microfilming and digitizing projects, and plan to continue this effort. Nevertheless, scanning or microfilming the records is a very labor-intensive, long-term effort, even if volunteers or private-sector partners were to do part or all of the work. The records that NARA reproduces in response to researcher requests are different for each requester. NARA has 288 million pages of military pension files that currently exist only in paper and we would need significant resources to convert these holdings to electronic form.

In response to the suggestion that individuals rent the Revolutionary War microfilm and make their own copies, we note that NARA microfilm publications containing records of genealogical interest, including many military service records as well as Revolutionary War pension records, are widely available. NARA regional records facilities and many large libraries and genealogical societies have all or some of the microfilm sets. In addition, rolls of microfilm are available to libraries and individuals through NARA's Microfilm Rental Program (see http://www.nara.gov/publications/microfilm/micrent.html).

The other suggestions would not allow NARA to maintain the $10 fee. NARA is very fortunate to have a large corps of volunteers who provide valuable services to help us carry out our mission nationwide. We could use volunteers to assist with aspects of the fixed-fee order process at the National Archives Building in Washington, DC, but it is not possible to find enough volunteers to replace NARA staff and contractors to lower the costs to $10 per order. As noted earlier in this preamble, we do use a contractor in providing the service but privatizing the service would not reduce the cost. It is not appropriate to charge $5 for each negative research request in order to offset the cost of positive responses. As we stated previously, we do not charge a fee when no file is found.

Fixed Fee Orders: Revised Pension File Prices

After evaluating all of the comments on the pension file proposal, we have decided to offer researchers a choice between reproduction of the complete pension file and a pension documents packet of up to 10 pages. Providing the choice of the two reproduction packages will allow NARA to measure the relative demand for each reproduction package. We still believe that providing the complete pension file is the most appropriate way to provide access to these records when researchers are unable to view the records on microfilm or in person, but we need to further evaluate how we can best provide this

service. In a future proposed rule we will seek public comment on alternative pricing structures.

For now, we are willing to continue to provide an option for researchers to obtain certain limited information that is contained in most pension files if they do not wish to order a complete file or cannot afford the full file. The pension documents package will not contain the same range of documents previously provided in the $10 fee. It will contain, to the extent that these documents are present in the file, eight documents that contain genealogical information about the pension applicant. Not all of these documents will be found in every file. The package will include any of the following items that are in the file:

1. Declaration of pension
2. Declaration of widow's pension
3. Adjutant General statements of service
4. Questionnaires completed by applicants (numbered forms)
5. ''Pension Dropped'' cards
6. Marriage certificates
7. Death certificates
8. Discharge certificate

We will not provide a count of the remaining pages; if a researcher wishes to obtain a full pension file after reviewing the selected package, he or she will need to order the complete file. If the entire pension file is no more than the 10 pages, we will mark the order ''Complete file provided.'' Based on our sample, this should occur in no more than 2 percent of the orders. So that customers are not misled that the selected documents constitute the entire file, we will include with the copies an explanation that the entire file contains more information.

The fee for a complete pension file under the new fee schedule is $37.00. The fee for the selected documents packet is $14.75. The new NATF Form 85 will be used to order either a complete pension file or a selected pension documents packet or a bounty land warrant file. As we stated in the proposed rule, the bounty land warrant file should be ordered only when there is no pension file.

Researchers who review military service files and pension files in person at the National Archives Building will continue to be able to copy whatever selected pages they want from the file at a self-service copier.

Pricing Structure for Other Fixed Fee Orders

We specifically invited public comment on our planned pricing structure for separate fees for each of the different types of fixed fee orders versus a blended fee that applied to all fixed fee orders except pension files. We received only one comment on this issue, which supported the blended fee. Because customers did not express a strong preference, we have decided to retain the separate fees for each type of fixed fee order.

Self-Service Copying: Cost of Copies

Comments: Several respondents commented directly on the proposed nickel increase in the fee for self-service copying. A number of respondents compared the cost of NARA's self-service copies to lower prices available at local copy centers or libraries.

NARA response: Comparing the fees for NARA's nationwide self-service copying program with those charged by a commercial copy center is misleading. The fees for self-service copying of archival records include more than just the cost of the paper, toner, and copier equipment. In addition to these two components, NARA costs that must be recovered include staff oversight of self-service copying and Trust Fund overhead/cashier costs.

NARA self-service copiers use primarily legal or ledger size paper at a cost of approximately 2 cents per page for paper and toner. These costs reflect the quantity discounts that we are able to obtain based on our volume. Our equipment costs average almost 4 cents per page for paper-to-paper copiers and almost 19 cents per page for microfilm-to-paper copiers. These higher equipment costs result from the variation in volume from facility to facility and our commitment to provide self-service copying in all of our facilities. Although very high-volume self-service copiers in the Washington, DC, area, account for 79.6 percent of the 4.9 million self-service electrostatic copies made, our 10 Presidential libraries and 13 regional archives each have at least one paper-to-paper copier available. All regional archives and several libraries have at least one microfilm reader-printer. The costs of copier equipment in all of these field facilities must be shared across fewer copies per facility. (The self-service copier costs discussed here reflect costs for 64 paper-to-paper copiers and 46 microfilm reader-printers used in self-service operations nationwide. The materials and equipment costs cited earlier for fixed-fee pension orders are for the specific copiers used in the fixed-fee operation.)

NARA is one of the few archives in the world that permits large-scale self-service copying. We are able to offer this service because of the staff oversight of the copying operation. Before a researcher is allowed to copy paper records, the records must be reviewed by a NARA staff member in the research room to ensure that none of the records are fragile or otherwise unsuitable for self-service copying, and that declassified records are properly marked with the declassification information. These staff costs and the staff time spent maintaining the equipment and supplies are also recovered through the fees for self-service copies. In the Washington, DC, area, our Trust Fund cashier staff process customer payments and service the debit card dispensers. In the field, archival staff handle customer payments. Additionally, a proportional share of the Trust Fund overhead, described previously, is allocated to self-service copying.

Self-Service Copying: Service Issues

Comments: Most of the comments on self-service copying addressed the poor quality of copies and problems with self-service equipment, particularly in the Washington, DC, area. One respondent recommended that NARA install self-service oversize copiers at its College Park, MD and regional facilities.

NARA response: We are very aware that the current copiers at the Washington area facilities have their drawbacks. Beginning two years ago, we installed digital copiers for self-service copying. While these have worked very well in enhancing poor quality microfilm, they have proved to be too sensitive to variations in poor quality paper originals. To address the problems with paper to paper copiers, we are in the process of replacing digital copiers in the Washington area with more durable analog copiers that are easier to maintain. We are also replacing older microfilm reader-printers and the book scanner in FY 2001. The newer versions of these machines take advantage of the simplified process of printing to a digital laser printer, and should prove less prone to mechanical breakdowns. We are in the process of upgrading the microfilm reader-printers in all of our regional archives, replacing the older reader-printers with digital equipment.

We carefully considered the suggestion to provide an oversize copier at the College Park facility and the field facilities, but concluded that oversize copiers are not appropriate for self-service use. In addition to space and low demand considerations in the regional research rooms, our archival reference and preservation staff had serious concerns that oversize maps and other large documents can be more

vulnerable to damage during copying. Moreover, these copiers are more complicated to use and, if something should break, more difficult to repair.

Effective Date

We received several questions about what fees would apply to orders that had been received but not filled by NARA when the new fee schedule is effective. We have clarified the effective date in § 1258.16 to specify that the new fees will apply to orders that are received on or after the effective date of the final rule, and not to work that is in process.

Paperwork Reduction Act

NATF Forms 81 through 86 in this proposed rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act and bear current approval numbers on the face of the forms.

This rule is a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, and has been reviewed by the Office of Management and Budget. This rule does not have federalism implications. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on a substantial number of small entities because the affected public is primarily individuals. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, NARA revises part 1258 of title 36, Code of Federal Regulations, to read as follows:

PART 1258—FEES

Sec.

1258.1 What is the authority for this part?
1258.2 What does the NARA reproduction fee schedule cover?
1258.4 What reproductions are not covered by the NARA fee schedule?
1258.6 When does NARA provide reproductions without charge?
1258.8 Who pays to have a copy negative made?
1258.10 What is NARA's mail order policy?
1258.12 NARA reproduction fee schedule.
1258.14 What is NARA's payment policy?
1258.16 Effective date.

Authority: 44 U.S.C. 2116(c) and 2307.

§ 1258.1 What is the authority for this part?

(a) 44 U.S.C. 2116(c) authorizes NARA to charge a fee for making or authenticating copies or reproductions of materials transferred to the Archivist's custody. This fee is to be ''fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs and may, in the Archivist's discretion, include increments for the estimated replacement costs of equipment.'' The fees collected for reproductions are to be paid into and expended as part of the National Archives Trust Fund.

(b) 44 U.S.C. 2307 authorizes the Archivist of the United States, as Chairman of the National Archives Trust Fund Board, to sell copies of microfilm publications at a price that will cover their cost, plus 10 percent.

§ 1258.2 What does the NARA reproduction fee schedule cover?

The NARA reproduction fee schedule in § 1258.12 covers reproduction of:

(a) NARA archival records, donated historical materials, Presidential records, and Nixon Presidential historical materials except as otherwise provided in §§ 1258.4 and 1258.6. Some reproduction services listed in § 1258.12 may not be available at all NARA facilities;

(b) Other Federal records stored in NARA Federal records centers, except when NARA and the agency that transferred the records have agreed to apply that agency's fee schedule; and

(c) Records filed with the Office of the Federal Register.

§ 1258.4 What reproductions are not covered by the NARA fee schedule?

The following categories are not covered by the NARA fee schedule in § 1258.12.

(a) Still photography, including aerial film, and oversize maps and drawings. Information on the availability and prices of reproductions of records held in the Special Media Archives Services Division (NWCS), 8601 Adelphi Rd., College Park, MD 20740–6001, and in the Presidential libraries and regional archives (see 36 CFR 1253.3 and 36 CFR 1253.7 for addresses) may be obtained from the unit which has the original records.

(b) Motion picture, sound recording, and video holdings of the National Archives and Presidential libraries. Information on the availability of and prices for reproduction of these materials are available from the Special Media Archives Services Division (NWCS), 8601 Adelphi Rd., Room 3340, College Park, MD 20740–6001, or from the Presidential library which has such materials (see 36 CFR 1253.3 for addresses).

(c) Electronic records. Information on the availability of and prices for duplication are available from the Electronic and Special Media Records Services Division (NWME), 8601 Adelphi Rd., Room 5320, College Park, MD 20740–6001, or from the Presidential library which has such materials (see 36 CFR 1253.3 for addresses).

(d) Reproduction of the following types of records using the specified order form:

Type of record and order form	Price
(1) Passenger arrival lists (order form NATF Form 81)	$17.25
(2) Federal Census requests (order form NATF Form 82)	17.50
(3) Eastern Cherokee applications to the Court of Claims (order form NATF Form 83)	17.50
(4) Land entry records (order form NATF 84)	17.75
(5) Bounty land warrant application files (order form NATF Form 85)	17.25
(6) Pension files more than 75 years old (order form NATF Form 85)—complete file	37.00
(7) Pension documents packet (order form NATF Form 85)	14.75
(8) Military service files more than 75 years old (order form NATF Form 86)	17.00

(e) National Archives Trust Fund Board publications, including microfilm publications. Prices are available from the Customer Service Center (NWCC2), 8601 Adelphi Rd., Room 1000, College Park, MD 20740–6001.

(f) Reproductions of NARA operational records made in response to FOIA requests under part 1250 of this chapter.

(g) Orders for expedited service (''rush'' orders) for reproduction of still pictures and motion picture and video recordings among the holdings of a Presidential library. Orders may be accepted on an expedited basis by the library when the library determines that sufficient personnel are available to handle such orders or that the NARA contractor making the reproduction can provide the service. Rush orders are subject to a surcharge to cover the additional cost of providing expedited service.

(h) Orders requiring additional expense to meet unusual customer specifications such as the use of special techniques to make a photographic copy more legible than the original document, or unusual format or background requirement for negative microfilm. Fees for these orders are computed for each order.

§ 1258.6 When does NARA provide reproductions without charge?

NARA does not charge a fee for reproduction or certification in the instances described in this section, if the reproduction is not a color reproduction. Color reproductions are furnished to the public and the Government only on a fee basis.

(a) When NARA furnishes copies of documents to other elements of the Federal Government. However, a fee may be charged if the appropriate director determines that the service cannot be performed without reimbursement;

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

(c) When the reproduction is to furnish the donor of a document or other gift with a copy of the original;

(d) When the reproduction is for individuals or associations having official voluntary or cooperative relations with NARA in its work;

(e) When the reproduction is for a foreign, State, or local government or an international agency and furnishing it without charge is an appropriate courtesy;

(f) For records of other Federal agencies in NARA Federal records centers only:

(1) When furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(2) When the reproduction of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (*e.g.,* veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(3) When the reproduction of not more than one copy of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(4) When the reproduction of not more than one copy of a document is for a person who has been required to furnish a personal document to the Government (*e.g.,* a birth certificate required to be given to an agency where the original cannot be returned to the individual).

§ 1258.8 Who pays to have a copy negative made?

Requests for photographs of materials for which no copy negative is on file are handled as follows:

(a) The customer is charged to make the copy negative, except in cases where NARA wishes to retain the negative for its own use.

(b) When no fee is charged the negative becomes the property of NARA. When a fee is charged the negative becomes the property of the customer.

§ 1258.10 What is NARA's mail order policy?

(a) There is a minimum fee of $10.00 per order for reproductions that are sent by mail to the customer.

(b) Orders to addresses in the United States are sent either first class or UPS depending on the weight of the order and availability of UPS service. When a customer requests special mailing services (such as Express Mail or registered mail) and/or shipment to a foreign address, the cost of the special service and/or additional postage for foreign mail is added to the cost of the reproductions.

§ 1258.12 NARA reproduction fee schedule.

(a) Certification: $6.

(b) Electrostatic copying (in order to preserve certain records which are in poor physical condition, NARA may restrict customers to photographic or microfilm copies instead of electrostatic copies):

Service	Fee
(1) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by the customer on a NARA self-service copier	[1]$0.15
(2) Paper-to-paper copies (up to and including 11 in. by 17 in.) made by NARA staff	[1]0.50
(3) Oversized electrostatic copies	[2]2.70
(4) Electrostatic copies (22 in. by 34 in.)	[1]2.70
(5) Microfilm or microfiche to paper copies made by the customer on a NARA self-service copier	[1]0.30
(6) Microfilm or microfiche to paper copies made by NARA staff	[1]1.90

[1] Per copy.
[2] Per linear foot.

(c) Original negative microfilm (paper-to-microfilm): $0.70 per image.

(d) Self-service video copying in the Motion Picture, Sound and Video Research Room:

Service	Fee
(1) Initial 90-min use of video copying station with 120-minute videocassette	$9.75
(2) Additional 90-minute use of video copying station with no videocassette	6.25
(3) Blank 120-minute VHS videocassette	3.50

(e) Self-service Polaroid prints: $5.75 per print.

(f) Unlisted processes: For reproductions not covered by this fee schedule, see also § 1258.4. Fees for other reproduction processes are computed upon request.

§ 1258.14 What is NARA's payment policy?

(a) *Form of payment.* Fees may be paid in cash, by check or money order made payable to the National Archives Trust Fund, or by selected credit cards. Payments from outside the United States must be made by international money order payable in U.S. dollars or a check drawn on a U.S. bank.

(b) *Timing.* Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Purchasers with special billing requirements must state them when placing orders and must complete any special forms for NARA approval in advance.

§ 1258.16 Effective date.

The fees in this part are effective on November 13, 2000. If your order was received by NARA before this effective date, we will charge the fees in effect at the time the order was received.

Dated: August 23, 2000.

John W. Carlin,

Archivist of the United States.

[FR Doc. 00–26310 Filed 10–12–00; 8:45 am]

BILLING CODE 7515–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 00–347]

Inflation Adjustment of Maximum Forfeiture Penalties

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This document increases the maximum monetary forfeiture penalties available to the Commission under its rules governing monetary forfeiture proceedings to account for inflation. The inflationary adjustment is necessary to implement the Debt Collection Improvement Act of 1996, which requires federal agencies to adjust ''civil monetary penalties provided by law'' at least once every four years. The increase covers the period from the last adjustment on June 1995, to June 1999. During that period, the Consumer Price Index (''CPI'') increased by 9.02%. The CPI increase was applied to each maximum penalty, and then rounded using the statutorily defined rules to adjust each maximum monetary forfeiture penalty accordingly. The base forfeiture amounts in the Commission's rules remain unchanged by this rule revision.

DATES: Effective November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas Spavins, Enforcement Bureau, Technical and Public Safety Division, 202–418–1739.

SUPPLEMENTARY INFORMATION: This is a summary of the Order by the Commission, FCC 00–347, adopted on September 14, 2000, and released on September 19, 2000. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at 202–857–3800, CY–B400, 445 12th Street, SW., Washington, DC.

This Order amends § 1.80(b) of the Commission's rules by increasing the maximum monetary forfeiture penalties available to the Commission. The Order adjusts the maximum forfeiture penalties to account for the increase in the Consumer Price Index between June 1995 and June 1999, as required by the Debt Collection Improvement Act of 1996, 28 U.S.C. 2461, and as defined in § 1.80(b)(5) of the Commission's rules. In addition to amending § 1.80(b) of the Commission's rules, the Order also deletes some obsolete or duplicative material. The Order does not affect the forfeiture base amounts specified in § 1.80(b)(4) of the Commission's rules.

As the Order simply implements the requirements of § 1.80(b)(5) and updates associated text, the Commission finds good cause to conclude that notice and comment procedures of the Administrative Procedure Act are unnecessary. 5 U.S.C. 553(b)(3)(B). Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply. 5 U.S.C. 601 *et seq.*

The actions taken in the Order have been analyzed with respect to the Paperwork Reduction Act of 1995, and found to impose no new or modified reporting and record keeping requirements or burdens on the public.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Penalties.

Federal Comunications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

Subpart A—General Rules of Practice and Procedure

Miscellaneous Proceedings

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

Authority: 47 U.S.C. 325(e).

2. Section 1.80 is amended by:

(a) Revising paragraphs (b)(1) through the text of paragraph (b)(4) preceding the table.

(b) Revising the first paragraph and Section III of the note to paragraph (b)(4).

(c) Revising paragraph (b)(5)(iii) including the table.

The revisions read as follows:

§ 1.80 Forfeiture proceedings.

* * * * *

(b) *Limits on the amount of forfeiture assessed.* (1) If the violator is a broadcast station licensee or permittee, a cable television operator, or an applicant for any broadcast or cable television operator license, permit, certificate, or other instrument of authorization issued by the Commission, except as otherwise noted in this paragraph, the forfeiture penalty

under this section shall not exceed $27,500 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $300,000 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. See Section 634(f)(2) of the Communications Act.

(2) If the violator is a common carrier subject to the provisions of the Communications Act or an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission, the amount of any forfeiture penalty determined under this section shall not exceed $120,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,200,000 for any single act or failure to act described in paragraph (a) of this section.

(3) In any case not covered in paragraphs (b)(1) or (b)(2) of this section, the amount of any forfeiture penalty determined under this section shall not exceed $11,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $87,500 for any single act or failure to act described in paragraph (a) of this section.

Note to paragraph (b)(3): For information concerning notices of apparent liability and notices of opportunity for hearing, see paragraphs (e), (f), and (g) of this section.

(4) *Factors considered in determining the amount of the forfeiture penalty.* In determining the amount of the forfeiture penalty, the Commission or its designee will take into account the nature, circumstances, extent and gravity of the violations and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

Note to paragraph (b)(4):

Guidelines for Assessing Forfeitures

The Commission and its staff may use these guidelines in particular cases. The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute. The forfeiture ceiling per violation or per day for a continuing violation stated in Section 503 of the Communications Act and the Commission's Rules are described in § 1.80(b)(5)(iii). These statutory maxima are effective November 13, 2000. Forfeitures issued under other sections of the Act are dealt with separately in Section III of this note.

* * * * *

Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors

Unlike Section 503 of the Act, which establishes maximum forfeiture amounts, other sections of the Act, with one exception, state prescribed amounts of forfeitures for violations of the relevant section. These amounts are then subject to mitigation or remission under Section 504 of the Act. The one exception is Section 223 of the Act, which provides a maximum forfeiture per day. For convenience, the Commission will treat this amount as if it were a prescribed base amount, subject to downward adjustments. The following amounts are adjusted for inflation pursuant to the Debt Collection Improvement Act of 1996 (DCIA), 28 U.S.C. 2461. These non-Section 503 forfeitures may be adjusted downward using the ''Downward Adjustment Criteria'' shown for Section 503 forfeitures in Section II of this note.

Violation	Statutory amount ($)
Sec. 202(c) Common Carrier Discrimination	7,600 330/day.
Sec. 203(e) Common Carrier Tariffs	7,600 330/day.
Sec. 205(b) Common Carrier Prescriptions	13,200.
Sec. 214(d) Common Carrier Line Extensions	1,200/day.
Sec. 219(b) Common Carrier Reports	1,200.
Sec. 220(d) Common Carrier Records & Accounts	7,600/day.
Sec. 223(b) Dial-a-Porn	60,000 maximum/day.
Sec. 364(a) Ship Station Inspection	5,500 (owner).
Sec. 364(b) Ship Station Inspection	1,100 (vessel master).
Sec. 386(a) Forfeitures	5,500/day (owner).
Sec. 386(b) Forfeitures	1,100 (vessel master).
Sec. 634 Cable EEO	500/day.

(5) * * *

(iii) The application of the inflation adjustments required by the DCIA, 28 U.S.C. 2461, results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

U.S. Code citation	Maximum penalty after DCIA adjustment
47 U.S.C. 202(c)	$7,600 330
47 U.S.C 203(e)	7,600 330
47 U.S.C. 205(b)	13,200
47 U.S.C. 214(d)	1,200
47 U.S.C. 219(b)	1,200
47 U.S.C. 220(d)	7,600
47 U.S.C. 223(b)	60,000
47 U.S.C. 362(a)	5,500
47 U.S.C. 362(b)	1,100
47 U.S.C. 386(a)	5,500
47 U.S.C. 386(b)	1,100
47 U.S.C. 503(b)(2)(A)	27,500 300,000
47 U.S.C. 503(b)(2)(B)	120,000 1,200,000
47 U.S.C. 503(b)(2)(C)	11,000 87,500
47 U.S.C. 507(a)	550
47 U.S.C. 507(b)	110
47 U.S.C. 554	500

Note to paragraph (b)(5): Pursuant to Public Law 104–134, the first inflation adjustment cannot exceed 10 percent of the statutory maximum amount.

* * * * *

[FR Doc. 00–26193 Filed 10–12–00; 8:45 am]
BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 90 and 95

[WT Docket No. 98–182; RM–9222; FCC 00–235]

1998 Biennial Regulatory Review—Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document consolidates and streamlines the Commission's Rules concerning the private land mobile radio services (PLMRS). Several licensing and operational requirements are modified or eliminated in order to reduce the regulatory burden on PLMR licensees and to promote greater flexibility and more efficient use of the private land mobile radio frequency spectrum.

DATES: Effective November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Guy Benson (202) 418–2946 <gbenson@fcc.gov> or Ghassen Khalek (202) 418–2771 <gkhalek@fcc.gov>, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, or Les Smith, AMD–PERM, Office of Managing Director at (202) 418–0217.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order, (R&O),* in the *R&O and Further Notice of Proposed Rule Making, (FNPRM),* FCC 00–235 in WT Docket No. 98–182 and PR Docket No. 92–235, adopted on June 28, 2000, and released on July 12, 2000. The full text of this *R&O and FNPRM*) is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, S.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W. Washington, D.C. 20037. The full text 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 R&O

1. The Commission initiated this proceeding in conjunction with the 1998 biennial regulatory review under section 11 of the Communications Act of 1934, 47 U.S.C. 161. Section 11 requires the Commission to review all the regulations applicable to providers of telecommunications service and determine whether any rule is no longer in the public interest as a result of meaningful economic competition between providers of telecommunications service, and whether such regulations should be deleted or modified. As part of this review, however, the Commission found it appropriate to consider all of the regulations relating to administering wireless services, not just those pertaining to providers of a telecommunications service, to determine which regulations can be streamlined or eliminated. As a result, the *R&O* consolidates and streamlines the part 90 Rules.

2. First, the Commission amends the rules to eliminate the distinction between cargo handling and other uses of certain frequencies in the 450–470 MHz band.

3. Second, the Commission amends the rules to change the duration of the license term for stations authorized under part 90 from five years to ten years from the date of initial issuance or renewal. This change will result in decreased costs for licensees.

4. Third, the Commission amends the rules to change the time in which a station must be placed in operation from eight months to twelve months, thereby giving licensees more flexibility in building their stations and simplifying regulatory requirements.

5. Fourth, the Commission amends the rules to require applicants for any of the fifteen 220 MHz public safety channels set forth in §§ 90.719(c) and 90.720 of the Commission's Rules to submit their applications to a public safety frequency coordinator for frequency coordination prior to submission of the applications to the Commission.

6. Fifth, the Commission amends the rules to provide that a radio facility authorized to a public safety licensee may be shared with a Federal Government entity on a cost-shared, non-profit basis.

7. Sixth, the Commission amends the rules to clarify definitions for centralized and decentralized trunking and to establish a new process for licensing trunked systems.

8. Finally, the Commission amends the rules to reassign five low power VHF frequencies from the part 90 PLMRS to the part 95 Citizens Band Radio Service, and eliminates the licensing requirement for these frequencies.

Final Regulatory Flexibility Act and Final Analysis

9. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the 1998 Biennial Regulatory Review, *Notice of Proposed Rule Making (NPRM),* FCC 98–251, 63 FR 65568 (Nov. 27, 1998) *NPRM.* The Commission sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Reason for, and Objectives of, the R&O

10. The Commission's objective in this proceeding is to streamline part 90 of the Commission's Rules and reduce regulatory requirements, and to promote more efficient use of the spectrum. Therefore, the Commission amends part 90 to: (i) Ease restrictions on uses of certain frequencies in the 450–470 MHz band; (ii) extend the license term for stations authorized under part 90; (iii) increase the time in which a station must be placed in operation; (iv) require frequency coordination for public safety applications at 220 MHz; (v) provide that a radio facility authorized to a public safety licensee may be shared with a Federal Government entity on a cost-shared, non-profit basis; (vi) clarify definitions for centralized and decentralized trunking and establishment of a new process for licensing trunked systems; and (vii) reassign five low power VHF frequencies from the part 90 Private Land Mobile Radio (PLMR) Services to the part 95 Citizens Band Radio Service, and eliminate the licensing requirement for these frequencies. The Commission believes that these changes will encourage growth of land mobile systems and enhance telecommunications offerings for consumers, producers and new entrants.

Summary of Significant Issues Raised by Public Comments in Response to the Initial Regulatory Flexibility Analyses

11. No petitions or comments were filed in direct response to the IRFA. The Commission has nonetheless considered the effect of these rule changes on small entities and considered other alternatives. These actions should benefit all entities subject to the rule changes, including small businesses.

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

12. 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 generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities.

Under the Small Business Act, a ''small business concern'' is one that: (i) Is independently owned and operated; (ii) is not dominant in its field of operation; and (iii) satisfies any additional criteria established by the

Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Last, the definition of ''small governmental entity'' is one with populations of fewer than 50,000. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or ninety-six percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, we estimate that ninety-six percent, or about 81,600, are small entities that may be affected by our rules.

The rules adopted in this *R&O* affect a number of small entities who are either licensees, or may choose to become applicants for licenses, in the PLMR Service. The adopted rules apply to businesses and local government entities that operate radio systems for their own internal use in the PLMR services. Traditionally, PLMR services have provided for the private, internal communications needs of public safety entities, state and local government entities, large and small businesses, transportation providers, the medical community, and other diverse users of two-way radio systems.

PLMR systems currently serve an essential role in a vast range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories. Because of the vast array of PLMR users, the Commission has not developed nor would it be possible to develop a definition of small businesses specifically applicable to PLMR users. Therefore, for the purpose of determining whether a licensee is a small business as defined by the Small Business Administration (SBA), each licensee would need to be evaluated within its own business area. Therefore, the appropriate definition for PLMR small businesses is the SBA's definition for radiotelephone (wireless) companies. That definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons.

Reporting, Recordkeeping, and Other Compliance Requirements

13. The Rules adopted in this document have minimal additional reporting or recordkeeping requirements for PLMR licensees. In fact, our decision to increase the license term from five to ten years will result in a decrease in the amount of fees paid and paperwork required. On the other hand, applicants for certain channels are now required to coordinate their frequencies prior to submission of an application, which is achieved through the use of registered frequency coordinators.

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

14. In the IRFA, the Commission indicated that many of the proposed rules will result in economic benefits to small business and local government entities. The Commission believes that relaxing the restrictions on cargo/non-cargo operations will help to satisfy demand for communications on these frequencies. Continued exclusion of non-cargo operations is an alternative to the approach here, but that would result in the underutilization of important spectrum resources.

15. The Commission also believes that there will be several public interest benefits gained by the decision to extend the license term for all part 90 licensees to ten years. First, there will be an economic benefit to new applicants in that their licensing costs would effectively be lowered. Under the Commission's current license fee structure, a part 90 licensee with a ten-year authorization has an economic advantage over a licensee with a five-year license in that it enjoys a longer license term at less cost. Second, existing five-year licenses will receive a ten-year renewal period upon expiration of the five-year license, thus halving the licensee's long-term renewal costs. One alternative to this action would be to leave the license term at five years. This alternative would not benefit small businesses. In addition, it would result in administrative inefficiencies for the agency.

16. Regarding the decision to increase the time in which a station must be placed in operation from eight to twelve months, the Commission envisions that this change in the regulatory treatment of PLMR stations will reduce the necessity for a licensee to request an extension of the time to construct, and thus would eliminate the costs necessary to make such a request. It will also give licensees more flexibility in determining how and when to construct their stations. The alternative to this situation is to leave the requirement date at eight months and require licensees to continue requesting extensions of time. The changes we undertake herein, however, will benefit small businesses and enhance administrative efficiencies.

17. By requiring frequency coordination for the 220 MHz public safety channels, the Commission is benefiting small entities and other applicants in a number of ways. For example, requiring frequency coordination will prevent the filing of mutually exclusive applications and will result in applications for the most appropriate channels, thereby minimizing interference potential and congestion. The alternative would be to make no changes to these licensing procedures, but then the benefits of frequency coordination would not be realized.

18. Permitting a public safety licensee to share its station with a Federal Government entity on a non-profit, cost-sharing basis, will be beneficial to both parties. It will lower the operational costs of the public safety system in that the public safety licensee would obtain cost-sharing benefits from the Federal agency, and it would enable the Federal agency to obtain needed communications at a lower cost than if the Federal agency had to implement its own communications system. An alternative to this change would be to continue prohibiting such sharing arrangements, but the Commission believes that adopting these Rules and thereby lowering costs and increasing access to needed spectrum will ease the regulatory burden on small businesses.

19. By requiring all trunked operations to be specifically licensed, the Commission is promoting licensee flexibility, facilitating more efficient use of the spectrum, and minimizing interference concerns and congestion. The alternative, *i.e.,* to not require such licensing, would not achieve these benefits.

Report to Congress

The Commission will send a copy of the *R&O,* including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of the *R&O,* including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the *R&O* and FRFA (or summaries thereof) will also be published in the **Federal Register**.

List of Subjects

47 CFR Parts 2 and 95

Communications equipment, Radio.

47 CFR Part 90

Administrative practice and procedure, Business and industry, Communications equipment, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For reasons discussed in the preamble, the Federal Communications Commission amends parts 2, 90, and 95 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Amend § 2.106 of the Table of Frequency Allocations by revising page 29 of the Table.

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

148-162.0125 MHz (VHF) Page 29

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
148-149.9 FIXED MOBILE except aeronautical mobile (R) MOBILE-SATELLITE (Earth-to-space) S5.209 S5.218 S5.219 S5.221	148-149.9 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) S5.209 S5.218 S5.219 S5.221		148-149.9 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 599B US319 US320 US323 US325 S5.218 608A US10 G30	148-149.9 MOBILE-SATELLITE (Earth-to-space) 599B US319 US320 US323 US325 S5.218 608A US10	Satellite Communications (25)
149.9-150.05 MOBILE-SATELLITE (Earth-to-space) S5.209 S5.224A RADIONAVIGATION-SATELLITE S5.224B S5.220 S5.222 S5.223			149.9-150.05 MOBILE-SATELLITE (Earth-to-space) 599B US319 US322 RADIONAVIGATION-SATELLITE S5.223 608B		
150.05-153 FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY	150.05-156.7625 FIXED MOBILE		150.05-150.8 FIXED MOBILE US216 G30	150.05-150.8 US216	
			150.8-152.855 US216	150.8-152.855 FIXED LAND MOBILE US216 NG4 NG51 NG112 NG124	Public Mobile (22) Private Land Mobile (90) Personal Radio (95)
S5.149			152.855-154	152.855-154 LAND MOBILE	Auxiliary Broadcasting (74) Private Land Mobile (90)
153-154 FIXED MOBILE except aeronautical mobile (R) Meteorological aids				NG4 NG124	
154-156.7625 FIXED MOBILE except aeronautical mobile (R) S5.226 S5.227			154-156.2475 S5.226	154-156.2475 FIXED LAND MOBILE S5.226 NG112 NG117 NG124 NG148	Maritime (80) Private Land Mobile (90) Personal Radio (95)
	S5.225 S5.226 S5.227		156.2475-157.0375	156.2475-157.0375 MARITIME MOBILE	

BILLING CODE 6712–01–C

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

3. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r) and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

4. Section 90.1 is amended by revising paragraph (b) to read as follows:

§ 90.1 Basis and purpose.

* * * * *

(b) *Purpose.* This part states the conditions under which radio communications systems may be licensed and used in the Public Safety Radio Pool, Industrial/Business Radio Pool, and the Radiolocation Service. The rules in this part do not govern radio systems employed by agencies of the Federal Government.

5. Section 90.7 is amended by revising the definition of Trunked radio system to read as follows:

§ 90.7 Definitions.

* * * * *

Trunked radio system. A radio system employing technology that provides the ability to search two or more available channels and automatically assign a user an open channel.

* * * * *

6. Section 90.20 (c)(3) is amended in the table by removing the entry for 453.025 MHz and by revising the entries for 453.0125 MHz and 453.03125 MHz to read as follows:

§ 90.20 Public Safety Pool.

* * * * *

(c) * * *

(3) * * *

PUBLIC SAFETY POOL FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations	Coordinator
*	*	*	*
Megahertz			
*	*	*	*
453.0125	Mobile	57, 78	PX
453.03125	Base or mobile	44, 59, 60, 61, 62	PM
*	*	*	*

* * * * *

7. Section 90.22 is amended by revising the introductory text to read as follows:

§ 90.22 Paging operations.

Unless specified elsewhere in this part, paging operations may be authorized in the Public Safety Pool on any frequency except those assigned under the provisions of § 90.20(d)(78). Paging operations on frequencies subject to § 90.20(d)(78) authorized before August 17, 1974, may be continued only if they do not cause harmful interference to regular operations on the same frequencies. Such paging operations may be renewed indefinitely on a secondary basis to regular operations, except within 125 km (75 mi) of the following urbanized areas:

* * * * *

8. Section 90.35 is amended in paragraph (b)(3) in the table under Megahertz by removing the entries for 151.820, 151.880, 151.940, 154.570, 154.600 and by revising the entries for 153.560 and 154.585 and revising paragraph (c)(60) to read as follows:

§ 90.35 Industrial/Business Pool.

* * * * *

(b) * * *

(3) * * *

INDUSTRIAL/BUSINESS POOL FREQUENCY TABLE

Frequency or band	Class of stations(s)	Limitations	Coordinator
*	*	*	*
Megahertz			
*	*	*	*
153.560		80	IP, IW
*	*	*	*
154.585	Mobile	8, 46	IP
*	*	*	*

* * * * *

(c) * * *

(60)(i) This frequency is available for voice or non-voice communications concerned with cargo handling from a dock or cargo handling facility, a vessel alongside the dock, or cargo handling facility. The effective radiated power (ERP) shall not exceed 2 watts. Mobile relay stations may be temporarily installed on vessels located at or in the vicinity of a dock or cargo handling facility. The center of the radiating system of the mobile relay shall be

located no more than 3 meters (10 feet) above the vessel's highest working dock.

(ii) This frequency is also available for low power non-cargo handling operations, both voice and non-voice, on a secondary basis to cargo handling communications. This frequency will not be assigned for non-cargo handling operations at temporary locations.

(iii) Mobile relay frequency table as follows:

Mobile relay (MHz) [1]	Mobile (MHz)
457.525	467.750
457.53125	467.75625
457.5375	467.7625
457.54375	467.76875
457.550	467.775
457.55625	467.78125
457.5625	467.7875
457.56875	467.79375
457.575	467.800
457.58125	467.80625
457.5875	467.8125
457.59375	467.81875
457.600	467.825
457.60625	467.83125
457.6125	
457.61875	

[1] The mobile relay frequencies may also be used for single frequency simplex

* * * * *

9. Section 90.135 is revised to read as follows:

§ 90.135 Modification of license.

(a) In addition to those changes listed in § 1.929(k) of this chapter and in accordance with § 1.947 of this chapter the following modifications may be made to an existing authorization without prior Commission approval:

(1) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of § 90.119(b).

(2) Change in the number of mobile units operated by Radiolocation Service licensees.

(b) Unless specifically exempted in § 90.175, licensees must submit a Form 601 application for modification to the applicable frequency coordinator for any change listed in § 1.929(c)(4) of this chapter.

10. Section 90.149 is amended by revising paragraph (a) to read as follows:

§ 90.149 License term.

(a) Licenses for stations authorized under this part will be issued for a term not to exceed ten (10) years from the date of the original issuance or renewal.

* * * * *

11. Section 90.155 is revised to read as follows:

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in §§ 90.629, 90.631(f), 90.665, and 90.685, must be placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission.

(b) A local government entity in the Public Safety Pool, applying for any frequency in this part, may also seek extended implementation authorization pursuant to § 90.629.

(c) For purposes of this section, a base station is not considered to be placed in operation unless at least one associated mobile station is also placed in operation. See also §§ 90.633(d) and 90.631(f).

(d) Multilateration LMS systems authorized in accordance with § 90.353 must be constructed and placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically and must be returned to the Commission. MTA-licensed multilateration LMS systems will be considered constructed and placed in operation if such systems construct a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to a substantial portion of at least one BTA in the MTA.

(e) A multilateration LMS station will be considered constructed and placed in operation if it is built in accordance with its authorized parameters and is regularly interacting with one or more other stations to provide location service, using multilateration technology, to one or more mobile units. Specifically, LMS multilateration stations will only be considered constructed and placed in operation if they are part of a system that can interrogate a mobile, receive the response at 3 or more sites, compute the location from the time of arrival of the responses and transmit the location either back to the mobile or to a subscriber's fixed site.

(f) For purposes of this section, a station licensed to provide commercial mobile radio service is not considered to have commenced service unless it provides service to at least one unaffiliated party.

(g) Application for extension of time to commence service may be made on FCC Form 601. Extensions of time must be filed prior to the expiration of the construction period. Extensions will be granted only if the licensee shows that the failure to commence service is due to causes beyond its control. No extensions will be granted for delays caused by lack of financing, lack of site availability, for the assignment or transfer of control of an authorization, or for failure to timely order equipment. If the licensee orders equipment within 90 days of the license grant, a presumption of due diligence is created.

(h) An application for modification of an authorization (under construction) at the existing location does not extend the initial construction period. If additional time to commence service is required, a request for such additional time must be submitted on FCC Form 601, either separately or in conjunction with the submission of the FCC Form 601 requesting modification.

§ 90.167 [Removed]

12. Remove § 90.167.

13. Section 90.175 is amended by revising paragraph (i)(14) to read as follows:

§ 90.175. Frequency coordination requirements.

* * * * *

(i) * * *

(14) Except for applications for the frequencies set forth in §§ 90.719(c) and 90.720, applications for frequencies in the 220–222 MHz band.

14. Section 90.179 is amended by redesignating paragraph (g) as paragraph (i) and adding new paragraphs (g) and (h) to read as follows:

§ 90.179 Shared use of radio stations.

* * * * *

(g) Notwithstanding paragraph (a) of this section, licensees authorized to operate radio systems on Public Safety Pool frequencies designated in § 90.20 may share their facilities with Federal Government entities on a non-profit, cost-shared basis. Such a sharing arrangement is subject to the provisions of paragraphs (b), (d), and (e) of this section.

(h) Notwithstanding paragraph (a) of this section, licensees authorized to operate radio systems on Industrial/Business Pool frequencies designated in § 90.35 may share their facilities with Public Safety Pool entities designated in § 90.20 and with Federal Government entities on a non-profit, cost-shared basis. Such a sharing arrangement is subject to the provisions of paragraphs (b), (d), and (e) of this section.

* * * * *

15. Section 90.187 is revised to read as follows:

§ 90.187 Trunking in the bands between 150 and 512 MHz.

(a) Applicants for trunked systems operating on frequencies between 150 and 512 MHz (except 220–222 MHz)

must indicate on their applications (class of station code, instructions for FCC Form 601) that their system will be trunked. Licensees of stations that are not trunked, may trunk their systems only after modifying their license (see § 1.927 of this chapter).

(b) Trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid causing harmful interference to other systems. However, this monitoring requirement does not apply if the conditions in paragraph (b)(1) or (b)(2) of this section, are met:

(1) Where applicants for or licensees operating in the 470–512 MHz band meet the loading requirements of § 90.313 and have exclusive use of their frequencies in their service area.

(2) On frequencies where an applicant or licensee does not have an exclusive service area provided that all frequency coordination requirements are complied with and written consent is obtained from affected licensees using either the procedure set forth in paragraphs (b)(2)(i) and (b)(2)(ii) of this section (mileage separation) or the procedure set forth in paragraph (b)(2)(iii) of this section (protected contours).

(i) Affected licensees for the purposes of this section are licensees of stations that have assigned frequencies (base and mobile) that are 15 kHz or less removed from proposed stations that will operate with a 25 kHz channel bandwidth; stations that have assigned frequencies (base and mobile) that are 7.5 kHz or less removed from proposed stations that will operate with a 12.5 kHz bandwidth; or stations that have assigned frequencies (base and mobile) 3.75 kHz or less removed from proposed stations that will operate with a 6.25 kHz bandwidth.

(ii) Where such stations' service areas (37 dBu contour for stations in the 150–174 MHz band and 39 dBu contour for stations in the 421–512 MHz bands; see § 90.205) overlap a circle with radius 113 km (70 mi.) from the proposed base station.

(iii) In lieu of the mileage separation procedure set forth in paragraphs (b)(2)(i) and (b)(2)(ii) of this section, applicants for trunked facilities may obtain consent only from stations that would be subjected to objectionable interference from the trunked facilities. Objectionable interference will be considered to exist when the interference contour (19 dBu for VHF stations, 21 dBu for UHF stations) of a proposed trunked station would intersect the service contour (37 dBu for VHF stations, 39 dBu for UHF stations) of an existing station. The existing stations that must be considered in a contour overlap analysis are a function of the channel bandwidth of the proposed trunked station, as follows:

(A) For trunked stations proposing 25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 15 kHz or less from the proposed trunked station.

(B) For trunked stations proposing 12.5 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 7.5 kHz or less from the proposed trunked station.

(C) For trunked stations proposing 6.25 kHz channel bandwidth: Existing co-channel stations and existing stations that have an operating frequency 3.75 kHz or less from the proposed trunked station.

(iv) The calculation of service and interference contours referenced in paragraph (b)(2)(iii) of this section shall be done using generally accepted engineering practices and standards which, for purposes of this section, shall presumptively be the practices and standards agreed to by a consensus of all certified frequency coordinators.

(v) The written consent from the licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)C of this section shall specifically state all terms agreed to by the parties and shall be signed by the parties. The written consent shall be maintained by the operator of the trunked station and be made available to the Commission upon request. The submission of a coordinated trunked application to the Commission shall include a certification from the applicant that written consent has been obtained from all licensees specified in paragraphs (b)(2)(i) and (b)(2)(ii) or (b)(2)(iii)(A), (b)(2)(iii)(B) and (b)(2)(iii)(C) of this section that the written consent documents encompass the complete understandings and agreements of the parties as to such consent; and that the terms and conditions thereof are consistent with the Commission's rules. Should a potential applicant disagree with a certified frequency coordinator's determination that objectionable interference exists with respect to a given channel or channels, that potential applicant may request the Commission to overturn the certified frequency coordinator's determination. In that event, the burden of proving by clear and convincing evidence that the certified frequency coordinator's determination is incorrect shall rest with the potential applicant. If a licensee has consented to the use of trunking, but later decides against the use of trunking, that licensee may request that the licensee(s) of the trunked system(s) cease the use of trunking. Should the trunked station(s) decline the licensee's request, the licensee may request a replacement channel from the Commission. A new applicant whose interference contour overlaps the service contour of a trunked licensee will be assigned the same channel as the trunked licensee only if the trunked licensee consents in writing and a copy of the written consent is submitted to the certified frequency coordinator responsible for coordination of the application.

(c) Trunking of systems licensed on paging-only channels or licensed in the Radiolocation Service (subpart F) is not permitted.

(d) Potential applicants proposing trunked operation may file written notice with any certified frequency coordinator for the pool (Public Safety or Industrial/Business) in which the applicant proposes to operate. The notice shall specify the channels on which the potential trunked applicant proposes to operate and the proposed effective radiated power, antenna pattern, height above ground, height above average terrain and proposed channel bandwidth. On receipt of such a notice, the certified frequency coordinator shall notify all other certified frequency coordinators in the relevant pool within one business day. For a period of sixty days thereafter, no application will be accepted for coordination which specifies parameters that would result in objectionable interference to the channels specified in the notice. Potential applicants shall not file another notice for the same channels within 10 km (6.2 miles) of the same location unless six months shall have elapsed since the filing of the last such notice. Certified frequency coordinators shall return without action, any coordination request which violates the terms of this paragraph (d).

(e) No more than 10 channels for trunked operation in the Industrial/Business Pool may be applied for in a single application. Subsequent applications, limited to an additional 10 channels or fewer, must be accompanied by a certification, submitted to the certified frequency coordinator coordinating the application, that all of the applicant's existing channels authorized for trunked operation have been constructed and placed in operation. Certified frequency coordinators are authorized to require documentation in support of the

applicant's certification that existing channels have been constructed and placed in operation. Applicants in the Public Safety Pool may request more than 10 channels at a single location provided that any application for more than 10 Public Safety Pool channels must be accompanied by a showing of sufficient need. The requirement for such a showing may be satisfied by submission of loading studies demonstrating that requested channels in excess of 10 will be loaded with 50 mobiles per channel within a five year period commencing with grant of the application.

(f) If a licensee authorized for trunked operation discontinues trunked operation for a period of 30 consecutive days, the licensee, within 7 days of the expiration of said 30 day period, shall file a conforming application for modification of license with the Commission. Upon grant of that application, new applicants may file for the same channel or channels notwithstanding the interference contour of the new applicant's proposed channel or channels overlaps the service contour of the station that was previously engaged in trunked operation.

16. Section 90.242 is amended by revising paragraph (a)(3) to read as follows:

§ 90.242 Travelers' information stations.

(a) * * *

(3) Travelers Information Stations will be authorized on a secondary basis to stations authorized on a primary basis in the bands 510–1715 kHz.

* * * * *

17. Section 90.421 is revised to read as follows:

§ 90.421 Operation of mobile station units not under the control of the licensee.

Mobile stations, as defined in § 90.7, include vehicular-mounted and hand-held units. Such units may be operated by persons other than the licensee, as provided for below, when necessary for the licensee to meet its requirements in connection with the activities for which it is licensed. If the number of such units, together with units operated by the licensee, exceeds the number of mobile units authorized to the licensee, license modification is required. The licensee is responsible for taking necessary precautions to prevent unauthorized operation of such units not under its control.

(a) *Public Safety Pool.* (1) Mobile units licensed in the Public Safety Pool may be installed in any vehicle which in an emergency would require cooperation and coordination with the licensee, and in any vehicle used in the performance, under contract, of official activities of the licensee. This provision does not permit the installation of radio units in non-emergency vehicles that are not performing governmental functions under contract but with which the licensee might wish to communicate.

(2) Mobile units licensed under § 90.20(a)(2)(iii) may be installed in a vehicle or be hand-carried for use by any person with whom cooperation or coordinations is required for medical services activities.

(b) *Industrial/Business Pool.* Mobile units licensed in the Industrial/Business Pool may be installed in vehicles of persons furnishing under contract to the licensee and for the duration of the contract, a facility or service directly related to the activities of the licensee.

(c) In addition to the requirements in paragraphs (a) and (b) of this section, frequencies assigned to licensees in the Private Land Mobile Radio Services may be installed in the facilities of those who assist the licensee in emergencies and with whom the licensee must communicate in situations involving imminent safety to life or property.

§ 90.449 [Removed]

18. Remove § 90.449.

19. Section 90.629 is amended by revising paragraphs (a)(1) and (a)(2) and adding paragraph (f) to read as follows:

§ 90.629 Extended implementation period.

* * * * *

(a) * * *

(1) The proposed system will require longer than twelve (12) months to construct and place in operation because of its purpose, size, or complexity; or

(2) The proposed system is to be part of a coordinated or integrated wide-area system which will require more than twelve (12) months to plan, approve, fund, purchase, construct, and place in operation; or

* * * * *

(f) Pursuant to § 90.155(b), the provisions of this section shall apply to local government entities applying for any frequency in the Public Safety Pool.

PART 95—PERSONAL RADIO SERVICES

20. The authority citation for part 95 continues to read as follows:

Authority: Secs 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

21. Section 95.401 is amended by adding a new paragraph (f) to read as follows:

§ 95.401 (CB Rule 1) What are the Citizens Band Radio Services?

* * * * *

(f) The Multi-Use Radio Service (MURS)—a private, two-way, short-distance voice, data or image communications service for personal or business activities of the general public. The rules for this service are contained in subpart J of this part.

22. Section 95.601, as amended at 65 FR 44008 effective October 16, 2000, is further amended by revising the last sentence to read as follows:

§ 95.601 Basis and purpose.

* * * The Personal Radio Services are the GMRS (General Mobile Radio Service)—subpart A, the Family Radio Service (FRS)—subpart B, the R/C (Radio Control Radio Service)—subpart C, the CB (Citizens Band Radio Service)—subpart D, the Low Power Radio Service (LPRS)—subpart G, the Wireless Medical Telemetry Service (WMTS)—subpart H, the Medical Implants Communication Service (MICS)—subpart I, and the Multi-Use Radio Service (MURS)—subpart J.

23. Section 95.603 is amended by adding a new paragraph (g) to read as follows:

§ 95.603 Certification required.

* * * * *

(g) Each Multi-Use Radio Service transmitter (a transmitter that operates or is intended to operate in the MURS) must be certified in accordance with § 90.203 of this chapter.

24. Section 95.605 is amended by revising the first sentence to read as follows:

§ 95.605 Certification procedures.

Any entity may request certification for its transmitter when the transmitter is used in the GMRS, FRS, R/C, CB, IVDS, LPRS, MURS, or MICS following the procedures in part 2 of this chapter. * * *

25. Section 95.631 is amended by adding a new paragraph (j) to read as follows:

§ 95.631 Emission types.

* * * * *

(j) A MURS station may transmit any emission type as specified in § 90.207 of this chapter.

26. A new section 95.632 is added to read as follows:

§ 95.632 MURS transmitter frequencies.

(a) The MURS transmitter channel frequencies are 151.820 MHz, 151.880 MHz, 151.940 MHz, 154.570 MHz, 154.600 MHz.

(b) The authorized bandwidth is 11.25 kHz on frequencies 151.820 MHz, 151.880 MHz and 151.940 MHz. The authorized bandwidth is 12.5 kHz on frequencies 154.570 and 154.600 kHz.

(c) MURS transmitters must maintain a frequency stability of 5.0 ppm, or 2.0 ppm if designed to operate with a 6.25 kHz bandwidth.

27. Section 95.633 is amended by adding a new paragraph (f) to read as follows:

§ 95.633 Emission bandwidth.

* * * * *

(f) The authorized bandwidth for any emission type transmitted by a MURS transmitter is specified in § 90.209 of this chapter.

28. Section 95.635 is amended by adding a new paragraph (e) to read as follows:

§ 95.635 Unwanted radiation.

* * * * *

(e) For transmitters designed to operate in the MURS, transmitters shall comply with § 90.210 of this chapter.

29. Section 95.639 is amended by adding a new paragraph (h) to read as follows:

§ 95.639 Maximum transmitter power.

* * * * *

(h) No MURS unit, under any condition of modulation, shall exceed 2 W effective radiated power (ERP).

30. Section 95.649 is revised to read as follows:

§ 95.649 Power capability.

No CB, R/C, LPRS, FRS, MICS, MURS or WMTS unit shall incorporate provisions for increasing its transmitter power to any level in excess of the limits specified in § 95.639.

31. Section 95.651 is revised to read as follows:

§ 95.651 Crystal control required.

All transmitters used in the Personal Radio Services must be crystal controlled, except an R/C station that transmits in the 26–27 MHz frequency band, a FRS unit, a LPRS unit, a MURS unit, a MICS transmitter, or a WMTS unit.

32. Appendix 1 to Subpart E is revised to read as follows:

Appendix 1 to Subpart E of Part 95—Glossary of Terms

The definitions used in this subpart E are:

Authorized bandwidth. Maximum permissible bandwidth of a transmission.

Carrier power. Average TP during one unmodulated RF cycle.

CB. Citizens Band Radio Service.

CB transmitter. A transmitter that operates or is intended to operate at a station authorized in the CB.

Channel frequencies. Reference frequencies from which the carrier frequency, suppressed or otherwise, may not deviate by more than the specified frequency tolerance.

Crystal. Quartz piezo-electric element.

Crystal controlled. Use of a crystal to establish the transmitted frequency.

dB. Decibels.

EIRP. Effective Isotropic Radiated Power. Antenna input power times gain for free-space or in-tissue measurement configurations required by MICS, expressed in watts, where the gain is referenced to an isotropic radiator.

FCC. Federal Communications Commission.

Filtering. Refers to the requirement in § 95.633(b).

FRS. Family Radio Service.

GMRS. General Mobile Radio Service.

GMRS transmitter. A transmitter that operates or is intended to operate at a station authorized in the GMRS.

Harmful interference. Any transmission, radiation or induction that endangers the functioning of a radionavigation or other safety service or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties and regulations.

Mean power. TP averaged over at least 30 cycles of the lowest modulating frequency, typically 0.1 seconds at maximum power.

Medical Implant Communications Service (MICS) transmitter. A transmitter authorized to operated in the MICS.

Medical implant device. Apparatus that is placed inside the human body for the purpose of performing diagnostic or therapeutic functions.

Medical implant event. An occurrence or the lack of an occurrence recognized by a medical implant device, or a duly authorized health care professional, that requires the transmission of data from a medical implant transmitter in order to protect the safety or well-being of the person in whom the medical implant transmitter has been implanted.

Medical implant programmer/control transmitter. A MICS transmitter that operates or is designed to operate outside of a human body for the purpose of communicating with a receiver connected to a medical implant device.

Medical implant transmitter. A MICS transmitter that operates or is designed to operate within a human body for the purpose of facilitating communications from a medical implant device.

MICS. Medical Implant Communications Service.

MURS. Multi-Use Radio Service.

Peak envelope power. TP averaged during one RF cycle at the highest crest of the modulation envelope.

R/C. Radio Control Radio Service.

R/C transmitter. A transmitter that operates or is intended to operate at a station authorized in the R/C.

RF. Radio frequency.

TP. RF transmitter power expressed in W, either mean or peak envelope, as measured at the transmitter output antenna terminals.

Transmitter. Apparatus that converts electrical energy received from a source into RF energy capable of being radiated.

W. Watts.

33. A new Subpart J is added to Part 95 to read as follows:

Subpart J—Multi-Use Radio Service (MURS)

General Provisions

95.1301 Eligibility.
95.1303 Authorized locations.
95.1305 Station identification.
95.1307 Permissible communications.
95.1309 Channel use policy.

Subpart J—Multi-Use Radio Service (MURS)

General Provisions

§ 95.1301 Eligibility.

An entity is authorized by rule to operate a MURS transmitter if it is not a foreign government or a representative of a foreign government and if it uses the transmitter in accordance with § 95.1309 and otherwise operates in accordance with the rules contained in this subpart. No license will be issued.

§ 95.1303 Authorized locations.

(a) MURS operation is authorized:

(1) Anywhere CB station operation is permitted under § 95.405; and

(2) Aboard any vessel of the United States, with the permission of the captain, while the vessel is travelling either domestically or in international waters.

(b) MURS operation is not authorized aboard aircraft in flight.

(c) Anyone intending to operate a MURS unit on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra in a manner that could pose an interference threat to the Arecibo Observatory shall notify the Interference Office, Arecibo Observatory, Post Office Box 995, Arecibo, Puerto Rico 00613, in writing or electronically, of the location of the unit. Operators may wish to consult interference guidelines, which will be provided by Cornell University. Operators who choose to transmit information electronically should e-mail to: prcz@naic.edu.

(1) The notification to the Interference Office, Arecibo Observatory shall be made 45 days prior to commencing operation of the unit. The notification shall state the geographical coordinates of the unit.

(2) After receipt of such notifications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections. The operator will be required to make reasonable

efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory. If the Commission determines that an operator has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, the unit may be allowed to operate.

§ 95.1305 Station identification.

A MURS station is not required to transmit a station identification announcement.

§ 95.1307 Permissible communications.

(a) MURS stations may transmit voice, data or image signals as permitted in this subpart.

(b) A MURS station may transmit any emission type, subject to the limitations contained in § 90.207 of this chapter.

(c) MURS frequencies may be used for remote control and telemetering functions. Emission types A1D, A2D, F1D, F2D are authorized and stations used to control remote objects or devices may be operated on the continuous carrier transmit mode, except on frequency 154.600 MHz.

§ 95.1309 Channel use policy.

(a) The channels authorized to MURS systems by this part are available on a shared basis only and will not be assigned for the exclusive use of any entity.

(b) Those using MURS transmitters must cooperate in the selection and use of channels in order to reduce interference and make the most effective use of authorized facilities. Channels must be selected in an effort to avoid interference to other MURS transmissions.

[FR Doc. 00–25276 Filed 10–12–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG26

Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the Fish and Wildlife Service (Service), in cooperation with the Cheyenne River Sioux Tribe, the Forest Service, and the Bureau of Indian Affairs (BIA), will reintroduce black-footed ferrets (*Mustela nigripes*) into north-central South Dakota on the Cheyenne River Sioux Reservation. The purposes of this reintroduction are to implement actions required for recovery of the species and to evaluate and improve reintroduction techniques and management applications. We will release surplus captive-raised black-footed ferrets in October 2000, and release additional animals annually for several years thereafter until we establish a self-sustaining population. If this reintroduction program is successful, a wild population could be established in 5 years or less. The Cheyenne River Sioux Reservation population is established as a nonessential experimental population in accordance with section 10(j) of the Endangered Species Act of 1973, as amended. We will manage this population under provisions of this final special rule.

DATES: The effective date of this rule is October 13, 2000.

ADDRESSES: You may inspect the complete file for this rule during normal business hours at the U.S. Fish and Wildlife Service, Ecological Services Office, 420 South Garfield Avenue, Suite 400, Pierre, South Dakota 57501 or telephone 605/224–8693. You must make an appointment in advance if you wish to inspect the file.

FOR FURTHER INFORMATION CONTACT: Mike Lockhart at 307/721–8805.

SUPPLEMENTARY INFORMATION:

Background

1. Legislative

Congress made significant changes to the Endangered Species Act of 1973 (Act), as amended, with the addition of section 10(j) to allow for the designation of specific populations of listed species as ''experimental populations.'' Previously, we had authority to reintroduce populations into unoccupied portions of a listed species' historical range when doing so would foster the conservation and recovery of the species. However, local citizens often opposed these reintroductions because they were concerned about the placement of restrictions and prohibitions on Federal and private activities. Under section 10(j), the Secretary of the Department of the Interior can designate reintroduced populations established outside the species' current range but within its historical range as ''experimental.'' Based on the best available information, the Secretary will determine whether such populations are ''essential,'' or ''nonessential,'' to the continued existence of the species. Regulatory restrictions are considerably reduced under a Nonessential Experimental Population (NEP) designation.

Species listed as endangered or threatened are afforded protection primarily through the prohibitions of section 9 and the requirements of section 7. Section 9 of the Act prohibits the take of a listed species. ''Take'' is defined by the Act as harass, harm, pursue, hunt, shoot, wound, trap, capture, or collect, or attempt to engage in any such conduct. Section 7 of the Act outlines the procedures for Federal interagency cooperation to conserve federally listed species and designated critical habitats. It mandates all Federal agencies to determine how to use their existing authorities to further the purposes of the Act to aid in recovering listed species. It also states that Federal agencies will, in consultation with the Service, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Section 7 of the Act does not affect activities undertaken on private lands unless they are authorized, funded, or carried out by a Federal agency.

For the purposes of section 9 of the Act, a population designated as experimental is treated as threatened regardless of the species' designation elsewhere in its range. Threatened designation allows us greater discretion in devising management programs and allows us to adopt whatever regulations are necessary to provide for the conservation of a threatened species. In these situations, the general regulations applying most section 9 prohibitions to threatened species do not apply to that species, and the special rule contains the prohibitions and exceptions necessary and appropriate to conserve that species. Regulations for NEP's are usually more compatible with human activities in the reintroduction area.

For the purposes of section 7 of the Act, we treat NEP's as if the population is proposed for listing, but we treat NEP's as threatened species when they are located within a National Wildlife Refuge or National Park. When NEP's occur outside of such refuges or parks, Federal agencies are required to confer with the Service, in accordance with section 7(a)(4) of the Act, on their actions that are likely to jeopardize the continued existence of a proposed species. The results of a conference are advisory in nature, and agencies are not restricted from committing resources to projects regardless of conference findings and recommendations.

Individuals used to establish an experimental population may come from a donor population, provided their removal is not likely to jeopardize the continued existence of the species, and appropriate permits are issued in accordance with our regulations (50 CFR 17.22) prior to their removal. In this case, the donor ferret population is a captive-bred population, which was propagated with the intention of reestablishing wild populations to achieve recovery goals. In addition, wild progeny from other NEP areas (and also which originated from captive sources) may be directly translocated to the reintroduction site.

2. Biological

The black-footed ferret is a member of the Mustelid or weasel family; has a black facemask, black legs, and a black-tipped tail; is nearly 60 centimeters (2 feet) in length; and weighs up to 1.1 kilograms (2.5 pounds). It is the only ferret species native to North America. The historical range of the species, based on specimen collections, extends over 12 western States (Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming) and the Canadian Provinces of Alberta and Saskatchewan. Prehistoric evidence indicates that ferrets once occurred from the Yukon Territory in Canada to Mexico and Texas (Anderson *et al.* 1986).

Black-footed ferrets depend almost exclusively on prairie dogs for food, shelter, and denning (Henderson *et al.* 1969, Forrest *et al.* 1985). The range of the ferret coincides with that of three prairie dog species (Anderson *et al.* 1986), and ferrets with young have been documented only in the vicinity of active prairie dog colonies. Historically, black-footed ferrets have been reported in association with black-tailed prairie dog (*Cynomys ludovicianus*), white-tailed prairie dog (*Cynomys leucurus*), and Gunnison's prairie dog (*Cynomys gunnisoni*) towns (Anderson *et al.* 1986).

Significant reductions in both prairie dog numbers and distribution occurred during the last century due to widespread poisoning of prairie dogs, the conversion of native prairie to farmland, and outbreaks of sylvatic plague, particularly in the southern portions of prairie dog ranges in North America. Sylvatic plague arrived from Asia in approximately 1900. It is an exotic disease foreign to the evolutionary history of prairie dogs, which have little or no immunity to it. Black-footed ferrets also are highly susceptible to sylvatic plague. This severe reduction in the availability of the ferret's principal prey, in combination with other factors such as secondary poisoning from prairie dog toxicants, resulted in the near extinction of the black-footed ferret in the wild by 1980.

In 1974, a remnant wild population of ferrets in South Dakota, originally discovered in 1964, abruptly disappeared. Afterwards, we believed the species to be extinct; however, in 1981 a small population of ferrets was discovered near Meeteetse, Wyoming. In 1985–1986, the Meeteetse population declined to only 18 animals due to outbreaks of sylvatic plague and canine distemper. Following this critical decline, the remaining individuals were taken into captivity in 1986–1987 to serve as founders for a captive-propagation program. Since that time, captive-breeding efforts have been highly successful and have facilitated ferret reintroductions in several areas of formerly occupied range. Today, the captive population of juveniles and adults fluctuates annually between 300 and 600 animals depending on the time of year and on annual reproductive success and mortality. The captive ferret population is currently divided among six captive-breeding facilities throughout the United States and Canada, with a small number of live animals on display for educational purposes at several zoos and other facilities. Also, 65 to 90 ferrets are located at field-based captive-breeding sites in Arizona, Colorado, New Mexico, and Montana.

3. Recovery Efforts

The recovery plan for the black-footed ferret (U.S. Fish and Wildlife Service 1988) contains the following recovery objectives for reclassification:

(a) Increasing the captive population of ferrets to 200 breeding adults by 1991 (which has been achieved);

(b) Establishing a prebreeding population of 1,500 free-ranging breeding adults in 10 or more different populations, with no fewer than 30 breeding adults in each population by the year 2010 (not achieved); and

(c) Encouraging the widest possible distribution of reintroduced animals throughout their historical range. Although several reintroduction efforts have occurred throughout the ferret's range, populations may have become self-sufficient at only one site in South Dakota.

We can reclassify the black-footed ferret to threatened status when the recovery objectives listed above have been achieved, assuming that the mortality rate of established populations remains at or below a rate at which new populations become established or increase. We have been successful in rearing black-footed ferrets in captivity, and in 1997 we reached captive-breeding program objectives.

In 1988, we divided the single captive population into three subpopulations to avoid the possibility of a catastrophic event eliminating the entire captive population (*e.g.,* contagious disease). Additional breeding centers were added later, and presently there are six separate subpopulations in captive-breeding facilities. Current recovery priorities emphasize the reintroduction of animals back into the wild from the captive source stock. Surplus individuals produced in captivity are now available for release into reintroduction areas.

4. Reintroduction Sites

The Service, in cooperation with western State and Federal agencies, Tribal representatives, and conservation groups, evaluates potential black-footed ferret reintroduction sites and has previously initiated ferret reintroduction projects at several sites within the historical range of the black-footed ferret. The first reintroduction project occurred in Wyoming in 1991, and subsequent efforts have taken place in South Dakota and Montana in 1994, in Arizona in 1996, a second effort in Montana in 1997, and in Colorado/Utah in 1999. The Service and the Black-Footed Ferret Recovery Implementation Team (composed of 27 State and Federal agencies, Indian Tribes, and conservation organizations) have identified the Cheyenne River Sioux Reservation as a priority black-footed ferret reintroduction site due to its extensive black-tailed prairie dog habitat and the absence of sylvatic plague.

(a) Cheyenne River Sioux Reservation Experimental Population Reintroduction Area

The area designated as the Cheyenne River Sioux Reservation Black-Footed Ferret Experimental Population Area (Experimental Population Area) overlays all of Dewey and Ziebach Counties in South Dakota. The boundaries of these Counties also are the boundaries of the Cheyenne River Sioux Reservation. Within the Experimental Population Area, the primary reintroduction area will be in large black-tailed prairie dog complexes located along the Moreau River. The approximate center of the Experimental Population Area is the town of Eagle Butte, the location of Cheyenne River Sioux Tribal offices. Eagle Butte is

approximately 160 kilometers (100 miles) northwest of Pierre, the capital of South Dakota.

The Experimental Population Area supports two large complexes of black-tailed prairie dog colonies located within the two-county area. These two counties encompass approximately 1,141,558 hectares (2,820,751 acres). Approximately half or 574,752 hectares (1,420,193 acres) of the Experimental Population Area is Tribal Trust and Allotted lands. The majority of this Tribal Trust and Allotted land, approximately 90 percent or 505,875 hectares (1,250,000 acres), is native rangeland used for grazing.

Some lands within the Experimental Population Area are owned by private landowners (approximately 50 percent, although much less in the primary reintroduction area). No ferrets will be released on private lands. The Tribe and other Cooperators have agreed that if any ferrets disperse onto private lands they will capture and translocate them to Tribal lands if requested by the landowner or if necessary for protection of the ferrets.

Black-footed ferret dispersal into areas outside of the Experimental Population Area is unlikely due to the large size of the Experimental Population Area, the absence of suitable nearby habitat (few if any prairie dogs can be found to the south and west), cropland barriers (*e.g.,* expansive cultivation over the northern portion of the Experimental Population Area), and physical barriers (*e.g.,* the Missouri River to the east). The Tribe estimates a total of approximately 8,408 hectares (20,777 acres) of black-tailed prairie dog colonies are potentially available to black-footed ferrets in the Experimental Population Area and could support over 200 ferret families (characterized as an adult female, three kits, and one-half an adult male; *i.e.,* one adult male for every two adult females). Large, contiguous prairie dog colonies and the absence of physical barriers between prairie dog colonies along the Moreau River (the primary ferret release area) should facilitate ferret distribution throughout the Moreau River Reintroduction Area.

(b) Primary Reintroduction Areas

In the early 1990s, the Tribe began development of a Prairie Management Plan as a framework for managing the natural resources of 574,752 hectares (1,420,193 acres) of Tribal Trust lands within the Cheyenne River Sioux Reservation boundaries (Cheyenne River Sioux Tribe 1992). The Prairie Management Plan included development of prairie dog and black-footed ferret management strategies. Phase I of the Prairie Management Plan accomplished initial prairie dog surveys along the Moreau River in areas believed to be well-suited for ferret reintroduction. Phase II surveys confirmed that prairie dog colonies along the Moreau River are highly suitable for ferret releases due to the number and size of prairie dog colonies, the spatial relationships of prairie dog towns to each other, their location on Tribal Trust and Allotted lands, their remoteness, and their distance from human settlements (Cheyenne River Sioux Tribe 1999).

Recent surveys revealed 5,739 hectares (14,156 acres) of prairie dog colonies within the Moreau River complex. In addition to the Moreau River prairie dog complex, a secondary black-footed ferret release area was identified to the south in the Southeast Parade Management Area, an area that supports 2,280 hectares (6,621 acres) of black-tailed prairie dog towns. This area requires further evaluation to ensure appropriate conditions exist for future reintroductions of black-footed ferrets. The Tribe selected the Moreau River prairie dog complex as the primary ferret reintroduction area because of its location within the historical range of the black-footed ferret, our determination that ferrets are no longer present, the abundance of suitable ferret habitat (lands containing active prairie dog colonies), the extensive amount of land managed by the Tribe, and the area's isolation from human activities.

The primary reintroduction area within the Experimental Population Area generally includes lands along the Moreau River in Dewey and Ziebach Counties in north-central South Dakota. Extensive ferret surveys were conducted in this area in the 1980s and 1990s, but no evidence of ferrets was found. There are no confirmed records of ferrets occurring within the boundaries of the Experimental Population Area since the early 1960s.

Black-footed ferrets will be released only if biological conditions are suitable and meet the management framework developed by the Tribe, in cooperation with the BIA, the Service, private landowners, and Federal and State land managers. The Service will reevaluate ferret reintroduction efforts in the Experimental Population Area should any of the following conditions occur:

(i) Failure to maintain sufficient habitat on specific reintroduction areas to support at least 30 breeding adults after 5 years.

(ii) Failure to maintain suitable prairie dog habitat available within specific reintroduction areas.

(iii) A wild ferret population is found within the Experimental Population Area following the initial reintroduction and prior to the first breeding season. The only black-footed ferrets currently occurring in the wild result from reintroductions in Wyoming, Montana, Arizona, Utah/Colorado, and elsewhere in South Dakota over 100 miles from the reintroduction site on Cheyenne River Tribal lands. Consequently, the discovery of a black-footed ferret on the experimental population area prior to the reintroduction would confirm the presence of a new population and prevent designation of an experimental population in the area.

(iv) Discovery of an active case of canine distemper or other disease contagious to black-footed ferrets on or near the reintroduction area prior to the scheduled release.

(v) Fewer than 20 captive black-footed ferrets are available for release.

(vi) Funding is not available to implement the reintroduction phase of the project on the Cheyenne River Sioux Reservation.

(vii) Land ownership changes significantly, or cooperators withdraw from the project.

All of the above conditions will be based on information routinely collected by us or the Tribe.

5. Reintroduction Procedures

The standard reintroduction protocol calls for the release of 20 or more captive-raised, or wild-translocated black-footed ferrets in the Experimental Population Area in the first year of the program, and 20 or more animals released annually for the next 2 to 4 years. Biologists expect to release 50 or more ferrets in the first year and believe a self-sustaining wild population could be established on the Cheyenne River Sioux Reservation within 5 years. Released ferrets will be excess to the needs of the captive-breeding program, and their use will not affect the genetic diversity of the captive ferret population (ferrets used for reintroduction efforts can be replaced through captive breeding). In the future, it may be necessary to interchange ferrets from established, reintroduced populations to enhance the genetic diversity of the population on the Experimental Population Area.

Recent studies (Biggins *et al.* 1998, Vargas *et al.* 1998) have documented the importance of outdoor ''precon-ditioning'' experience on captive-reared ferrets prior to release in the wild. Ferrets exposed to natural prairie dog burrows in outdoor pens and natural prey prior to release survive in the wild at significantly higher rates than do

cage-reared, non-preconditioned ferrets. The Forest Service will participate in the reestablishment of ferrets on the Cheyenne River Sioux Reservation by preconditioning captive-raised ferrets in large open-air pens on the Conata Basin District of the Buffalo Gap National Grasslands in southwestern South Dakota. In these pens, young ferrets are exposed to live prairie dogs, burrows, and other natural stimuli. In addition, biologists may translocate up to 25 ferrets born in the wild on the Buffalo Gap National Grasslands to the Cheyenne River Sioux Reservation (if annual production levels of wild ferrets on Conata Basin are sufficient to allow translocation of excess young).

The Tribe will develop specific reintroduction plans and submit them to the Service as part of an established, annual black-footed ferret allocation process. Ferret reintroduction cooperators submit proposals by mid-March of each year, and the Service makes preliminary allocation decisions (numbers of ferrets provided to specific projects) by May. Proposals submitted to the Service include updated information on habitat, disease, project/ferret status, proposed reintroduction and monitoring methods, and predator management. In this manner, the Service and reintroduction cooperators evaluate the success of prior year efforts and apply current knowledge to various aspects of reintroduction efforts, thereby providing greater assurance of long-range reintroduction success.

We will transport ferrets to identified reintroduction areas within the Experimental Population Area and release them directly from transport cages into prairie dog burrows. Depending on the availability of suitable vaccine, we will vaccinate released animals against certain diseases (especially canine distemper) and take appropriate measures to reduce predation from coyotes, badgers, and raptors, where warranted. All ferrets we release will be marked with individually coded passive integrated transponder tags, and we may promote use of radio-telemetry studies to document ferret behavior and movements. Other monitoring will include spotlight surveys, snow tracking surveys, and visual surveillance.

Since captive-born ferrets are more susceptible to predation, starvation, and environmental conditions than wild animals, up to 90 percent of the released ferrets could die during the first year of release. Mortality is usually highest during the first month following release. In the first year of the program, a realistic goal is to have at least 25 percent of the animals survive the first winter.

The goal of the Cheyenne River Sioux Reservation reintroduction project is to establish a free-ranging population of at least 30 adults within the Experimental Population Area within 5 years of release. At the release site, population demographics and potential sources of mortality will be monitored on an annual basis (for up to 5 years). We do not intend to change the nonessential designation for this experimental population unless we deem this reintroduction a failure or the black-footed ferret is recovered in the wild.

6. Status of Reintroduced Population

We determine this reintroduction to be nonessential to the continued existence of the species for the following reasons:

(a) The captive population (founder population of the species) is protected against the threat of extinction from a single catastrophic event by housing ferrets in six separate subpopulations. As a result, any loss of an experimental population in the wild will not threaten the survival of the species as a whole.

(b) The primary repository of genetic diversity for the species is 240 adult ferrets maintained in the captive-breeding population. Animals selected for reintroduction purposes are surplus to the captive population. Hence, any use of animals for reintroduction efforts will not affect the overall genetic diversity of the species.

(c) Captive breeding can replace any ferrets lost during this reintroduction attempt. Juvenile ferrets produced in excess of the numbers needed to maintain the captive-breeding population are available for reintroduction.

This reintroduction will be the seventh release of ferrets back into the wild in six experimental population areas. The other experimental populations occur in Wyoming, southwestern South Dakota, north-central Montana (with two separate reintroduction efforts), Arizona, and Colorado/Utah (a single reintroduction area that overlays both States). Reintroductions are necessary to further the recovery of this species. The NEP designation alleviates landowner concerns about possible land use restrictions. This nonessential designation provides a flexible management framework for protecting and recovering black-footed ferrets while ensuring that the daily activities of landowners are unaffected.

7. Location of Reintroduced Population

Section 10(j) of the Act requires that an experimental population be geographically separate from other wild populations of the same species. Since the mid-1980s, the BIA and the Tribe conducted black-footed ferret surveys in the Experimental Population Area. In addition to these surveys, they spent many hours surveying prairie dog colonies at the reintroduction site. No ferrets or ferret sign (skulls, feces, trenches) were located. Therefore, we conclude that wild ferrets are no longer present on the Experimental Population Area and that this reintroduction will not overlap with any wild population.

All released ferrets and their offspring are expected to remain in the Experimental Population Area due to the presence of prime habitat (lands occupied by prairie dog colonies) and surrounding geographic barriers. We will attempt to capture any ferret that leaves the Experimental Population Area (in an attempt to identify its origin) and will either return it to the release site, translocate it to another site, or place it in captivity. If a ferret leaves the reintroduction area, but remains within the Experimental Population Area, and occupies private property, the landowner can request its removal. Ferrets will remain on private lands only when the landowner does not object to their presence.

We will mark all released ferrets and will attempt to determine the source of any unmarked animals found. Any ferret found outside the Experimental Population Area is considered endangered, as provided under the Act. We will undertake efforts to confirm whether any ferret found outside the Experimental Population Area originated from captive stock. If the animal is unrelated to members of this or other experimental populations (*i.e.*, it is from noncaptive stock), we will place it in captivity as part of the breeding population to improve the overall genetic diversity of the captive population. Existing contingency plans allow for the capture and retention of up to nine ferrets that are not from captive stock. In the highly unlikely event that a ferret from captive stock is found outside the Experimental Population Area, we will move the ferret back to habitats that would support the primary population(s) of ferrets.

8. Management

This reintroduction will be undertaken in cooperation with the Cheyenne River Sioux Tribe, the BIA, and the Forest Service in accordance with the ''Cooperative Management Plan

for Black-Footed Ferrets, Moreau River or Southeast Parade Reintroduction Areas''Cheyenne River Sioux Reservation. Copies of the Cooperative Management Plan may be obtained from the Prairie Management Program Coordinator, P.O. Box 590, Eagle Butte, South Dakota 57625. In the future, we will evaluate whether additional black-footed ferret reintroductions are feasible within the Experimental Population Area (over 45,000 total acres of occupied prairie dog habitat exist within the Experimental Population Area). Cooperating agencies and private landowners would be involved in the selection of any additional sites. Management considerations of the reintroduction project include:

(a) Monitoring

Several monitoring efforts will occur during the first 5 years of the program. We will annually monitor prairie dog distribution and numbers, and test for the occurrence of sylvatic plague. Testing resident carnivores (*e.g.*, coyotes) for canine distemper will begin prior to the first ferret release and continue each year. We will monitor released ferrets and their offspring annually using spotlight surveys, snowtracking, other visual survey techniques, and possibly radio-telemetry on some individuals. The surveys will incorporate methods to monitor breeding success and long-term survival rates.

Through public outreach programs, we will inform the public and other appropriate State and Federal agencies about the presence of ferrets in the Experimental Population Area and the handling of any sick or injured animals. To meet our responsibilities to treat the Tribe on a Government to Government basis, we will request that the Tribe inform Tribal members of the presence of ferrets on Cheyenne River Sioux Reservation lands, and the proper handling of any sick or injured ferrets that are found. The Tribe will serve as the primary point of contact to report any injured or dead ferrets. Reports of injured or dead ferrets also must be provided to the Service Field Supervisor (see **ADDRESSES** section). It is important that we determine the cause of death for any ferret carcass found. Therefore, we request that discovered ferret carcasses not be disturbed, but reported as soon as possible to appropriate Tribal and Service offices.

(b) Disease

The presence of canine distemper in any mammal on or near the reintroduction site will cause us to reevaluate the reintroduction program. Prior to releasing ferrets, we will establish the presence or absence of canine distemper in the release area by collecting at least 20 coyotes or other carnivores. Sampled predators will be tested for canine distemper and other diseases.

We will attempt to limit the spread of distemper by discouraging people from bringing unvaccinated pets into core ferret release areas. Any dead mammal or any unusual behavior observed in animals found within the area should be reported to us. Efforts are under way to develop an effective canine distemper vaccine for black-footed ferrets. Routine sampling for sylvatic plague in prairie dog towns will take place before and during the reintroduction effort, and annually thereafter.

(c) Genetics

Ferrets selected for reintroduction are excess to the needs of the captive population. Experimental populations of ferrets are usually less genetically diverse than overall captive populations. Selecting and reestablishing breeding ferrets that compensate for any genetic biases in earlier releases can correct this disparity. The ultimate goal is to establish wild ferret populations with the maximum genetic diversity possible from founder ferrets. The eventual interchange of ferrets between established populations found elsewhere in the western United States will ensure that genetic diversity is maintained to the maximum extent possible.

(d) Prairie Dog Management

We will work with the Tribe, affected landowners, and other Federal and State agencies to resolve any management conflicts in order to maintain suitable prairie dog habitat on core release areas at or above 90 percent of the habitat levels as determined by the 1999 survey.

(e) Mortality

We will reintroduce only ferrets that are surplus to the captive-breeding program. Predator control, prairie dog management, vaccination, ferret preconditioning, and improved release methods should reduce mortality. Public education will help reduce potential sources of human-caused mortality.

The Act defines ''incidental take'' as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. A person may take a ferret within the Experimental Population Area provided that the take is unavoidable, unintentional, and was not due to negligent conduct. Such conduct will not constitute ''knowing take,'' and we will not pursue legal action. However, when we have evidence of knowing (*i.e.*, intentional) take of a ferret, we will refer matters to the appropriate authorities for prosecution. Any take of a black-footed ferret, whether incidental or not, must be reported to the local Service Field Supervisor (see **ADDRESSES** section). We expect a low level of incidental take since the reintroduction is compatible with existing land use practices for the area.

Based on studies of wild black-footed ferrets at Meeteetse, Wyoming, black-footed ferrets can be killed by motor vehicles and dogs. We expect a rate of mortality similar to what was documented at Meeteetse, and, therefore, we estimate a human-related annual mortality rate of about 12 percent of all reintroduced ferrets and their offspring. If this level is exceeded in any given year, we will develop and implement measures to reduce the level of mortality.

(f) Special Handling

Service employees and authorized agents acting on their behalf may handle black-footed ferrets for scientific purposes; to relocate ferrets to avoid conflict with human activities; for recovery purposes; to relocate ferrets to other reintroduction sites; to aid sick, injured, and orphaned ferrets; and salvage dead ferrets. We will return to captivity any ferret we determine to be unfit to remain in the wild. We also will determine the disposition of all sick, injured, orphaned, and dead ferrets.

(g) Coordination With Landowners and Land Managers

The Service and cooperators identified issues and concerns associated with the ferret reintroduction before preparing this rule. The reintroduction also has been discussed with potentially affected State agencies and landowners within the release area. Affected State agencies, landowners, and land managers have indicated support for the reintroduction of ferrets in the Experimental Population Area as a NEP, if land use activities in the Experimental Population Area are not constrained without the consent of affected landowners.

(h) Potential for Conflict With Grazing and Recreational Activities

We do not expect conflicts between livestock grazing and ferret management. Grazing and prairie dog management on private lands within the Experimental Population Area will continue without additional restriction

from implementation of ferret recovery activities. With proper management, we do not expect adverse impacts to ferrets from hunting, prairie dog shooting, prairie dog control, and trapping of furbearers or predators within the Experimental Population Area. If proposed prairie dog shooting or control will locally affect ferret prey base within a specific area, project biologists will determine whether ferrets could be impacted and, if necessary, take steps to avoid such impacts. If private activities impede the establishment of ferrets, we will work closely with the Tribe and landowners to develop appropriate procedures to minimize conflicts.

(i) Protection of Black-Footed Ferrets

We will release ferrets in a manner that provides short-term protection from natural (predators, disease, lack of prey base) and human-related sources of mortality. Improved release methods, vaccination, predator control, and management of prairie dog populations should help reduce natural mortality. Releasing ferrets in areas with little human activity and development will minimize human-related sources of mortality. We will work with the Tribe and landowners to help avoid certain activities that could impair ferret recovery.

(j) Public Awareness and Cooperation

We will inform the general public of the importance of this reintroduction project in the overall recovery of the black-footed ferret. The designation of the NEP on the Cheyenne River Sioux Reservation will provide greater flexibility in the management of reintroduced ferrets. The NEP designation is necessary to secure needed cooperation of the Tribe, landowners, agencies, and recreational interests in the affected area. Based on the above information, and using the best scientific and commercial data available (in accordance with 50 CFR 17.81), the Service finds that releasing black-footed ferrets into the Experimental Population Area will further the conservation of the species.

Summary of Comments

In the July 18, 2000, proposed rule and associated notifications, we requested all interested parties to submit factual reports or information that might contribute to the development of a final rule. Appropriate Federal and State agencies, Tribes, county governments, environmental and agricultural organizations, and other interested parties were contacted and requested to comment. Articles providing information about the proposed rule and the opportunity for public comment were published in South Dakota in the ''Midwest News,'' the ''Capitol Journal,'' the ''Timberlake Topic,'' the ''Eagle Butte News,'' the ''West River Progress,'' and the ''Rapid City Journal.'' Information regarding the publication of the proposed rule as well as the text of the rule itself was made available on the Region 6 website >www.r6.fws.gov< during the public comment period. A news interview with South Dakota Public Radio was conducted by a representative of the Cheyenne River Sioux Tribe.

We informed the Cheyenne River Sioux Tribe of the publication of the proposal and the opportunity for public comment. Throughout development of the proposal we maintained regular coordination with the Cheyenne River Sioux Tribe and have received their full support in this reintroduction. Public meetings were held by the Cheyenne River Sioux Tribe on June 19 and 22, 2000, in Eagle Butte, South Dakota. Contacts were made with the South Dakota Department of Game, Fish, and Parks regarding the publication of the reintroduction proposal and the public comment period. On July 15, 2000, a presentation about the proposal, including the public comment period, was given to the South Dakota Prairie Dog Working Group, a consortium of Federal and State agencies, environmental organizations, and local agricultural groups interested in black-tailed prairie dog and black-footed ferret conservation issues. No requests for public hearings were made and no public comments were received on this proposal.

Required Determinations

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, the rule to designate NEP status for the black-footed ferret reintroduction into north-central South Dakota is not a significant regulatory action subject to Office of Management and Budget review. This rule will not have an annual economic effect of $100 million and will not have an adverse effect upon any economic sector, productivity, jobs, the environment, or other units of government. Therefore, a cost-benefit and economic analysis is not required.

All the lands within the NEP area are within the Cheyenne River Sioux Reservation, and the specific lands where ferrets will actually be released are Tribal Trust and Allotted lands. Other public areas in the NEP include South Dakota school lands, South Dakota Department of Game, Fish, and Parks lands, and U.S. Army Corps of Engineers lands. Most of the prairie dogs within the NEP area occur on Tribal Trust and Allotted lands, and those occurring on other lands are not needed for a successful ferret release. Land uses on private, Tribal, and State school lands will not be hindered by the reintroduction, and only voluntary participation by private landowners will occur.

This rule will not create inconsistencies with other agencies' actions or otherwise interfere with an action taken or planned by another agency. Federal agencies most interested in this rulemaking are primarily other Department of the Interior bureaus (*i.e.,* Bureau of Land Management and BIA) and the Department of Agriculture (Forest Service). The action allowed by this rulemaking is consistent with the policies and guidelines of the other Interior bureaus. Because of the substantial regulatory relief provided by the NEP designation, we believe the reintroduction of the black-footed ferret in the areas described will not conflict with existing human activities or hinder public utilization of the area.

This rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This rule will not raise novel legal or policy issues. The Service has previously designated experimental populations of black-footed ferrets at five other locations (in Colorado/Utah, Montana, South Dakota, Arizona, and Wyoming) and for other species at numerous locations throughout the nation.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The area affected by this rule consists of Dewey and Ziebach Counties, South Dakota. A majority of the area affected by this rule is within the Cheyenne River Sioux Reservation, which is administered by the Tribe.

Reintroduction of ferrets allowed by this rule will not have any significant effect on recreational activities in the experimental area. We do not expect any closures of roads, trails, or other recreational areas. Suspension of prairie dog shooting for ferret management purposes will be localized and prescribed by the Tribe. We do not expect ferret reintroduction activities to affect grazing operations, resource development actions, or the status of any other plant or animal species within the release area.

Because participation in ferret reintroduction by private landowners is voluntary, this rulemaking is not expected to have any significant impact on private activities in the affected area. The designation of a NEP in this rule will significantly reduce the regulatory requirements regarding the reintroduction of ferrets on the Cheyenne River Sioux Reservation, will not create inconsistencies with other agency actions, and will not conflict with existing or proposed human activity, or Tribal and public uses of the land.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of $100 million or more for reasons outlined above. It will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The nonessential experimental population designation will not place any additional requirements on any city, county, or other local municipalities. The site designated for release of the experimental population is predominantly Cheyenne River Sioux Tribal Trust and Allotted land administered by the Cheyenne River Sioux Tribe, who support this project. Some South Dakota State school lands may also be affected.

The State of South Dakota has expressed support for accomplishing the reintroduction through a nonessential experimental designation. Accordingly, this rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required.

Because this rulemaking does not require any action be taken by local or State government or private entities, we have determined and certify pursuant to the Unfunded Mandates Reform Act, 2, U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities (*i.e.,* it is not a ''significant regulatory action'' under the Act).

Takings

In accordance with Executive Order 12630, the rule does not have significant takings implications.

Designating reintroduced populations of federally listed species as NEP's significantly reduces the Act's regulatory requirements with respect to the reintroduced listed species within the NEP. Regulatory relief can be provided regarding take of reintroduced species within NEP areas, and a special rule has been developed stipulating that unavoidable and unintentional take (including killing or injuring) of the reintroduced black-footed ferrets would not be a violation of the Act, when such take is nonnegligent and incidental to a legal activity (*e.g.,* livestock management, mineral development) and the activity is in accordance with State laws and regulations.

Most of the lands within the Experimental Population Area are administered by the Cheyenne River Sioux Tribe. Multiple-use management of these lands by industry and recreation interests will not change as a result of the experimental designation. Private landowners within the Experimental Population Area will still be allowed to conduct lawful control of prairie dogs, and may elect to have black-footed ferrets removed from their land should ferrets move onto private lands.

Because of the substantial regulatory relief provided by NEP designations, we do not believe the reintroduction of ferrets would conflict with existing human activities or hinder public use of the area. A takings implication assessment is not required.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. As stated above, most of the lands within the Experimental Population Area are Tribal Trust and Allotted lands, and multiple-use management of these lands will not change to accommodate black-footed ferrets. The designation will not impose any new restrictions on the State of South Dakota. The Service has coordinated extensively with the Tribe and State of South Dakota, and they endorse the NEP designation as the only feasible way to pursue ferret recovery in the area. A Federalism Assessment is not required.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This regulation contains collection of information requiring Office of Management and Budget (OMB) approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This information collection has been approved by OMB and has been assigned OMB control number 1018–0095. 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.

National Environmental Policy Act

We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA). We have prepared an Environmental Assessment (EA) as defined under the authority of NEPA, which is available from Service offices identified in the **ADDRESSES** section. In that EA we determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have closely coordinated this rule with the Cheyenne River Sioux. Throughout development of this rule, we maintained regular contact with the Cheyenne River Sioux Tribe and have received their full support in this reintroduction.

Effective Date

We have waived the 30-day delay between publication of this final rule and its effective date as provided in the Administrative Procedure Act (5 U.S.C. 533(d)(3)). This is necessary to ensure that ferret kits are released on the Cheyenne River Sioux Reservation at the most biologically favorable time possible. Previous ferret releases and scientific study have demonstrated that ferret survival is markedly enhanced by adequate preconditioning of kits in outdoor pens between 60–90 days of age and subsequent release into the wild from about 120–140 days of age.

The bulk of the annual production of captive-reared ferrets for the year 2000 was completed between mid-May to mid-June. To facilitate the reintroduction of ferrets on the

Cheyenne River Sioux Reservation site in 2000, we have allocated ferrets from later litters. However, in order to ensure that ferrets are reintroduced as close to optimal age as possible, it will be necessary to release allocated ferrets by October 2000.

A substantial delay of releasing ferrets at optimal ages would necessitate the transfer of allocated ferrets to other reintroduction sites and would postpone reintroduction efforts on the Cheyenne River Sioux Reservation until 2001. Such an action would substantially impact our ferret reintroduction efforts for the year 2000 and would retard overall species recovery. Good cause exists under 5 U.S.C. 553(d) for the rule to be effective immediately upon publication.

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Authors

The primary authors of this rule are Mike Lockhart at telephone 307/721–8805 and Scott Larson (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Special Regulations Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the U.S. Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend section 17.11(h) by revising the existing entry for ''Ferret, black-footed'' under ''MAMMALS'' to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*	*	
Ferret, black-footed ...	*Mustela nigripes*	Western U.S.A., Western Canada.	Entire, except where listed as an experimental population.	E	1, 3, 433, 545, 546, 582, 646, 703	NA	NA
Do.....	.....do	.....do	U.S.A. (specified portions of AZ, CO, MT, SD, UT, and WY, see 17.84(g)(9)).	XN	433, 545, 546, 582, 646, 703	NA	17.84(g)
*	*	*	*	*	*	*	

3. Amend section 17.84 as follows: Revise the text of paragraph (g)(1) and add paragraphs (g)(6)(vi), (g)(9)(vi), and a new map to follow the five existing maps at the end of paragraph (g):

§ 17.84 Special rules—vertebrates.

* * * * *

(g) Black-footed ferret (*Mustela nigripes*).

(1) The black-footed ferret populations identified in paragraphs (g)(9)(i) through (vi) of this section are nonessential experimental populations. We will manage each of these populations in accordance with their respective management plans.

* * * * *

(6) * * *

(vi) Report such taking in the Cheyenne River Sioux Tribe Experimental Population Area to the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, Pierre, South Dakota (telephone 605/224–8693).

* * * * *

(9) * * *

(vi) The Cheyenne River Sioux Tribe Reintroduction Area is shown on the map of north-central South Dakota at the end of paragraph (g) of this section. The boundaries of the nonessential experimental population area are the exterior boundaries of the Cheyenne River Sioux Reservation which includes all of Dewey and Ziebach Counties, South Dakota. Any black-footed ferret found in the wild within these counties will be considered part of the nonessential experimental population after the first breeding season following the first year of black-footed ferret release. A black-footed ferret occurring outside the Experimental Population Area in north-central South Dakota would initially be considered as endangered but may be captured for genetic testing. When a ferret is found outside the Experimental Population Area, the following may occur:

(A) If an animal is genetically determined to have originated from the experimental population, we may return

it to the reintroduction area or to a captive-breeding facility.

(B) If an animal is determined to be genetically unrelated to the experimental population, we will place it in captivity under an existing contingency plan. Up to nine black-footed ferrets may be taken for use in the captive-breeding program.

* * * * *

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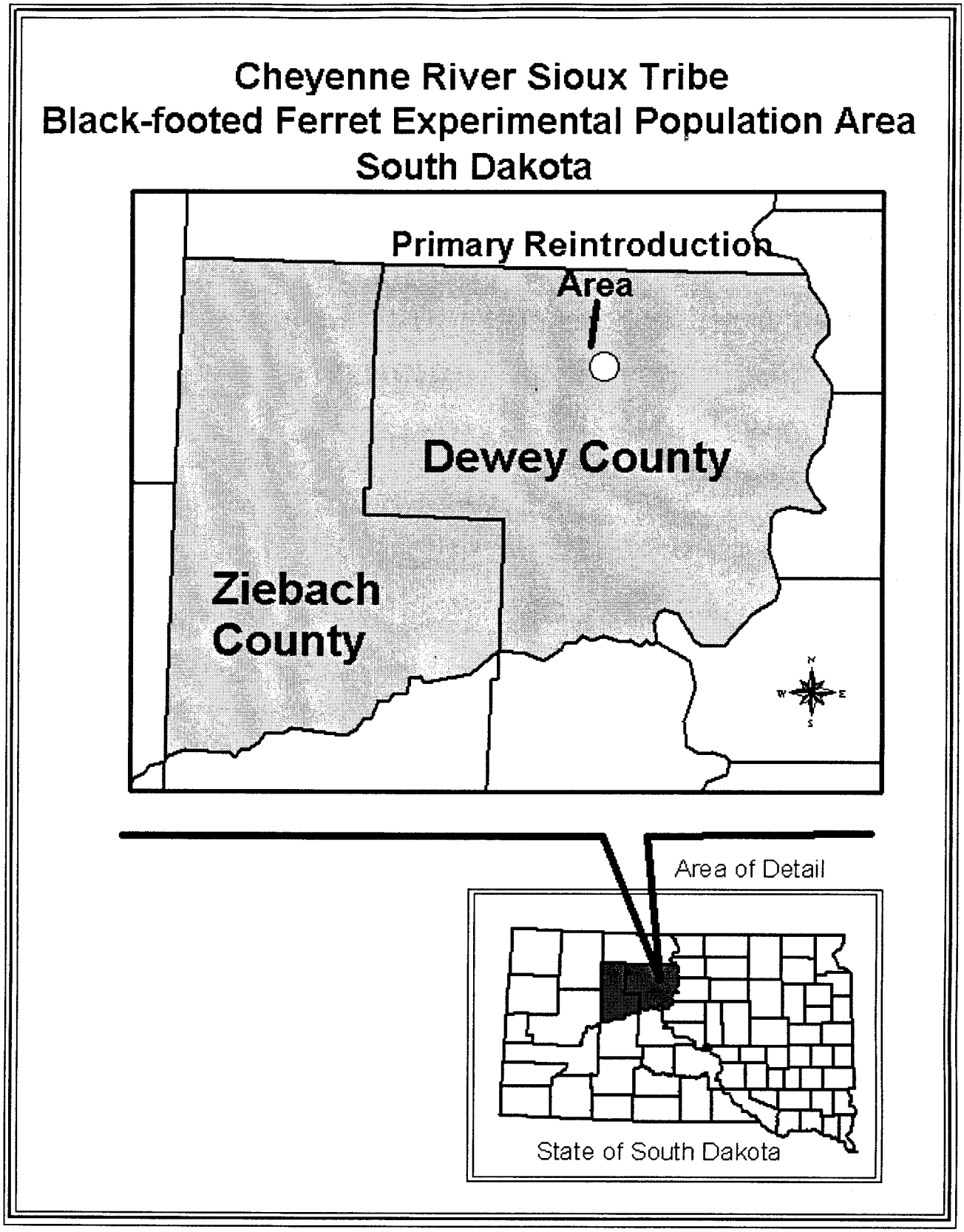
Cheyenne River Sioux Tribe
Black-footed Ferret Experimental Population Area
South Dakota
Primary Reintroduction Area
Dewey County
Ziebach County
N
W
E
S
Area of Detail
State of South Dakota

* * * * *

Dated: September 28, 2000.

Kenneth L. Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 00–26349 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 000928277-0277-01; I.D. 091100A]

RIN 0648-AO67

Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures

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

ACTION: Emergency rule; request for comments.

SUMMARY: NMFS issues emergency regulations to implement a time and area closure for pelagic longline fishing, within the Northeast Distant Statistical Sampling (NED) Area. Additionally, this rule requires all pelagic longline vessels that have been issued Federal highly migratory species (HMS) fishing permits and that fish in the Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, to carry on board dipnets and line clippers meeting NMFS design and performance standards. These regulations are necessary to reduce the bycatch and bycatch mortality of loggerhead and leatherback sea turtles by the Atlantic pelagic longline fishery.

DATES: This emergency rule is effective October 10, 2000, through April 9, 2001, except that the amendment to § 635.21(c)(5) is effective November 24, 2000, through April 9, 2001. Comments must be received no later than 5 p.m. on January 8, 2001.

ADDRESSES: Written comments on this action must be mailed to Christopher Rogers, Acting Chief, NMFS Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301-713-1917. Comments will not be accepted if submitted via email or the Internet. Copies of the environmental assessment and regulatory impact review prepared for this action may be obtained from Christopher Rogers.

FOR FURTHER INFORMATION CONTACT: Margo Schulze-Haugen, Karyl Brewster-Geisz, or Tyson Kade at 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish and tuna fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act. The Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) is implemented by regulations at 50 CFR part 635.

Pelagic Longline Fishery

Pelagic longline gear is the dominant commercial fishing gear used by U.S. fishermen in the Atlantic Ocean to target HMS. The gear consists of a mainline, often many miles long, suspended in the water column by floats and from which baited hooks are attached on leaders (gangions). Though not completely selective, longline gear can be modified (e.g., gear configuration, hook depth, timing of sets) to target preferentially yellowfin tuna, bigeye tuna, or swordfish.

Observer data and vessel logbook data indicate that pelagic longline fishing for Atlantic swordfish and tunas results in catch of such non-target finfish species, as bluefin tuna, billfish, undersized swordfish, and of protected species, including threatened and endangered sea turtles. The bycatch of fish that are hooked but not retained due to economic or regulatory factors contributes to overall fishing mortality. Such bycatch mortality may significantly impair the rebuilding of overfished finfish stocks. Additionally, the bycatch of protected species (sea turtles or marine mammals) may significantly impair the recovery of these species.

Consistent with national standard 9 of the Magnuson-Stevens Act, NMFS has implemented measures to reduce bycatch and bycatch mortality to the extent practicable in the Atlantic pelagic longline fishery. In 1999, NMFS implemented a time and area closure in the Mid-Atlantic bight for the month of June to reduce bycatch of Atlantic bluefin tuna (64 FR 29090, May 28, 1999). Additionally, NMFS implemented a year-round time and area closure in the northeastern Gulf of Mexico (DeSoto Canyon), effective November 1, 2000; a year-round time and area closure along the east coast of Florida, effective February 1, 2001; and a 3-month time and area closure off Georgia, South Carolina, and a portion of North Carolina (Charleston Bump), effective February 1, 2001 (65 FR 47214, August 1, 2000).

Sea Turtle Bycatch Reduction

Under the Endangered Species Act (ESA), NMFS is required to address fishery-related take of sea turtles that are listed as threatened or endangered. Although a high percentage of hooked sea turtles are released alive, NMFS remains concerned about serious injuries of turtles taken by pelagic longline gear. On November 19, 1999, NMFS re-initiated consultation under section 7 of the ESA based on preliminary reports observing that incidental take of loggerhead sea turtles by the Atlantic pelagic longline fishery during 1999 had exceeded levels anticipated in the Incidental Take Statement previously issued for the HMS FMP. Additionally, the consultation considered the impacts of the pelagic longline rulemaking that was in preparation because it was recognized that certain time and area closures, if implemented, could affect the overall interaction rates of the pelagic longline fleet with sea turtles.

National standard 9 of the Magnuson-Stevens Act requires that conservation and management measures, ''to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.'' Sea turtles are defined as bycatch in the Magnuson-Stevens Act because they may not be retained and must be released. In certain times and areas, the Atlantic pelagic longline fishery has relatively high rates of sea turtle bycatch, with associated mortality.

In its most recent Biological Opinion (BO) on management of the Atlantic HMS fisheries, completed June 30, 2000, NMFS concluded that operation of the pelagic longline fishery jeopardized the continued existence of threatened loggerhead and endangered leatherback sea turtles. This conclusion was based on the current status of the loggerhead and leatherback sea turtle populations in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico, the status of the northern subpopulation of loggerhead sea turtles, and the anticipated continuation of current levels of injury and mortality of both species described in the environmental baseline and cumulative effects section of the BO. The future trend of species abundance considers the current rate of bycatch in HMS fisheries and the potential shifts in effort estimated in the Final Supplemental Environmental Impact Statement on the Regulatory Amendment to the Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan.

Since the June 30, 2000, BO was issued, NMFS has concluded that further analyses of observer data and additional population modeling of loggerhead sea turtles are needed to determine more precisely the impact of the pelagic longline fishery on sea turtles. Consequently, NMFS has re-initiated consultation. NMFS anticipates completing the consultation and issuing a new BO in early 2001. Until the consultation is completed and appropriate long-term measures can be determined, NMFS is implementing these emergency measures in the short-term to reduce sea turtle bycatch and bycatch mortality in the pelagic longline fishery.

After the June 30, 2000, BO was issued, NMFS conducted a series of seven scoping workshops in locations where pelagic longline vessels make landings and which could potentially be affected by implementation of the reasonable and prudent alternatives identified in that BO. NMFS received numerous comments that the alternatives identified in the June 30, 2000, BO would have significant economic impacts and would potentially eliminate segments of the Atlantic pelagic longline fleet. Commentors questioned the validity of the June 30, 2000, BO conclusions and suggested alternative measures that NMFS could analyze to reduce sea turtle bycatch. These alternative measures included gear deployment modifications, such as fishing deeper and colder waters, increasing the number of hooks between floats, using different bait, avoiding warm core eddies, and using line clippers to remove gear on captured sea turtles. Additionally, NMFS received comments that agency guidance on sea turtle handling and release has been confusing and that clarification of guidelines would reduce the number of sea turtles released with fishing gear attached. The measures implemented in this rule are based in part on the consideration of these comments.

Time and Area Closure and Gear Requirements

The goal of this regulation is to reduce the incidental take and mortality of sea turtles captured by pelagic longlines. The first measure is a time and area closure that will reduce the number of sea turtles caught by the pelagic longline fleet in the NED area. The NED area has a historically high level of incidental sea turtle captures. The regulation will close an L-shape area to vessels that have been issued Federal HMS permits and use pelagic longline gear. The closed area is bounded by the following coordinates: 45°00' N. lat., 49°00' W. long.; 45°00' N. lat., 43°00' W. long.; 43°00' N. lat., 43°00' W. long.; 43°00' N. lat., 47°00' W. long.; 41°00' N. lat., 47°00' W. long.; 41°00' N. lat., 49°00' W. long.; 45°00' N. lat., 49°00' W. long. This area is closed to pelagic longline fishing from October 10, 2000, through April 9, 2001.

The second measure is designed to reduce the mortality rate of captured sea turtles. All Atlantic pelagic longline vessels that have been issued Federal HMS permits by [insert date 45 days after date of filing in the **Federal Register**] must carry on board dipnets and line clippers that meet NMFS design and performance standards and must comply with requirements for the use of these dipnets and line clippers and for the handling of incidentally caught sea turtles. Dipnets and line clippers will enable the vessel captain and crew to disengage sea turtles caught or entangled in their gear. Technical descriptions of the dipnet and line clipper gear are available from NMFS (see **ADDRESSES**) and are also included in this rule. The starting date for this requirement allows fishermen ample opportunity to purchase or fabricate the gear.

Classification

These emergency regulations are published under the authority of the Magnuson-Stevens Act and the Atlantic Tunas Convention Act. The Assistant Administrator (AA) has determined that these regulations are necessary to reduce, to the extent practicable, the bycatch and bycatch mortality of sea turtles in the pelagic longline fishery.

NMFS prepared an Environment Assessment for this emergency rule that describes the impact on the human environment and found that no significant impact would result. This emergency rule is of limited duration and is expected to result in a reduction of overall sea turtle bycatch and bycatch mortality associated with the pelagic longline fisheries. NMFS intends to complete the consultation on HMS fisheries in early 2001, and any reasonable and prudent alternatives to jeopardy to sea turtles would be implemented prior to the primary pelagic longline fishing season (July through October) in the NED area.

NMFS also prepared a Regulatory Impact Review for this action which assesses the economic costs and benefits of the action. In the time period between January 1, to March 31, 1998, and October 1, to December 31, 1998, 12 vessels made 13 trips to the NED area. During the same time periods in 1999, 8 vessels made 10 trips to the NED area. The estimated gross revenues for this fishery in this timeframe were $819,620 in total and averaged $68,302 per vessel in 1998 and were $794,678 in total and averaged $99,335 per vessel in 1999.

In 1998, 11 vessels fished in the L-shape closed area within the NED area, and 7 vessels fished in the L-shape closed area in 1999. The estimated gross revenues for these vessels from the L-shape closed area from October 1 to March 31 were $525,771 in total and averaged $47,797 per vessel in 1998 and were $548,439 in total and averaged $78,348 per vessel in 1999. Closing this area for the duration of the emergency rule beginning October 10, 2000, could result in losses of approximately 25 to 40 percent in annual gross revenues per vessel, when considering catch taken in 1998 or 1999. However, this assumes that these fishermen would not fish in any other portion of the NED area or in another statistical area. This is not realistic, especially considering the fact that the logbooks indicate that the fishermen have historically fished both inside and outside the closed area within the same trip. NMFS believes that, although some revenues may be lost as a result of this closure, it is likely that fishermen will be able to compensate for lost revenues by fishing in portions of the NED area that remain open or by fishing in other statistical areas.

Requiring the use of line clippers and dipnets to release hooked turtles is not expected to increase costs substantially. In a similar rule for the fisheries in the Western Pacific, NMFS estimated the total cost for the materials to fabricate and/or purchase line clippers and dipnets to be $250 (65 FR 16347, March 28, 2000).

Closing this area is likely to cause some individual fishermen, processors, dealers, and suppliers to experience a slight increase in costs and possibly a large decrease in gross revenues. This emergency rule should not affect the fishery as a whole because the fishermen can and do fish in other areas. Also, it does not limit the amount of fish that may be landed. Finally, this emergency rule is of limited duration. The modification of the definition of pelagic longline gear will not result in any economic impacts not previously considered.

This emergency rule has been determined to be significant for the purposes of Executive Order 12866.

NMFS issues this emergency rule, effective for 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This emergency rule may be extended for an additional 180 days provided the public has had an

opportunity to comment on the emergency rule and, at the time of extension, a plan amendment or proposed regulations to address sea turtle bycatch and bycatch mortality on a permanent basis is being actively pursued. Public comments on this emergency rule will be considered in determining whether to maintain or extend this emergency rule to reduce sea turtle bycatch. Responses to comments will be provided if the emergency rule is revoked, modified, or extended. Because no general notice of proposed rulemaking is required to be published in the **Federal Register** for this emergency rule, the analytical requirements of the Regulatory Flexibility Act are not applicable and no Regulatory Flexibility Analysis was prepared.

The AA finds that there is good cause to waive the requirement to provide prior notice and an opportunity for public comment pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such provisions would be contrary to public interest. This emergency rule is necessary to reduce the anticipated impacts of the pelagic longline fishery on listed sea turtles. The NED area closure is scheduled to be in effect October 10, 2000, in order to reduce sea turtle bycatch and bycatch mortality in the remaining portion of the fishing season in the NED area. The months of July through November, are historically high periods of sea turtle interactions. If this action is delayed, then the expected reduction in sea turtle bycatch and bycatch mortality will not occur, contrary to the public interest, because the highest level of fishing activity in the NED area will have already occurred.

The AA, under 5 U.S.C. 553(d)(3), finds that it would be contrary to the public interest to delay the effective date of the time and area closure within the NED area for the 30 days normally required. The AA finds that these measures are necessary to reduce sea turtle bycatch and bycatch mortality. Given NMFS's ability to communicate rapidly these regulations to fishing interests through the HMS Fax network, NOAA weather radio, press releases, mailing lists, and the HMS Infoline, the AA has determined there is good cause for a partial waiver of the 30-day delay in the effective date for the area closure because such delay would be contrary to the public good.

NMFS has determined that this emergency rule is consistent to the maximum extent practicable with the coastal zone management programs of those Atlantic, Gulf of Mexico, and Carribean coastal states that have approved coastal zone management programs.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing Vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: October 10, 2000.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635— ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

2. In § 635.2, a new definition for ''Northeast Distant closed area'' is added alphabetically to read as follows:

§ 635.2 Definitions.

* * * * *

Northeast Distant closed area means the Atlantic Ocean area bounded by straight lines connecting the following coordinates in the order stated: 45°00' N. lat., 49°00' W. long.; 45°00' N. lat., 43° 00' W. long.; 43°00' N. lat., 43°00' W. long.; 43°00' N. lat., 47°00' W. long.; 41°00' N. lat., 47°00' W. long.; 41°00' N. lat., 49°00' W. long.; 45°00' N. lat., 49°00' W. long.

* * * * *

3. In § 635.21, paragraph (c)(2)(v) is added, and paragraph (c)(5) is added to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(c) * * *

(2) * * *

(v) In the Northeast Distant closed area from October 10, 2000, local time, through April 9, 2001.

* * * * *

(5) Sea turtle take mitigation measures. The following measures to reduce sea turtle post-release mortality are effective November 24, 2000 through April 9, 2001.

(i) Possession and use of required mitigation gear. Line clippers meeting minimum design standards as specified in paragraph (c)(5)(i)(A) of this section and dipnets meeting minimum standards prescribed in paragraph (c)(5)(i)(B) of this section must be carried aboard all Federally permitted vessels engaged in pelagic longline fishing and must be used to disengage any hooked or entangled sea turtles as close as possible to the hook to prevent any harm to the sea turtles in accordance with the requirements specified in paragraph (c)(5)(ii) of this section.

(A) Line clippers. Line clippers are intended to cut fishing line as close as possible to hooked or entangled sea turtles. NMFS has established minimum design standards for line clippers. The minimum design standards are as follows:

(*1*) A protected cutting blade. The cutting blade must be curved, recessed, contained in a holder, or otherwise afforded some protection to minimize direct contact of the cutting surface with sea turtles or users of the cutting blade.

(*2*) Cutting blade edge. The blade must be capable of cutting 2.0-2.1 mm monofilament line and nylon or polypropylene multistrand material commonly known as braided mainline or tarred mainline.

(*3*) An extended reach holder for the cutting blade. The line clipper must have an extended reach handle or pole of at least 6 ft (1.82 m).

(*4*) Secure fastener. The cutting blade must be securely fastened to the extended reach handle or pole to ensure effective deployment and use.

(B) Dipnets. Dipnets are intended to facilitate safe handling of sea turtles and access to sea turtles for purposes of cutting lines in a manner that prevents injury and trauma to sea turtles. The minimum design standards for dipnets that meet the requirements of this section nets are:

(*1*) An extended reach handle. The dipnet must have an extended reach handle of at least 6 ft (1.82 m) of wood or other rigid material able to support a minimum of 100 lbs (34.1 kg) without breaking or significant bending or distortion.

(*2*) Size of dipnet. The dipnet must have a net hoop of at least 31 inches (78.74 cm) inside diameter and a bag depth of at least 38 inches (96.52 cm). The bag mesh openings may be no more than 3 inches x 3 inches (7.62 cm 7.62 cm).

(ii) Handling requirements. (A) All incidentally taken sea turtles brought aboard for dehooking and/or disentanglement must be handled in a manner to prevent injury and promote post-hooking survival.

(B) When practicable, comatose sea turtles must be brought on board immediately, with a minimum of injury, and handled in accordance with the procedures specified in § 223.206(d)(1).

(C) If a sea turtle is too large or hooked in such a manner as to preclude

safe boarding without causing further damage/injury to the turtle, line clippers described in paragraph (c)(5)(i)(A) of this section must be used to clip the line and remove as much line as possible prior to releasing the turtle.

* * * * *

4. In § 635.71, paragraphs (a)(33) and (a)(34) are added to read as follows:

§ 635.71 Prohibitions.

* * * * *

(a)* * *

(33) Deploy or fish with any fishing gear from a vessel with pelagic longline gear on board without carrying a dipnet and line clipper as specified at § 635.21(c)(5)(i).

(34) Fail to disengage any hooked or entangled sea turtle with the least harm possible to the sea turtle as specified at § 635.21(c)(5)(ii).

* * * * *

[FR Doc. 00–26400 Filed 10–10–00; 3:01 pm]

BILLING CODE: 3510–22 –S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 991104295–0259–02; I.D. 100599D]

RIN 0648–AM74

Fisheries of the Northeastern United States; Dealer and Vessel Reporting Requirements

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend the existing reporting regulations for dealers and owners whose vessels are federally permitted to operate in the summer flounder, scup, black sea bass, Atlantic sea scallop, Northeast (NE) multispecies, monkfish, Atlantic mackerel, squid, butterfish, surfclam, ocean quahog, spiny dogfish or Atlantic bluefish fisheries. Changes to the existing regulations are needed to improve the monitoring of commercial landings and to enhance the enforceability of the reporting regulations. The intent of this action is to improve the collection of fisheries-dependent data.

DATES: Effective November 13, 2000.

ADDRESSES: Copies of the Regulatory Impact Review supporting this action are available from Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Comments regarding the collection-of-information requirements contained in this final rule should be sent to Patricia A. Kurkul and to the Office of Information and Regulatory Affairs, Attention: NOAA Desk Officer, Office of Management and Budget, Washington, D.C. 20503. Send comments regarding any ambiguity or unnecessary complexity arising from the language used in this rule to Patricia Kurkul.

FOR FURTHER INFORMATION CONTACT: Sandra Arvilla, (978) 281–9255, Kelley McGrath, (978) 281–9307 or Gregory Power, (978) 281–9304.

SUPPLEMENTARY INFORMATION:

Background

In order to improve monitoring of commercial landings and to enhance enforceability of the reporting regulations, this final rule clarifies or modifies several of the existing reporting requirements for dealers and owners whose vessels are federally permitted in the summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfish, surfclam, ocean quahog, spiny dogfish or Atlantic bluefish fisheries. Regulations implementing the fishery management plans (FMPs) for the summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfish, surfclam, ocean quahog, spiny dogfish and Atlantic bluefish fisheries were prepared under the authority of the Magnuson-Stevens Fishery Conservation and Management Act and are found at 50 CFR part 648. A proposed rule to implement these changes was published on December 2, 1999 (64 FR 67551). NMFS reopened the comment period on the proposed rule to ensure that affected fishmen and dealers were aware of the proposed reporting changes and had an opportunity to provide comments (65 FR 7820, February 16, 2000).

Trip Identifier

One of the data elements that dealers are required to provide on the weekly reports is a trip identifier for each trip from which fish are purchased. This requirement is in the existing regulations. However, the term ''trip identifier'' has not been defined and, thus, has not been reported by industry. Supplying a trip identifier for each trip from which fish are purchased would aid in matching dealer data with the corresponding vessel data by using a uniquely identifiable serial number from the vessel logbook, if applicable, or a combination of the date sailed, and, if the vessel sailed more than once on the same day, the sequential trip number within that date sailed. To enable dealers to provide the trip identifier to NMFS, vessel owners/operators would have to provide each dealer with the trip identifier information at the time of offloading.

Because dealer compliance would be dependent upon compliance by the vessel owner/operator, establishing responsibility for compliance would be difficult, making fair and equitable enforcement of the requirement equally difficult. Thus, a requirement to provide a trip identifier is not being imposed at this time. Due to the importance of establishing a link between the dealer and vessel data, NMFS intends to make reporting a trip identifier mandatory in the near future. NMFS will work with industry members to explore various options for transferring trip identifier information from vessels to dealers without overly burdening either party. NMFS encourages the industry to assist in the development of alternative methods for providing this information.

Dealer Reporting Changes

This final rule modifies two requirements affecting summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfish, spiny dogfish or Atlantic bluefish dealers, and two requirements affecting surfclam or ocean quahog dealers.

To collect more comprehensive and accurate data on the processing segment of the industry, dealers who have been issued a summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid, butterfish, spiny dogfish or an Atlantic bluefish permit must complete all sections of the Annual Processed Products Report.

Federally permitted dealers must retain copies of reports, and records upon which the reports were based, for a total of 3 years after the date of the last entry on the report. This time frame is in keeping with standard business practices and will allow for validating the compliance of past landings reported by dealers and vessels.

To ensure that quotas in the surfclam and ocean quahog fisheries are not exceeded, harvest levels must be monitored on a timely basis. While dealers have historically provided these data on a weekly basis, this action specifies that reports must be postmarked or received within 3 days of the end of the reporting week.

Vessel Reporting Changes

This final rule modifies three requirements affecting vessels that have been issued a summer flounder, scup, black sea bass, Atlantic sea scallop, NE multispecies, monkfish, Atlantic mackerel, squid and butterfish, spiny dogfish or Atlantic bluefish permit. This final rule also modifies two requirements affecting vessels federally permitted in the surfclam or ocean quahog fisheries.

Regulations requiring vessel owners/operators to submit fishing log reports are clarified to indicate that a vessel logbook report needs to be submitted only for each trip taken, rather than for each day within a trip. The current regulations state that vessel owner/operators must submit an ''accurate daily fishing log report'' for all trips. To clarify that a report must be submitted only for each fishing trip, the word ''daily'' is removed from the existing regulations.

Vessel owners/operators are required to report the pounds, by species, of all fish landed or discarded. This final rule clarifies that ''hail weight'' should be reported rather than exact weight. Because many vessel owners/operators interpret the pounds landed to be the exact pounds sold to the dealer, many vessel operators copy the catch information from the dealer receipts after the catch has been sold. ''Hail weight'' is defined to mean a good-faith estimate, in pounds for commercial vessels and in numbers of individual fish for party and charter vessels, by species, or parts of species, such as monkfish livers, of all fish landed or discarded for each trip.

To clarify, for enforcement purposes, which logbook information must be completed prior to the vessel entering port with fish, this final rule specifies that all information, other than that which is not able to be ascertained (i.e., dealer name, dealer permit number, and date sold) must be completed prior to entering port with fish.

Vessel log reports and any records upon which the reports were based must be kept on board the vessel for at least 1 year and retained for a total of 3 years after the date of the last entry on the report. This time frame is in keeping with standard business practices and will allow for validation of compliance of past landings reported by dealers and vessels.

To better monitor harvest levels of surfclams and ocean quahogs, surfclam and ocean quahog vessel log reports must be postmarked or received within 3 days of the end of the reporting week. While vessel owners have historically provided these data on a weekly basis, this action clarifies that reports must be submitted within the specified time frame.

Comments and Responses

NMFS received three written comments during the initial comment period from December 2, 1999, through January 3, 2000, and 12 additional comments during the reopening of the comment period, which ran from February 16, 2000, through March 2, 2000. Only comments received during the comment periods were considered for response. Seven comments were received after one or both comment periods were closed. Those comments were not considered. However, all but one of those comments were contained in comments received during the comment period.

Comment 1: Eight commenters cited increased costs and compliance issues as the two primary reasons for opposition to the trip identifier requirement. One concern was the requirement for fishermen to supply dealers with a trip identifier at the time of offloading. This would be difficult in cases where product is being shipped, sold on consignment, or sold to multiple dealers, as the owner/operator would not be in contact with the dealer. The commenters felt that the burden imposed on dealers would be significant, causing a halt to production in the crucial period of offloading to fill out logbooks. Several commenters were also concerned about potential violations and who would be held responsible if the trip identifier is not reported. Since dealer compliance would be dependent upon compliance by the vessel owner/operator, establishing responsibility for compliance would be difficult.

Three commenters supported the rule to provide a trip identifier, expressing that it would not be unreasonable or cumbersome for dealers to provide the information. One commenter felt that this change would help improve the accuracy of landings data and it would also make it easier to determine the location of catches.

Response: While the requirement for federally permitted dealers to provide a trip identifier is in the existing regulations, trip identifier has not been defined, and, thus, has not been reported by industry. Supplying a trip identifier for each trip from which fish are purchased would aid in matching dealer data with the corresponding vessel data by using a uniquely identifiable serial number from the vessel logbook, if applicable, or a combination of the date sailed, and, if the vessel sailed more than once on the same day, the sequential trip number within that date sailed. NMFS believes that having a unique trip identifier to link dealer and vessel data is critical to provide accurate data for fishery scientists, managers and analysts to quantify harvest rates, set quotas, predict closures, and assess stocks. Because of its importance, reporting a trip identifier will be mandatory in the near future.

Comment 2: Five commenters opposed the requirement to complete trip reports prior to entering port with fish because of a variety of physical conditions at sea that sometimes make it impossible to complete a vessel trip report. Also, loss of revenue may result from having to complete trip reports rather than actually fishing while at sea. One commenter expressed that although the Agency requires ''hail weight,'' a captain may not have the ability to estimate weights accurately and that actual weights would allow assessments, analyses and management decisions to be based on more accurate data. One commenter also perceived the requirement as an excuse to revoke licenses for non-compliance. Another commenter expressed concern that completing trip reports at sea does not promote legibility and/or accuracy.

Response: Although NMFS understands the industry's concerns, the Agency's objective is to collect the most accurate data. To ensure that NMFS is receiving the most accurate data, the information should be recorded at the time of the vessel's trip. The information submitted on the vessel trip reports, such as the vessel's gear type and statistical area fished, is used to augment the dealer data, which provide exact weight and value. These data are used by fishery scientists, managers, and analysts to quantify harvest rates, set quotas, predict closures, and assess stock status. This modification would enhance the enforceability of the reporting requirements.

Therefore, NMFS is requiring that all information in the logbooks, other than that which is not able to be ascertained, be completed prior to entering port with fish. To complete the log books within this time frame, this action clarifies that vessel owners/operators must report hail weight, defined as a good faith estimate, by species, or parts of species, such as monkfish livers, of all fish landed or discarded.

Comment 3: Two commenters were concerned with NMFS over- burdening the industry with reporting requirements. Another concern was that additional data-collection measures will impose increased costs of compliance

(without improvements in data collection); present unnecessary complexity due to differences between primary versus secondary product sales at auction; and introduce administrative burdens, increasing both risk and liability to dealers.

Response: The intention of the proposed changes is to improve the collection of fisheries-dependent data by modifying or clarifying several dealer and vessel reporting requirements. It will also improve the monitoring of commercial landings and enhance the enforceability of the reporting regulations. The modifications and clarifications of the existing regulations being implemented by this rule do not add any new reporting requirements.

Comment 4: One commenter was concerned that requiring a vessel logbook report to be submitted for ''each trip taken'' rather than for ''each day of the trip'' would result in the loss of detailed catch and area information, and that the vessel logbook information would be diminished in value.

Response: This rule would not change the current regulations that require a separate logbook report to be completed for each statistical area fished, and each change in gear or mesh size within a trip. Existing regulations state that vessels must submit an ''accurate daily fishing log report'' for all trips. This has resulted in misinterpretation of when a logbook report must be completed and submitted. To clarify that reports must be submitted only for each fishing trip, the word ''daily'' would be removed from the existing regulations. Because a separate report will continue to be required for any change in gear type, mesh or statistical area, this change will not cause any pertinent data to be lost.

Comment 5: One commenter was concerned that an extra paperwork burden would be imposed on the Maine Mahogany Quahog dealers to report the ocean quahog landings to NMFS because Maine Mahogany Quahog dealers are also required to submit monthly reports to the state of Maine. The commenter expressed that detailed weekly reports are too burdensome to an industry with limited clerical staff.

Response: As part of the final rule implementing Amendment 10 for the Atlantic Surfclam and Ocean Quahog Fisheries (63 FR 27481, May 19, 1998) and joint management between NMFS and the state of Maine, NMFS is responsible for setting and monitoring Maine Mahogany quahog quotas. Maine dealers are currently required to submit weekly reports to NMFS. Although state- certified dealers submit monthly reports to the state of Maine, they need to submit weekly reports, within 3 days of the end of the reporting week, to NMFS so that the Agency may effectively monitor quotas. NMFS is working with the state of Maine in an effort to eliminate duplicate reporting, where possible.

Comment 6: Two comments received stated that the additional record retention from 1 year to 3 years is not justified, and that 2 more years of additional storage is unreasonable.

Response: Increasing the record retention requirement for dealer and vessel reports from 1 year to a total of 3 years, after the date of the last entry on the report, is consistent with standard business practices and the Internal Revenue Service requirements. In keeping with current regulations, vessel owner/operators will continue to be required to retain logbooks on board the vessel for at least 1 year. It will allow for validating the compliance of past landings reported by dealers and vessel owners or operators. Requirement of records for storage for the total retention period would be minimal since many companies keep their records for at least 3 years for business purposes already. In addition, only 1 year need be stored on board. Thus, the actual amount of records required to be on board a vessel has not changed.

Comment 7: Two commenters who were opposed to the requirement for dealers to fill out an annual processing report on all processed seafood stated that most product is in some way processed, whether purchased from vessels, domestic dealers or foreign countries. One commenter felt that NMFS should currently have enough data with landing data, import data and employment data to assess economic factors in the processing industry. One commenter stated that completion time would exceed the estimated 30 minutes per annual report.

Response: The data on volume and value are used by NMFS and Regional Fishery Management Council economists to estimate processing capacity and to forecast and subsequently measure the economic impact of fishery management regulations on fish and shellfish supplies. The information collected through all sections of the Annual Processed Product survey is a necessary part of the economic and social analyses NMFS must perform when proposing and evaluating management actions affecting federally managed fisheries. Many of the species under Federal management are considered overfished and some stocks have reached critically low levels. In order to manage these fisheries effectively and balance the needs of the resource and the industry members, NMFS must have a comprehensive database that accurately represents the fishing industry, including the processing segment of the industry. If decisions affecting the fisheries are based on inadequate or incomplete data, the long-term viability and economic yield from those fisheries, as well as the credibility of the fishery management process itself, are jeopardized.

Direct feedback from respondents provide the estimate for average response time. The 30 minutes per response was based on a statistical analysis of 1,260 respondents.

Comment 8: Two commenters felt that NMFS should place the same level of reporting requirements on the recreational sector, including party/charter vessels and head boats, as exist for the commercial vessels. They were concerned that statistical information on the recreational sector is lacking.

Response: Any recreational fishing vessel that fishes for federally managed species in the EEZ, under 50 CFR part 648, and takes passengers for hire, must have been issued a Federal permit. Federally-permitted vessels in the recreational fisheries are subject to the same reporting requirements as federally permitted commercial vessels. Under the Magnuson-Stevens Fishery Conservation and Management Act, recreational fishing vessels that do not fish in the EEZ are not required to be issued a Federal permit, and therefore are not subject to Federal reporting requirements. Similarly, recreational vessels that fish in the EEZ for their own recreation and do not take passengers for hire are also not required to obtain a Federal permit and are not required to report their catch. However, recreational vessels do provide catch and effort data to NMFS for inclusion in the Marine Recreational Fishery Statistics Survey.

Changes From the Proposed Rule

Because reporting a trip identifier is not being implemented at this time, changes were made to two sections of the proposed rule to clarify the measures and the intent of the regulations, and to respond to public comments. These changes are listed here in the order that they appear in the regulations:

Section 648.2 is revised to delete definitions for ''Serial number'' and ''Trip identifier'' to reflect that the ''trip identifier'' requirement is not being implemented at this time. The definition for ''Hail weight'' has been expanded to clarify that a party or charter vessel report in numbers of individual fish.

In § 648.7, paragraph (b)(1)(i) is modified to reflect the new language from the final rule implementing Amendment 1 to the FMP for the Atlantic Bluefish Fishery. The new language was incorporated into the Atlantic bluefish final rule to make it easier for the public to understand which vessel owner/operators are affected by the reporting requirements specified in this part. Also, in this paragraph the phrase ''hail weight, in pounds (or count, if a party or charter vessel) by species, of all species landed or discarded'' was expanded to read ''hail weight, in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded.''

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this rule. Send comments to Patricia Kurkul (see **ADDRESSES**).

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule would not have a significant economic impact on a substantial number of small entities. The basis for this certification was contained in the classification section of the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

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 Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule contains collection-of-information requirements subject to review and approval by the OMB under the PRA, and clarifies or modifies requirements previously approved under OMB control number 0648–0229 (2 minutes per response for dealer purchase reports, 4 minutes for interactive voice response reports, and 30 minutes for shellfish processor reports); OMB control number 0648–0212 (5 minutes per response for vessel logbook reports and 12 minutes for shellfish logs); and OMB control number 0648–0018 (30 minutes per response for processed products reports and 15 minutes for fish meal and oil production reports). The requirement to complete all sections of the Annual Processed Products Report was approved on March 4, 2000, under OMB control number 0648–0018. Public reporting burden for this collection of information is estimated to average 30 minutes per response.

The aforementioned response estimates include 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 and OMB (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 6, 2000.

William T. Hogarth,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Section 648.2 is revised by adding definition for ''Hail Weight'', to read as follows:

§ 648.2 Definitions.

* * * * *

Hail Weight means a good-faith estimate in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded for each trip.

* * * * *

3. In § 648.7 paragraphs (f)(1)(ii) and (f)(1)(iii) are redesignated as (f)(1)(iii) and (f)(1)(iv) respectively; new paragraph (f)(1)(ii) is added; paragraph (f)(2) is redesignated as paragraph (f)(2)(i) and the first sentence is revised; new paragraph (f)(2)(ii) is added; and paragraphs (a)(3)(i), (b)(1)(i), (c), (e), and (f)(1)(i) first sentence are revised to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

(a) * * *

(3) * * *

(i) All dealers issued a dealer permit under this part, with the exception of those processing only surfclams or ocean quahogs, must complete all sections of the Annual Processed Products Report for all species of fish or shellfish that were processed during the previous year. Reports must be submitted to the address supplied by the Regional Administrator.

* * * * *

(b) * * *

(1) * * *

(i) The owner or operator of any vessel issued a valid permit under this part must maintain on board the vessel, and submit, an accurate fishing log report for each fishing trip, regardless of species fished for or taken, on forms supplied by or approved by the Regional Administrator. If authorized in writing by the Regional Administrator, a vessel owner or operator may submit reports electronically, for example by using a VMS or other media. With the exception of those vessel owners or operators fishing under a surfclam or ocean quahog permit, at least the following information and any other information required by the Regional Administrator, must be provided: vessel name; USCG documentation number (or state registration number, if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers (if a charter or party boat); gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; hail weight, in pounds (or count of individual fish, if a party or charter vessel), by species, of all species, or parts of species, such as monkfish livers, landed or discarded; dealer permit number; dealer name; date sold, port and state landed; and vessel operator's name, signature, and operator's permit number (if applicable).

* * * * *

(c) *When to fill out a log report.* Log reports required by paragraph (b)(1)(i) of this section must be filled out with all required information, except for information not yet ascertainable, prior to entering port with fish. Information that may be considered unascertainable prior to entering port with fish includes dealer name, dealer permit number, and date sold. Log reports must be completed as soon as the information becomes available. Log reports required by paragraph (b)(1)(ii) of this section

must be filled out before landing any surfclams or ocean quahogs.

* * * * *

(e) *Record retention.* Copies of dealer reports, and records upon which the reports were based, must be retained and be available for review for a total of 3 years after the date of the last entry on the report. Dealers must retain required reports and records at their principal place of business. Copies of fishing log reports must be kept on board the vessel for at least 1 year and available for review and retained for a total of 3 years after the date of the last entry on the log.

(f) * * *

(1) * * *

(i) Detailed weekly trip reports, required by paragraph (a)(1)(i) of this section, must be postmarked or received within 16 days after the end of each reporting week. * * *

(ii) Surfclam and ocean quahog reports, required by paragraph (a)(1)(ii) of this section, must be postmarked or received within 3 days after the end of each reporting week.

* * * * *

(2) * * *

(i) Fishing vessel log reports, required by paragraph (b)(1)(i) of this section, must be postmarked or received within 15 days after the end of the reporting month. * * *

(ii) Surfclam and ocean quahog log reports, required by paragraph (b)(1)(ii) of this section, must be postmarked or received within 3 days after the end of each reporting week.

* * * * *

FR Doc. 00–26357 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 65, No. 199
Friday, October 13, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–122–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 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 all Fokker Model F.28 Mark 0070 and 0100 series airplanes. This proposal would require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Comments must be received by November 13, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 98–NM–122–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 Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–122–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–122–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has notified the FAA that a new revision of Appendix 1 of Fokker 70/100 Maintenance Review Board (MRB) Document has been issued. [The FAA refers to the information included in this appendix as the Airworthiness Limitations Section (ALS).] This new revision of Appendix 1 of the MRB Document affects all Fokker Model F.28 Mark 0070 and 0100 series airplanes. This new revision provides mandatory replacement times and structural inspection intervals approved under section 25.571 of the Joint Aviation Requirements and the Federal Aviation Regulations (14 CFR 25.571). As airplanes gain service experience, or as results of post-certification testing and evaluation are obtained, it may become necessary to add additional life limits or structural inspections in order to ensure the continued structural integrity of the airplane.

The RLD advises that analysis of fatigue test data has revealed that certain inspections must be performed at specific intervals to preclude fatigue cracking in certain areas of the airplane. In addition, the RLD advises that certain life limits must be imposed for various components on these airplanes to preclude the onset of fatigue cracking in those components. Such fatigue cracking, if not corrected, could adversely affect the structural integrity of these airplanes.

Explanation of Relevant Service Information

Fokker Services B.V. has issued Appendix 1 of Fokker 70/100 Maintenance Review Board Document, dated June 1, 2000, which specifies, among other things, the following:

1. Life limit times for certain structural components, or other components or equipment.

2. Structural inspection times to detect fatigue cracking of certain Structural Significant Items (SSI's).

The RLD classified this service information as mandatory and issued Dutch airworthiness directive BLA No. 1997–065.(A), dated July 31, 1997, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

The FAA has reviewed Appendix 1 of the MRB Document and 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. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. These airplane models are manufactured in the Netherlands 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. The FAA has determined that Appendix 1 of the MRB Document must be incorporated into the ALS of the Instructions for Continued Airworthiness.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a revision to the ALS of the Instructions for Continued Airworthiness. This revision is necessary to incorporate inspections to detect fatigue cracking of certain SSI's, and to revise inspection intervals and life limits for certain equipment and components specified in the previously referenced maintenance document.

Explanation of Action Taken by the FAA

In accordance with airworthiness standards requiring ''damage tolerance assessments'' for transport category airplanes [section 25.1529 of the Federal Aviation Regulations (14 CFR 25.1529), and the Appendices referenced in that section], all products certificated to comply with that section must have Instructions for Continued Airworthiness (or, for some products, maintenance manuals) that include an ALS. That section must set forth:

- Mandatory replacement times for structural components,
- Structural inspection intervals, and
- Related approved structural inspection procedures necessary to show compliance with the damage-tolerance requirements.

Compliance with the terms specified in the ALS is required by sections 43.16 (for persons maintaining products) and 91.403 (for operators) of the Federal Aviation Regulations (14 CFR 43.16 and 91.403).

In order to require compliance with these inspection intervals and life limits, the FAA must engage in rulemaking, namely the issuance of an AD. For products certificated to comply with the referenced part 25 requirements, it is within the authority of the FAA to issue an AD requiring a revision to the ALS that includes reduced life limits, or new or different structural inspection requirements. These revisions then are mandatory for operators under section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403), which prohibits operation of an airplane for which airworthiness limitations have been issued unless the inspection intervals specified in those limitations have been complied with.

After that document is revised, as required, and the AD has been fully complied with, the life limit or structural inspection change remains enforceable as a part of the airworthiness limitations. (This is analogous to AD's that require changes to the Limitations Section of the Airplane Flight Manual.)

Requiring a revision of the airworthiness limitations, rather than requiring individual inspections, is advantageous for operators because it allows them to record AD compliance status only once—at the time they make the revision—rather than after every inspection. It also has the advantage of keeping all airworthiness limitations, whether imposed by original certification or by AD, in one place within the operator's maintenance program, thereby reducing the risk of non-compliance because of oversight or confusion.

Difference Between Dutch Airworthiness Directive and Proposed Rule

Operators should note that, although the Dutch airworthiness directive includes Fokker Model F.27 Mark 50/60 series airplanes in the effectivity, this AD includes only Fokker Model F.28 Mark 70/100 series airplanes in the applicability. The FAA may consider separate rulemaking action to address ALS revisions for Fokker Model F.27 Mark 050 airplanes. (Fokker Model F.27 Mark 060 airplanes are not included in the U.S. Type Certificate.)

Difference Between Dutch Airworthiness Directive and Service Information, and the Proposed Rule

Operators should note that, although the Dutch airworthiness directive and service information include certification maintenance requirements (CMR's), this AD does not include those requirements. Although the manufacturer considers that CMR tasks, which are applicable to the equipment and systems, are necessary to maintain the certificated standard level of airworthiness, the FAA has determined that the necessity for those actions is based on statistical safety analyses of various airplane systems prior to issuance of an airplane Type Certificate (TC). Therefore, CMR tasks are undertaken for a different purpose than are the actions required by this AD and are intended to address a different unsafe condition than is addressed in this AD. However, if CMR tasks are added or made more restrictive following issuance of the TC, the FAA will consider separate rulemaking action to require accomplishment of those additional actions.

Cost Impact

The FAA estimates that 131 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $7,860, or $60 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this

proposal would not have sufficient federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker Services B.V: Docket 98–NM–122–AD.

Applicability: All Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category.

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

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating Report SE–623, ''Airworthiness Limitation Items and Safe Life Items,'' of Appendix 1 of Fokker 70/100 Maintenance Review Board Document, dated June 1, 2000, into the ALS.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the document listed in paragraph (a) of this AD.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA No. 1997–065.(A), dated July 31, 1997.

Issued in Renton, Washington, on October 6, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–26309 Filed 10–12–00; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 307

Reopening and Extension of Time for Comments Concerning Regulations Implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986

AGENCY: Federal Trade Commission.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: The Federal Trade Commission (the ''Commission'') has reopened and extended the date by which comments must be submitted concerning the review of its regulations (''smokeless tobacco regulations'' or ''the regulations'') implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986 (''Smokeless Tobacco Act''). This document informs prospective commenters of the change and sets a new date of October 16, 2000 for the end of the comment period.

DATES: Comments must be submitted on or before October 16, 2000.

ADDRESSES: Written comments should be identified as ''16 CFR Part 307'' and sent to the Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. The Commission requests that the original comment be filed with five copies, if feasible. The Commission also requests, if possible, that the comments be submitted in electronic form on a computer disc. (Programs based on DOS or Windows are preferred. Files from other operating systems should be submitted in ASCII text format.) The disc label should identify the commenter's name and the name and version of the word processing program used to create the document.

All comments will be placed on the public record and will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and the Commission's Rules of Practice, 16 CFR 4.11, during normal business days from 8:30 a.m. to 5 p.m., at the Public Reference Room, Room H–130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington DC 20580. In addition, comments will be placed on the Internet at the FTC web site: http://www.ftc.gov.

FOR FURTHER INFORMATION CONTACT: Rosemary Rosso (202) 326–3076, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, E-Mail (for questions or information only): rrosso@ftc.gov.

SUPPLEMENTARY INFORMATION: On March 7, 2000, the Commission published in the **Federal Register** a Request for Comment on its regulations (''smokeless tobacco regulations'' or ''the regulations'') implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986 (''Smokeless Tobacco Act''), 16 CFR Part 307, as part of its regulatory review program. 65 FR 11944. The regulations set forth the manner in which smokeless tobacco manufacturers, importers, and packagers must display and rotate the three health warnings mandated by the Smokeless Tobacco Act. The **Federal**

Register Notice (''notice'') posed twelve questions in all; some were general regulatory review questions, while others asked about material issues that are specific to the smokeless tobacco regulations. The notice requested commenters to provide answers where possible, and specifically asked for consumer research, studies or other data to support comments submitted to the Commission. Pursuant to the **Federal Register** Notice, the initial comment period ended on April 24, 2000. The Commission subsequently reopened and extended that comment period to July 21, 2000.

After the comment period ended, United States Tobacco Company requested an opportunity to submit an untimely comment. In particular, the company would like an opportunity to respond to the comment submitted by the Massachusetts Department of Health and the two statistical surveys filed as part of that comment, and to respond to questions posed in the Commission's **Federal Register** Notice regarding potential burdens that may result from any suggested changes to the existing regulations.

The Commission is mindful that United States Tobacco Company has both notice and opportunity to file a timely comment. The Commission likewise appreciates the need to deal with this matter as expeditiously as possible. At the same time, the Commission recognizes the need to obtain comments from parties that are directly affected by these regulations. Accordingly, in order to provide an opportunity for this and other interested parties to submit comments, the Commission has decided to reopen the public comment period and extend the deadline for comments until October 16, 2000.

List of Subjects in 16 CFR Part 307

Health warnings, Smokeless tobacco, Trade practices.

Authority: 15 U.S.C. 1401–1410.

By direction of the Commission, Commissioner Anthony dissenting.

Donald S. Clark,

Secretary.

[FR Doc. 00–26302 Filed 10–12–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 323

[Defense Logistics Agency Regulation 5400.21]

Defense Logistics Agency Privacy Program

AGENCY: Defense Logistics Agency, DoD.

ACTION: Proposed rule.

SUMMARY: The Defense Logistics Agency (DLA) is proposing to amend its Privacy Act regulations. These changes consist of DLA office code changes and DLA publication name changes. DLA is also adding language to clarify the training requirements for its employees and military members who work with the news media or the public.

DATES: Comments must be received on or before December 12, 2000 to be considered by this agency.

ADDRESSES: Send comments to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this Privacy Act rule for the Department of Defense does not constitute ''significant regulatory action''. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act

It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act, and 44 U.S.C. Chapter 35.

List of Subjects in 32 CFR Part 323

Privacy.

Accordingly, 32 CFR part 323 is proposed to be amended as follows:

PART 323—DEFENSE LOGISTICS AGENCY PRIVACY PROGRAM

1. The authority citation for 32 CFR Part 323 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

2. 32 CFR part 323 is propose to be amended by revising footnotes 1 through 8 to read as follows:

Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DSS–CV, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

3. Section 323.2(e) is proposed to be revised to read as follows:

§ 323.2 Policy.

* * * * *

(e) Make reasonable efforts to ensure that records containing personal information are accurate, relevant, timely, and complete for the purposes for which they are being maintained before making them available to any recipients outside DoD, other than a Federal agency, unless the disclosure is made under DLAR 5400.14, DLA Freedom of Information Act Program (32 CFR part 1285).

* * * * *

4. Section 323.4 is proposed to be amended as follows:

a. By revising paragraph (a)(1) introductory text,

b. Adding paragraph (a)(1)(v), and

c. Revising paragraph (a)(2), introductory text, paragraphs (a)(3) and (b)(4). The revisions and addition read as follows:

§ 323.4 Responsibilities.

(a) * * *

(1) The Staff Director, Corporate Communications, DLA Support Services (DSS–C) will:

* * * * *

(v) Establish training programs for all individuals with public affairs duties, and all other personnel whose duties require access to or contact with systems of records affected by the Privacy Act. Initial training will be given to new employees and military members upon assignment. Refresher training will be provided annually or more frequently if conditions warrant.

(2) The General Counsel, DLA (DLA–GC) will:

* * * * *

(3) The DLA Chief Information Office (J–6) will formulate and implement protective standards for personal information maintained in automated data processing systems and facilities.

(b) * * *

(4) Establish training programs for all individuals with public affairs duties, and all other personnel whose duties require access to or contact with systems of records affected by the Privacy Act. Initial training will be given to new employees and military members upon assignment. Refresher training will be provided annually or more frequently if conditions warrant.

5. Section 323.5 is proposed to be amended by revising, paragraphs (b)(3)(iv), (b)(4), (b)(5), (c)(5)(ii), (c)(6) introductory text, (c)(6)(i), (f)(3), introductory text, (h)(6), (i)(5)(ii), (j)(5), (k), (l)(1), (1)(2), and (1)(3) and by removing paragraph (b)(3)(v) to read as follows:

§ 323.5 Procedures.

* * * * *

(b) * * *

(3) * * *

(iv) Notice to the individual of his or her right to appeal the denial within 60 calendar days of the date of the denial letter and to file any such appeal with the HQ DLA Privacy Act Officer, Defense Logistics Agency (DSS–CA), 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

(4) DLA will process all appeals within 30 days of receipt unless a fair and equitable review cannot be made within that period. The written appeal notification granting or denying access is the final DLA action on access.

(5) The records in all systems of records maintained in accordance with the Office of Personnel Management (OPM) Government-wide system notices are technically only in the temporary custody of DLA. All requests for access to these records must be processed in accordance with the Federal Personnel Manual (5 CFR part 293, 294, 297 and 735) as well as this part. DLA–GC is responsible for the appellate review of denial of access to such records.

(c) * * *

(5) * * *

(ii) Notification that he or she may seek further independent review of the decision by filing an appeal with the HQ DLA Privacy Act Officer, Defense Logistics Agency (DSS–CA), 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and including all supporting materials.

(6) DLA will process all appeals within 30 days unless a fair review cannot be made within this time limit.

(i) If the appeal is granted, DLA will promptly notify the requester and system manager of the decision. The system manager will amend the record(s) as directed and ensure that all prior known recipients of the records who are known to be retaining the record are notified of the decision and the specific nature of the amendment and that the requester is notified as to which DoD Components and Federal agencies have been told of the amendment.

* * * * *

(f) * * *

(3) All records must be disclosed if their release is required by the Freedom of Information Act. DLAR 5400.14, (32 CFR part 1285) requires that records be made available to the public unless exempted from disclosure by one of the nine exemptions found in the Freedom of Information Act. The standard for exempting most personal records, such as personnel records, medical records, and similar records, is found in DLAR 5400.14 (32 CFR part 1285). Under the exemption, release of personal information can only be denied when its release would be a ''clearly unwarranted invasion of personal privacy.''

* * * * *

(f) * * *

(6) DLAI 5530.1, Publications, Forms, Printing, Duplicating, Micropublishing, Office Copying, and Automated Information Management Programs,[2] provides guidance on administrative requirements for Privacy Act Statements used with DLA forms. Forms subject to the Privacy Act issued by other Federal agencies have a Privacy Act Statement attached or included. Always ensure that the statement prepared by the originating agency is adequate for the purpose for which the form will be used by the DoD activity. If the Privacy Act Statement provided is inadequate, the activity concerned will prepare a new statement of a supplement to the existing statement before using the form. Forms issued by agencies not subject to the Privacy Act (state, municipal, and other local agencies) do not contain Privacy Act statements. Before using a form prepared by such agencies to collect personal data subject to this part, an appropriate Privacy Act Statement must be added.

* * * * *

(i) * * *

(5) * * *

(ii) Special administrative, physical, and technical procedures are required to protect data that are stored or being processed temporarily in an automated data processing (ADP) system or in a work processing activity to protect it against threats unique to those environments (see DLAR 5200.17, Security Requirements for Automated Information and Telecommunications System,[3] and appendix D of this part).

* * * * *

(j) * * *

(5) Systems notices and reports of new and altered systems will be submitted to DLA Support Services (DSS–CA) as required.

* * * * *

(k) *Exemptions.* The Director, DLA will designate the DLA records which are to be exempted from certain provision of the Privacy Act. DLA Support Services (DSS–CA) will publish in the **Federal Register** information specifying the name of each designated system, the specific provisions of the Privacy Act from which each system is to be exempted, the reasons for each exemption, and the reason for each exemption of the record system.

(l) * * *

(1) Forward all requests for matching programs to include necessary routine use amendments and analysis and proposed matching program reports to DLA Support Services. Changes to existing matching programs shall be processed in the same manner as a new matching program report.

(2) No time limits are set by the OMB guidelines. However, in order to establish a new routine use for a matching program, the amended system notice must have been published in the **Federal Register** at least 30 days before implementation. Submit the documentation required above to DLA Support Services (DSS–CA) at least 60 days before the proposed initiation date of the matching program. Waivers to the 60 days' deadline may be granted for good cause shown. Requests for waivers will be in writing a fully justified.

(3) For the purpose of the OMB guidelines, DoD and all DoD Components are considered a single agency. Before initiating a matching program using only the records of two or more DoD activities, notify DLA Support Services (DSS–CA) that the match is to occur. Further information may be requested from the activity proposing the match.

* * * * *

6. Section 323.6 is proposed to be revised to read as follows:

§ 323.6 Forms and reports.

DLA activities may be required to provide data under reporting requirements established by the Defense

Privacy Office and DLA Support Services (DSS–CA). Any report established shall be assigned Report Control Symbol DD–DA&M(A)1379.

Appendix A to Part 323 [Amended]

7. Appendix A to part 323 is proposed to be amended by revising paragraphs C.2., F.2., I.4., revised to read as follows:

* * * * *

C. * * *

2. When multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are contained in an address directory published as an appendix to DLAH 5400.1.

* * * * *

F. * * *

2. For administrative housekeeping records, cite the directive establishing DLA as well as the Secretary of Defense authority to issue the directive. For example, 'Pursuant to the authority contained in the National Security Act of 1947, as amended (10 U.S.C. 133d), the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR part 398), Defense Logistics Agency (DLA), the charter of the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under his control. Therein, the Director, DLA, is charged with the responsibility of maintaining all necessary and appropriate records.'

I. * * *

4. *Retention and disposal.* Indicate how long the record is retained. When appropriate, state the length of time the records are maintained by the activity, when they are transferred to a Federal Records Center, length of retention at the Records Center and when they are transferred to the National Archives or are destroyed. A reference to DLAI 5015.1,[8] DLA Records Management Procedures and Records Schedules, or other issuance without further detailed information is insufficient.

* * * * *

Appendix B to Part 323 [Amended]

8. Appendix B to part 323 is proposed to be amended by revising paragraphs C. and F.1 introductory text to read as follows:

* * * * *

C. Reports of new and altered systems. Submit a report of a new or altered system to DLA Support Service (DSS–CA) before collecting information and for using a new system or altering an existing system.

* * * * *

F. * * *

11. The OMB may authorize a Federal agency to begin operation of a system of records before the expiration of time limits described above. When seeking such a waiver, include in the letter of transmittal to DLA Support Services (CA) an explanation why a delay of 60 days in establishing the system of records would not be in the public interest. The transmittal must include:

* * * * *

Dated: October 6, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–26254 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–M

Notices

Federal Register
Vol. 65, No. 199
Friday, October 13, 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.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

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

ACTION: Proposed additions to and deletions from procurement list.

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

DATES: Comments must be received on or before November 13, 2000.

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

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

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

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity 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 commodity and services to the Government.
2. The action will not have a severe economic impact on current contractors for the commodity or services.
3. The action will result in authorizing small entities to furnish the commodity 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 commodity 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 commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Vegetable Oil
8945–00–NSH–0001
(Additional 5% of Government Requirement)
NPA: Advocacy and Resources Corp. (ARC), Cookeville, Tennessee

Services

Laundry Service: Stratton Medical Center, 113 Holland Avenue, Albany, NY
NPA: Uncle Sam's House, Inc., Schenectady, New York
Administrative Services: NASA Goddard Space Flight Center, Greenbelt, MD
NPA: ServiceSource, Alexandria, Virginia
Laundry Service: Anniston Army Depot, Anniston, AL
NPA: Opportunity Center Easter Seal Rehabilitation Facility, Anniston, Alabama

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 will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. This action will not have a severe economic impact on future contractors for the commodities.
3. The action will result in authorizing small entities to furnish the commodity 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 commodity and services proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Pallet, Wood
3990–00–X77–1721

Pallet, Wood
3990–00–NSH–0005

Louis R. Bartalot,
Deputy Director (Operations).

[FR Doc. 00–26361 Filed 10–12–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

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

ACTION: Addition to the procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: November 13, 2000.

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

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

SUPPLEMENTARY INFORMATION: On August 25, 2000 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (61 F.R. 51794) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of the qualified nonprofit agency to provide the service and impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is 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 service to the Government.

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

3. The action will result in authorizing small entities to furnish the service 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 service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Janitorial/Custodial

Backbay National Wildlife Refuge, 4005 Sandpiper Road, Virginia Beach, Virginia

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

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–26362 Filed 10–12–00; 8:45 am]

BILLING CODE 6353–01–U

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: October 18, 2000; 9 a.m.–12 Noon.

PLACE: Hoover Institution, DeBasily Conference Room, Hoover Tower, 434 Galvez Mall, Palo Alto, CA 94305.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contract either Brenda Hardnett or Carol Booker at (202) 401–3736.

Dated: October 10, 2000.

Carol Booker,

Legal Counsel.

[FR Doc. 00–26425 Filed 10–10–00; 4:45 pm]

BILLING CODE 8230–01–M

DEPARTMENT OF COMMERCE

[I.D. 101000B]

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: Information for Share Transfer in Wreckfish Fishery.

Form Number(s): None.

OMB Approval Number: 0648-0262.

Type of Request: Regular submission.

Burden Hours: 1.

Number of Respondents: 4.

Average Hours Per Response: 15 minutes.

Needs and Uses: The individual transferable quota system in the Southeast wreckfish fishery is based on percentage shares. Persons holding shares may sell or otherwise transfer them to others, but information about the proposed transfer must be provided to NOAA. The information is needed to manage the quota system, and information about the sales price is used in economic analyses.

Affected Public: Business and other for-profit organizations, and individuals.

Frequency: On occasion.

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 Madeleine Clayton, DOC Forms Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

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

Dated: October 6, 2000

Madeleine Clayton,

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

FR Doc. 00–26356 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–506]

Notice of Final Results of Antidumping Duty Administrative Review: Oil Country Tubular Goods From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 8, 2000, the Department of Commerce (''the Department'') published the preliminary results of its administrative review of the antidumping duty order on oil country tubular goods from Canada. *See Notice of Preliminary Results of Antidumping Duty Administrative Review: Oil Country Tubular Goods from Canada* 65 FR 36407 (June 8, 2000) (''*Preliminary Results*''). This review covers one manufacturer/exporter, Atlas Tube, Inc. (''Atlas''), and the period December 1, 1998, through May 31, 1999. The period of review specified by the Department's opportunity to request administrative review was June 1, 1998, through May 31, 1999. However, due to the fact that the Department conducted a concurrent new shipper review of the same manufacturer/exporter for the period June 1, 1998, through November 30, 1998, this administrative review only covers the remainder of the period, December 1, 1998, through May 31, 1999. *See Notice of Initiation of Administrative Review* 64 FR 47167 (August 30, 1999). We gave interested parties an opportunity to comment on the *Preliminary Results* of review but received no comments. Therefore, these final results do not differ from the *Preliminary Results,* in which we found the dumping margin for Atlas to be 4.41 percent.

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan, AD/CVD

Enforcement, Group II, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999).

Background

On June 8, 2000, the Department published in the **Federal Register** (65 FR 36407) the *Preliminary Results* of this review. We invited parties to comment on our *Preliminary Results.* We did not receive any comments.

In the *Preliminary Results,* we found the dumping margin for Atlas to be 4.41 percent. We have now completed the administrative review in accordance with section 751 of the Act and continue to find the rate of 4.41 percent.

Scope of the Review

The products covered by this review include shipments of OCTG from Canada. This includes American Petroleum Institute (''API'') specification OCTG and all other pipe with the following characteristics except entries which the Department determined through its end-use certification procedure were not used in OCTG applications: Length of at least 16 feet; outside diameter of standard sizes published in the API or proprietary specifications for OCTG with tolerances of plus ⅛ inch for diameters less than or equal to 8⅝ inches and plus ¼ inch for diameters greater than 8⅝ inches, minimum wall thickness as identified for a given outer diameter as published in the API or proprietary specifications for OCTG; a minimum of 40,000 PSI yield strength and a minimum 60,000 PSI tensile strength; and if with seams, must be electric resistance welded. Furthermore, imports covered by this review include OCTG with non-standard size wall thickness greater than the minimum identified for a given outer diameter as published in the API or proprietary specifications for OCTG, with surface scabs or slivers, irregularly cut ends, ID or OD weld flash, or open seams; OCTG may be bent, flattened or oval, and may lack certification because the pipe has not been mechanically tested or has failed those tests. This merchandise is currently classifiable under the Harmonized Tariff Schedules (HTS) item numbers 7304.20, 7305.20, and 7306.20. The HTS item numbers are provided for convenience and U.S. Customs purposes. The written description remains dispositive.

Analysis of Comments Received

We did not receive any interested party comments on our *Preliminary Results.* Therefore, there is no Issues and Decision Memorandum for the final results of review.

Final Results of Review

We have determined that no changes to our analysis are warranted for purposes of these final results. As a result of this review, we determine that a 4.41 percent dumping margin exists for Atlas for the period December 1, 1998, through May 31, 1999.

Assessment

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales to the total entered value of the same sales. The rate will be assessed uniformly on all entries by that particular importer made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Cash Deposit Requirements

The following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of OCTG from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Atlas will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, in a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 16.65 percent. This rate is the ''All-Others'' rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of administrative review for a subsequent review period.

Notification

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 5, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–26384 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–807]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Wire Rod From Spain

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of the preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by Roldan S.A. (''Roldan''), the sole respondent in this review, the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on stainless steel wire rod (''SSWR'') from Spain.

The review covers sales for the period March 5, 1998 through August 31, 1999 (the ''period of review'' or ''POR'').

The Department has preliminarily determined that Roldan did not sell subject merchandise at less than normal value (''NV''). If these preliminary results are adopted in the final results of this administrative review, the Department will instruct the Customs Service to liquidate entries of subject merchandise from Roldan without regard to antidumping duties.

The Department invites interested parties to comment on the preliminary results.

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: Howard Smith or Timothy Finn, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5193, and 482–0065, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1999).

Case History

On September 15, 1998, the Department published the antidumping duty order on SSWR from Spain (*see Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Wire Rod From Spain*, 63 FR 49330). On September 9, 1999, the Department published a notice of opportunity to request an administrative review of this antidumping duty order (*see Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 64 FR 48980). On September 30, 1999, in accordance with 19 CFR 351.213(b)(1), the respondent, Roldan, requested that the Department conduct an administrative review of its sales and entries of subject merchandise into the United States during the POR. The Department initiated a review of Roldan's sales on October 28, 1999 (*see Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 64 FR 60161 (November 4, 1999)).

The Department issued its antidumping duty questionnaire to Roldan on November 19, 1999 and received Roldan's response thereto on January 18, 2000. In addition, the Department issued supplemental questionnaires to Roldan during March and May, 2000 and received Roldan's responses thereto during April, May, and June, 2000.

Pursuant to section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 245 days. On May 8, 2000, the Department extended the time limits for the preliminary results until September 29, 2000 in accordance with the Act (*see Stainless Steel Wire Rod From Spain: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 65 FR 26582).

During June and July, 2000, the Department conducted verifications of Roldan and its affiliates, Acerinox, S.A. (''Acerinox'') and Acerinox, U.S.A. (''Acerinox-USA'')

The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

For purposes of this review, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime, or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter. Two stainless steel grades, SF20T and K–M35FL, are excluded from the scope of the review. The chemical makeup for the excluded grades is as follows:

SF20T	
Carbon	0.05 max.
Manganese	2.00 max.
Phosphorous	0.05 max.
Sulfur	0.15 max.
Silicon	1.00 max.
Chromium	19.00/21.00.
Molybdenum	1.50/2.50.
Lead	added (0.10/0.30).
Tellurium	added (0.03 min).

K–M35FL	
Carbon	0.015 max.
Silicon	0.70/1.00.
Manganese	0.40 max.
Phosphorous	0.04 max.
Sulfur	0.03 max.
Nickel	0.30 max.
Chromium	12.50/14.00.
Lead	0.10/0.30.
Aluminum	0.20/0.35.

The products under investigation are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope of this review is dispositive.

Period of Review

The POR is March 5, 1998 through August 31, 1999.

Verification

As provided in section 782(i) of the Act, the Department conducted verifications of the information provided by Roldan. The Department used standard verification procedures including: On-site inspection of the manufacturers' facilities, examination of relevant sales, cost, and financial records, and selection of relevant source documentation as exhibits. Verification findings are detailed in the sales and cost verification memoranda dated September 29, 2000, the public versions of which are on file in the Central Records Unit, Room B099 of the Main Commerce building (CRU-Public File).

Fair Value Comparison

In order to determine whether Roldan sold SSWR to the United States at less than NV, the Department compared the constructed export price (''CEP'') of individual U.S. sales to the monthly weighted-average NV of sales of the foreign like product made in the ordinary course of trade (*see* section

777A(d)(2) of the Act; *see also* section 773(a)(1)(B)(i) of the Act). The methodology used to compare sales and to calculate CEP and NV are described in the ''Comparison Methodology'', ''Constructed Export Price,'' and ''Normal Value'' sections of this notice.

Comparison Methodology

In accordance with section 771(16) of the Act, the Department considered all products within the scope of this review that Roldan produced and sold in the comparison market during the POR to be foreign like products for purposes of determining appropriate product comparisons to SSWR sold in the United States. The Department determined that the home market is the appropriate comparison market because the aggregate quantity of Roldan's home market sales of foreign like product is more than five percent of the aggregate quantity of its U.S. sales of subject merchandise (*see* section 773(a)(1)(C) of the Act). The Department compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise made in the home market in the ordinary course of trade, the Department compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. In making product comparisons, the Department selected identical and most similar foreign like products based on the physical characteristics reported by Roldan in the following order of importance: grade, diameter, further processing, and coating.

Constructed Export Price

Roldan reported that it made sales in the United States through three channels of distribution. In U.S. channel one, Roldan sold SSWR to customers in the United States through its U.S. affiliate, Acerinox-USA. Roldan classified its U.S. channel one sales as export price (''EP'') transactions and its U.S. channel two and three sales as CEP transactions. The Department has preliminarily determined that Roldan's channel one sales should also be classified as CEP transactions because these sales occurred in the United States. Section 772(b) of the Act defines CEP transactions as those in which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of subject merchandise or by a seller affiliated with the producer or exporter. In determining whether sales were made in the United States, the Department examines the totality of the circumstances surrounding the U.S. sales process. Neither the magnitude of the indirect selling expenses incurred by the U.S. affiliate nor the fact that the U.S. affiliate performs a particular type of selling activity is, by itself, a controlling factor in making a CEP determination. The record in the instant review characterizes the POR sales process for U.S. channel one as follows: (1) all communication required to effectuate sales is between Acerinox-USA and unaffiliated customers; (2) Acerinox-USA negotiates the terms of sales based on guidelines established by Roldan and the terms of recent sales; [1] (3) once the terms of sale are agreed upon by Acerinox-USA and the customer, Acerinox-USA accepts the customers' orders and transmits the orders through Acerinox (Roldan's parent corporation) to Roldan; (4) Acerinox arranges for transportation of the subject merchandise to the United States; (5) Acerinox-USA arranges for transportation of the subject merchandise from the U.S. port to the U.S. customer; (5) Acerinox invoices customers in U.S. channel one in Roldan's name; and, (6) U.S. customers remit payment to Acerinox-USA which subsequently transfers the payments to Roldan by wire.

Thus, the record shows that during the POR, Acerinox-USA was involved in every aspect of the sales process except for arranging for shipment of SSWR to the United States and invoicing U.S. customers. Moreover, Acerinox-USA's involvement in the sales process was extensive when compared to that of Roldan or Acerinox. Because the preponderance of selling functions incurred to sell Roldan's SSWR to U.S. customers occurred in the United States, the Department has preliminarily determined that the sales through U.S. channel one were made in the United States, and, thus, are CEP transactions.

The Department calculated CEP in accordance with section 772 of the Act. Specifically, the Department calculated CEP based on packed, delivered prices to unaffiliated purchasers in the United States. The Department made deductions from the starting price, where appropriate, for billing adjustments and early payment discounts. The Department also made deductions, where appropriate, for foreign inland freight and insurance, foreign brokerage and handling, international freight, U.S. brokerage and Customs fees, U.S. Customs duty, U.S. warehousing expenses, U.S. inland freight, and other U.S. transportation expenses pursuant to section 772(c)(2)(A) of the Act. In accordance with section 772(d)(1) of the Act, the Department deducted those selling expenses associated with economic activity occurring in the United States, including credit expenses, indirect selling expenses, and inventory carrying costs. In addition, the Department reduced the U.S. starting price by further manufacturing costs as required by section 772(d)(2) of the Act. Pursuant to 19 CFR 351.402(e), the Department also reduced the U.S. starting price by the actual selling expenses incurred by Roldan's U.S. affiliate rather than the commissions that Roldan paid the affiliate. Finally, the Department made an adjustment for profit in accordance with section 772(d)(3) of the Act. Based on verification findings, the Department made the following adjustments to Roldan's U.S. sales related charges: (1) corrected invoice-specific figures for billing adjustments, U.S. duty, brokerage and handling, and other U.S. transportation costs; (2) recalculated U.S. credit expense for channel two and three sales based on actual payment and shipment dates; (3) recalculated indirect selling expenses incurred in the United States; and (4) recalculated inventory carrying cost incurred in the home market for one control number.

Normal Value

As noted above in the ''Comparison Methodology'' section of this notice, the Department determined that the home market is the appropriate comparison market. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, the Department based NV on the prices at which Roldan first sold usual commercial quantities of foreign like product for consumption in the home market in the ordinary course of trade. In addition, to the extent practicable, the Department based NV on sales of foreign like product at the same level of trade as that of the U.S. sales to which they are being compared.

Disregarded Sales

The Department did not base NV on sales to affiliated home market customers that were not at arm's length because such sales are outside the ordinary course of trade (*see* 19 CFR 351.102). The Department determined that sales to affiliated home market customers were not arm's-length sales where the weighted-average sales price to the affiliated party was less than 99.5

[1] *See* Memorandum to The File from Howard Smith and Timothy Finn regarding the Verification of the Sales Response of Roldan, S.A. in the Antidumping Duty Administrative Review of Stainless Steel Wire Rod from Spain dated September 29, 2000 in the public of the CRU.

percent of the weighted-average sales price to unaffiliated parties. *See Usinor Sacilor* v. *United States*, 872 F. Supp. 1000, 1004 (CIT 1994).

Furthermore, in accordance with section 773(b) of the Act, the Department did not base NV on home market sales made at prices below the cost of production (''COP'') that failed the cost test. The Department examined whether Roldan sold SSWR in the home market at prices below the COP because in the investigation of SSWR from Spain the Department disregarded home market sales by Roldan which failed the cost test. *See* section 773(b)(2)(A)(ii) of the Act; *see also Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod From Spain*, 63 FR 40391 (July 29, 1998). In order to determine whether Roldan made home market sales at prices below the COP, the Department compared product-specific production costs to the prices at which Roldan sold the product in the home market, less any applicable movement charges, selling expenses, and packing costs.

The Department based the cost of producing the foreign like product on Roldan's reported material and fabrication costs, general and administrative (''G&A'') expenses, and financing expenses pursuant to section 773(b)(3) of the Act.

In determining whether below cost sales should serve as a basis for NV, the Department examined whether such sales were made: (1) In substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time (*see* section 773(b)(1) of the Act).

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of a respondent's sales of a given product were made at prices less than the COP, the Department does not disregard any below-cost sales of that product in determining NV because the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product were at prices below the COP, the Department determines that sales of that model were made in ''substantial quantities'' within an extended period of time and that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time as defined in section 773(b)(2)(B), (C) and (D) of the Act. Therefore, the Department disregards such below-cost sales in determining NV.

The Department found that more than 20 percent of Roldan's home market sales within an extended period of time were made at prices less than the COP. Further, the prices did not provide for the recovery of costs within a reasonable period of time. Therefore, in accordance with section 773(b)(1) of the Act, the Department disregarded those below-cost sales as outside the ordinary course of trade and based NV on the remaining above-cost sales.

For those U.S. sales of SSWR for which there were no comparable home market sales in the ordinary course of trade within the contemporaneous window, the Department compared CEP to constructed value (''CV''), in accordance with section 773(a)(4) of the Act. In accordance with section 773(e) of the Act, the Department calculated CV based on the sum of Roldan's cost of materials, fabrication, selling general and administrative (''SG&A'') expenses (including an appropriate amount for financing expenses), profit, and U.S. packing costs. In accordance with section 773(e)(2)(A) of the Act, the Department based SG&A (including financing expenses), and profit on the amounts incurred and realized in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the home market.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, the Department determines NV based on sales in the comparison market at the same level of trade as the U.S. sale. The NV level of trade is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which the Department derives SG&A expenses and profit. When U.S. price is based on CEP transactions, the starting price is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than CEP sales, the Department examines stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different level of trade and the difference affects price comparability, as manifested by a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the level of trade of the export transaction, the Department makes a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level of trade is more remote from the factory than the CEP level of trade, and there is no basis for determining whether any difference between the NV and CEP levels of trade affects price comparability, the Department adjusts NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731 (November 19, 1997).

The U.S. Court of International Trade (''CIT'') has held that the Department's practice of determining levels of trade for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See Borden, Inc.* v. *United States,* 4 F. Supp. 2d 1221, 1241–42 (CIT 1998) (''*Borden*''). The Department believes, however, that its practice is in full compliance with the statute. On June 4, 1999, the CIT entered final judgement in *Borden* on the level of trade issue. *See Borden Inc.* v. *United States,* Court No. 96–08–01970, Slip Op. 99–50 (CIT June 4, 1999). The government has filed an appeal of *Borden* which is pending before the U.S. Court of Appeals for the Federal Circuit. Consequently, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) of the Act prior to starting a level of trade analysis, as articulated by the Department's regulations at 19 CFR 351.412.

Based upon an analysis of the information on the record, the Department has determined that there is a single level of trade in the home market and a single level of trade in the U.S. market which are dissimilar. *See* the memorandum regarding the Level of Trade Analysis in the 1998–1999 Antidumping Duty Administrative Review of Stainless Steel Wire Rod From Spain—Preliminary Results dated September 29, 2000 (''LOT Memorandum'') in the public file of the CRU. Because Roldan did not make home market sales at the level of trade of its CEP sales, the Department cannot compare CEP sales to home market sales (*i.e.,* NV) at the same level of trade. Moreover, because there is only one level of trade in the home market, any difference in the NV and CEP levels of trade cannot be quantified. Furthermore, the Department does not have information which would allow it to examine pricing patterns based on Roldan's sales of other products and there are no other respondents or other information on the record upon which such an analysis could be based. Therefore, a level of trade adjustment is not possible.

Because all of Roldan's U.S. sales are CEP transactions and a level of trade adjustment is not possible, the Department examined whether to adjust NV under section 773(a)(7)(B) of the Act

(the CEP offset provision). In order to determine whether the NV is at a more advanced level of trade than that of the CEP transactions, the Department compared the selling functions performed for home market sales with those performed for CEP transactions after deducting the expenses identified in section 772(d) of the Act which are associated with selling activities occurring in the United States. After making these deductions, the Department found that fewer selling functions were performed for CEP sales than for home market sales. Thus, the Department has found that Roldan's sales in the home market are at a more advanced stage of marketing and distribution (*i.e.,* more remote from the factory) than the level of trade of CEP sales and, therefore, has applied the CEP offset to NV. *See* the LOT Memorandum.

Calculation of Normal Value

The Department calculated monthly weighted-average NVs based on the starting prices of home market sales to unaffiliated customers and the starting prices of arm's-length home market sales to affiliated customers. The Department based NV on the starting price reduced, where appropriate, by billing adjustments and inland freight and insurance (less freight revenue). In addition, in calculating NV the Department adjusted the starting price by credit expenses in accordance with section 773(a)(6)(C)(iii) of the Act. As noted above, the Department applied the CEP offset to NV. The CEP offset reduced NV by the amount of home market indirect selling expenses, including inventory carrying costs and other indirect selling expenses, up to the amount of indirect selling expenses incurred on U.S. sales. Finally, in calculating NV the Department subtracted home market packing costs from the starting price and added U.S. packing costs. Based on verification findings, the Department made the following adjustments to Roldan's home market sales related charges: (1) Corrected the foreign inland freight expense reported for one sales observation; (2) recalculated home market credit expense for one sales observation using the correct payment date; and (3) corrected the inventory carrying cost for four control numbers.

Currency Conversion

Pursuant to section 773A(a) of the Act, the Department made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that the following weighted-average dumping margin exists:

Manufacturer/ Exporter	Period	Margin Percent
Roldan, S.A.	3/5/1998–8/31/ 1999.	0.38

In accordance with 19 CFR 351.224(b), within five days of the date of publication of this notice, the Department will disclose to the parties in this proceeding the calculations performed in determining the above dumping margin. An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c)(1999). Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of the preliminary results of this review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of this notice. Further, the Department requests that parties submitting written comments provide the Department with a diskette containing the public version of those comments. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in interested party comments, within 120 days of publication of the preliminary results.

Upon completion of this administrative review, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the U.S. Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. The Department will calculate the duty assessment rate based upon the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales. The rate will be assessed uniformly on all entries made during the POR. Where appropriate, in order to calculate the entered value, the Department will subtract international movement expenses and U.S. duty from the gross sales value.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of SSWR from Spain entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Roldan will be the rate established in the final results of this administrative review except if the rate is *de minimis*, then no cash deposit will be required; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (''LTFV'') investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 4.73 percent, the ''all-others'' rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of administrative review for a subsequent review period.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 29, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–26383 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipes and Tubes from Thailand.

SUMMARY: On April 7, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results of its administrative review of the antidumping duty order on certain welded carbon steel pipes and tubes from Thailand (65 FR 18301). The review covers Saha Thai Steel Pipe Company, Ltd. (''Saha Thai''), a manufacturer/exporter of the subject merchandise and an affiliate. The period of review is March 1, 1998 through February 28, 1999.

Based on our analysis of the comments received, the final results differ from the preliminary results of review. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2243 and (202) 482–1374, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999).

Background

On April 7, 2000, the Department published its preliminary results for this case. *See Certain Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 18301 (April 7, 2000). After the preliminary results, the Department verified Saha Thai's sales and cost data from June 14 through 28, 2000. We invited parties to comment on the preliminary results. The Department received case briefs on August 17, 2000, and rebuttal briefs on August 23, 2000.

The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of the Review

The products covered by this administrative review are certain welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. These products, which are commonly referred to in the industry as ''standard pipe'' or ''structural tubing,'' are hereinafter designated as ''pipe and tube.'' The merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''*Decision Memorandum*'') from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated October 04, 2000, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/index.html.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received and the database calculations, we have changed our results from the preliminary results of review. For the final results of review, Date of Sale, U.S. Brokerage Expenses, U.S. Imputed Credit Expense, and Raw Materials Exchange Gains have been adjusted to reflect the decisions the Department has reached for the Final Results. These changes are discussed in the relevant sections of the *Decision Memorandum.* In addition, minor corrections from verification and review of the preliminary results calculations by the Department resulted in revisions to: The net U.S. price calculation, which has been corrected to account for the proper currency in one of the variables; the home market customer affiliation for some observations; the interest amounts in the duty drawback calculation; ship date and credit for a U.S. observation; and other miscellaneous U.S. market related expenses in some of the observations.

Final Results of Review

We determine that the following weighted-average percentage margin exists for the period March 1, 1998, through February 28, 1999:

Manufacturer/exporter/reseller	Margin (percent)
Saha Thai Steel Pipe Company, Ltd	1.81

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. We divided the total dumping margins for the reviewed sales by the entered quantity of those reviewed sales for Saha Thai. We will direct Customs to assess the resulting percentage margins against the entered quantity for the subject merchandise on each of Saha Thai's entries during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of certain welded carbon steel pipes and tubes from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Saha Thai will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the

exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate will be the ''all others'' rate established in the original LTFV investigation, which is 15.67 percent.

The cash deposit rate has been determined on the basis of the selling price to the first unaffiliated U.S. customer. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 4, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix 1—Issues in Decision Memorandum

Comments and Responses

1. Date of Sale
2. Exchange Rate Losses
3. VAT charges
4. Duty Drawback
5. Thai Antidumping Duties on Russian Coils
6. Raw Materials Exchange Gains
7. U.S. Brokerage Expenses
8. U.S. Imputed Credit Expense
9. Duty Reimbursement

[FR Doc. 00–26385 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Notice of Extension of Time Limit for the 1998 Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the third review of the countervailing duty order on certain pasta from Italy. The period of review is January 1 through December 31, 1998.

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: Craig Matney or Annika O'Hara, Office of AD/CVD Enforcement I, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–1778 or (202) 482–3798, respectively.

SUPPLEMENTAL INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. Unless otherwise indicated, all citations to the Department of Commerce's (the Department) regulations are to 19 CFR part 351 (1999).

Background

The preliminary results of this review were published in the **Federal Register** on August 8, 2000 (65 FR 48479). The final results are currently due no later than December 6, 2000.

Postponement

Certain recent decisions by the United States Court of Appeals for the Federal Circuit have raised significant legal issues which must be considered in this case. Because of the complexity of these issues, it is not practicable to complete this review within the time limit mandated by section 751(a)(3)(A) of the Act. Accordingly, the Department is extending the time limit for completion of these final results for 60 days (*i.e.*, until February 5, 2001).

This extension is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

October 5, 2000.

Louis Apple,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–26382 Filed 10–12–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.100200B]

Marine Fisheries Advisory Committee; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) from November 8 - 10, 2000.

DATES: The meetings are scheduled as follows:

1. November 8, 2000, 1 p.m. - 5 p.m.
2. November 9, 2000, 8 a.m. - 5 p.m.
3. November 10, 2000, 8 a.m. - 1 p.m.

ADDRESSES: The meetings will be held at the Crowne Plaza at LaGuardia Airport, 104-04 Ditmars Boulevard, East Elmhurst, New York. Requests for special accommodations may be directed to MAFAC, Office of Operations, Management and Information, NMFS, 1315 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Elizabeth Lu Cano, Designated Federal Official; telephone: (301) 713-2252.

SUPPLEMENTARY INFORMATION: As required by section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of meetings of MAFAC and MAFAC Subcommittees. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1972, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of the Nation are adequate to meet the needs of commercial and recreational fisheries, and of environmental, state, consumer, academic, tribal, and other national interests.

Matters to Be Considered

November 8, 2000

Budget Review/Update, Marine Protected Areas Report, Strategy for Development of ''Views Paper'' for Transition Team

November 9, 2000

Preparation of ''Views Paper'', Dialogue with Students of York College, Tour of Food and Drug Administration Laboratory in Queens

November 10, 2000

Steering Committee Report, Completion of ''Views Paper''

Time will be set aside for public comment on agenda items.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to MAFAC (see **ADDRESSES**).

Dated: October 3, 2000.

William T. Hogarth,

Deputy Assistant Administrator, National Marine Fisheries Service.

FR Doc. 00–26360 Filed 10–12–00; 845 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Application of onExchange℠ Board of Trade, Inc. for Designation as a Contract Market in Five Year U.S. Treasury Note Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: OnExchange℠ Board of Trade, Inc. (''ONXBOT'' or ''Exchange'') has applied for designation as a contract market for the automated trading of Five Year U.S. Treasury Note futures contracts on its electronic trading system, onTrade℠. The Exchange has not previously been approved by the Commodity Futures Trading Commission (''Commission'') as a contract market in any commodity. Accordingly, in addition to the terms and conditions of the proposed futures contract, ONXBOT has submitted to the Commission proposed bylaws and rules pertaining to ONXBOT membership, governance, trading standards, disciplinary and arbitration procedures, and various other materials necessary to meet the requirements for a board of trade seeking initial designation as a contract market, including a description of its trade-matching algorithm. ONXBOT's submission also includes various proposed bylaws and rules of the onExchange℠ Clearing Corporation (''ONXCC''), an affiliate that would be responsible for clearing and settlement functions for the Exchange.

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Economic Analysis and the Division of Trading and Markets (''the Divisions'') have determined to publish the Exchange's proposal for public comment. The Divisions believe that publication of the proposal for comment at this time is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the Commodity Exchange Act. The Divisions seek comment pertaining to all aspects of ONXBOT's application and which address any issue commenters believe the Commission should consider.

DATES: Comments must be received on or before November 13, 2000.

FOR FURTHER INFORMATION CONTACT: With respect to questions about the terms and conditions of ONXBOT's proposed futures contract, please contact Thomas M. Leahy, Jr., Chief of Financial Instruments, Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581; telephone number (202) 418–5278; facsimile number (202) 418–5527; or electronic mail: tleahy@cftc.gov. With respect to ONXBOT's and ONXCC's other proposed rules, please contact Lois J. Gregory, Special Counsel, Division of Trading and Markets, at the same address, by telephone at (202) 418–5483, by facsimile at (202) 418–5536, or by electronic mail at lgregory@cftc.gov; or Joshua R. Marlow, Attorney-Advisor, Division of Trading and Markets, at the same address, by telephone at (202) 418–5484, by facsimile at (202) 418–5536, or by electronic mail at jmarlow@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Description of Proposal

By letters dated September 12, 2000 and September 27, 2000, ONXBOT, a subsidiary of onExchange℠, Inc., has applied to the Commission for designation as a contract market for electronic trading of futures contracts in Five Year U.S. Treasury Notes. The Exchange has not previously been approved as a contract market in any commodity. Thus, in addition to the terms and conditions of the proposed futures contract, ONXBOT has submitted, among other things, proposed bylaws and rules pertaining to ONXBOT membership rights and obligations, governance, trading standards, and disciplinary and arbitration procedures, along with a description of its trading system's trade-matching algorithm. ONXBOT's submission also includes various proposed ONXCC bylaws, rules, and procedures.

ONXBOT is organized as a Delaware corporation with one class of shares. All shares in ONXBOT are currently held by onExchange℠, Inc. OnExchange℠, Inc. is majority owned by its officers, employees, and venture capital investment firms. Once operational, the Exchange would be governed by a Board of Directors (''ONXBOT Board''), which would include seven directors elected by the shareholders and two public directors appointed by the seven non-public directors. The ONXBOT Board would appoint a Chairman of the Board, President, Secretary, and Treasurer, and the President would be the chief executive officer of the Exchange. ONXCC would similarly be governed by a Board of Directors that, among other things, would appoint a President as chief executive officer of the company.[1]

Trading privileges on ONXBOT would be limited to ONXBOT Subscribers, who would be required to qualify as Eligible Swap Participants under Commission Regulation 35.1(b)(2). Each Subscriber would be limited to trading for its own accounts, with no intermediation permitted. Subscribers could designate an unlimited number of Authorized Traders (''ATs'') to exercise discretion over their trading accounts, and would be responsible for supervising all activities of their ATs relating to transactions effected on the Exchange or subject to its rules. Each Subscriber would also be responsible for training and testing its ATs with respect to the proper use of the Exchange and its rules. Any violation of the rules and bylaws of the Exchange by any AT would be deemed a violation of the AT's Subscriber.

[1] ONXCC is organized as a Delaware non-stock, membership corporation with two classes of members. Class A members of ONXCC are entitled to elect and remove directors, and decide all matters which require a vote of the corporation's members. Only the holders of Class A shares would be entitled to receive any dividends or distributions that may be declared or paid by the corporation. OnExchange℠, Inc. initially will be the sole Class A member. Class B members, comprised of all ONXBOT Subscribers, are not entitled to vote on any matter. ONXCC's Board would initially be comprised of three directors.

ONXBOT contracts would trade over onTrade℠, an electronic trading system developed by onExchange℠ and accessed by Subscribers via the Internet.[2] Under the proposal, orders could be entered into onTrade℠ only by ONXBOT Subscribers and their ATs. OnTrade℠ would accept orders for purchase or sale of futures contracts, combination trades, and calendar spreads. Orders would be required to include user identity (including Subscriber identity), intention to buy or sell, quantity, designation as a ''market order'' or specification of a price limit, time period the order would remain open, and an activation price if designated as a stop order. Orders would be executed pursuant to a trade-matching algorithm that would give first priority to orders at the best prices, and then give priority among orders at the same price based upon time of entry into onTrade℠.[3]

ONXBOT also plans to permit Subscribers to execute block trades away from the trade matching system.[4] Both parties to the transaction must request a Block Order Trade ID from the Exchange in advance and then submit identical orders to ONXBOT within 10 minutes of obtaining such ID. The price designated for the block trade must be ''fair and reasonable'' in light of, among other factors, market liquidity, size of the transaction, and current market prices (including the underlying cash market and other related futures markets). ONXBOT would publicize details of the transaction immediately after receipt of such information.

All orders would be verified with ONXCC for sufficient margin assets prior to execution.[5] Upon execution, transaction data would be instantaneously transmitted to onClear℠, ONXCC's automated clearing system. The transaction would clear immediately, and electronic confirmation notices would then be sent to both parties. ONXCC would have a settlement account at each ONXCC approved custody bank,[6] and would maintain at least one subcustody account for each ONXBOT Subscriber at an approved custody bank,[7] subject to the terms of an agreement between ONXCC and the custody bank.[8] Subscribers would deposit margin assets in these accounts for purposes of original margin, delivery margin, and variation margin.[9]

In the event of Subscriber default, ONXCC would take control of the Subscriber's open positions and would be empowered by ONXCC rules to take steps to ensure minimum market disruption, including the closing out of open positions and liquidation of margin assets. If such proceeds would be insufficient to cover the default, ONXCC could meet the shortfall from a number of sources, including its guaranty fund which will initially consist of $10,000,000.[10]

ONXBOT's provisions for compliance and surveillance programs would include market surveillance, trade practice surveillance, disciplinary functions, financial surveillance in cases where onExchange℠ is the Subscriber's designated self-regulatory organization, and arbitration. ONXBOT would secure an agreement with the National Futures Association to perform many of these functions. Investigations of any suspected violation of ONXBOT and ONXCC bylaws and rules by Subscribers or ATs would be presented to ONXBOT's Business Conduct Committee (''BCC''). If the BCC concludes that a violation may have occurred, it may authorize a settlement agreement, issue a warning letter, or direct the enforcement staff to institute disciplinary proceedings. Disciplinary proceedings would be conducted in front of a hearing panel drawn from the Exchange's Hearing Committee, whose decision may be appealed to the Board. ONXBOT rules also would permit summary proceedings against Subscribers and ATs for certain violations. ONXBOT rules do not contemplate fines as penalties. Penalties resulting from disciplinary action would only include suspension or termination.

II. Request for Comments

Any person interested in submitting written data, views, or arguments on the proposal to designate ONXBOT as a contract market should submit their comments by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent via facsimile to (202) 418–5521, or by electronic mail to secretary@cftc.gov. The Divisions seek comment on all aspects of ONXBOT's application for designation as a new contract market. Reference should be made to onExchange℠ Board of Trade's application for designation as a contract market in Five Year U.S. Treasury Note futures contracts. Copies of the proposed contract's terms and conditions, as well as the proposed trading rules, clearing rules, and other governing rules of ONXBOT and ONXCC, are available for inspection at the Office of the Secretariat, or may be obtained at the above address or by telephoning (202) 418–5100.

Other materials submitted by ONXBOT may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552), except to the extent that they are entitled to confidential treatment pursuant to 17 CFR 145.5 or 145.9. Requests for copies of such materials should be made to the Freedom of Information, Privacy and Sunshine Act compliance staff of the Office of the Secretariat at Commission headquarters in accordance with 17 CFR 145.7, 145.8.

Issued in Washington, DC, on October 10, 2000.

Alan L. Seifert,

Deputy Director.

[FR Doc. 00–26388 Filed 10–12–00; 8:45 am]

BILLING CODE 6351–01–P

[2] The proposed trading hours for Five Year U.S. Treasury Note futures would be from 8:20 a.m. to 3:00 p.m. EST.

[3] Subject to this priority, orders for combination trades would be executed, and the legs thereof would be priced, pursuant to an algorithm that gives priority to execution of each leg of the transaction as a separate transaction rather than to execution of the transaction at a differential, if the prices for the legs of the transaction are better than, or equal to, the differential price.

[4] ONXBOT also would permit Subscribers to execute exchanges of futures for physicals and exchanges of futures for swaps.

[5] OnExchange℠, Inc. representatives have informed Commission staff that this margin asset verification process would take place within a fraction of a second before trade execution.

[6] ONXCC rules do not preclude custody agreements with more than one custody bank. Initially, ONXCC plans to have only one custody bank, but might enter into other custody bank relationships in the future, in which case it would establish a master settlement account for the purpose of netting pays and collects across settlement accounts.

[7] Subscribers are permitted to have more than one trading account and more than one subcustody account.

[8] Assets in subcustody accounts would be held by ONXCC, subject to Commission regulations requiring segregation of funds at clearing organizations.

[9] Original margin will consist of an amount no less than any assets necessary to cover three consecutive days of ''maximum price movement,'' as defined by each ONXBOT contract's terms and conditions.

[10] The guaranty fund would increase, as necessary, to provide an amount equal to 1% of the aggregate original margin required to be maintained by Subscribers at ONXCC. At no time, however, would it drop below $10,000,000, regardless of the level of aggregate original margin, except when money from the fund has been applied to cover a Subscriber default. ONXCC would not have the power to impose assessments on non-defaulting Subscribers to cover shortfalls caused by the default of other Subscribers.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Renewal of a Currently Approved Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

The Corporation for National and Community Service (hereinafter the ''Corporation'') 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 (Public Law 104–13, 44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Wayne E. Verry, (202) 606–5000, extension 108. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Brenda Aguilar, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–6929, 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 Corporation, 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;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information to 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.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*NCCC Service Project Application.

OMB Number: 3045–0010.

Frequency: Annually.

Affected Public: Various non-profit organizations/project sponsors.

Number of Respondents: 900.

Estimated Time Per Respondent: 8 hours.

Total Burden Hours: 7200 hours.

Total Burden Cost (capital/startup): N/A.

Total Annual Cost (operating/maintaining systems or purchasing services): $120,000.

Description

The Corporation proposes to renew the AmeriCorps*NCCC Service Project Application in a revised form, which incorporates lessons learned since the program inception. The Form is the means by which various organizations can request NCCC members to assist in community service projects, and by which the NCCC evaluates such proposals for approval and selection.

Dated: October 6, 2000.

Fred L. Peters,

*AmeriCorps*NCCC Acting National Director.*

[FR Doc. 00–26335 Filed 10–12–00; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board Meeting

AGENCY: National Defense University, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Secretary concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102–183, as amended.

DATES: November 8, 2000.

ADDRESSES: The Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Deputy Director, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn P.O. Box 20010, Arlington, Virginia 22209–2248; (703) 696–1991. Electronic mail address: colliere@ndu.edu

SUPPLEMENTARY INFORMATION: The National Security Education Board meeting is open to the public.

Dated: October 6, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–26253 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Marine Corps

Privacy Act of 1974; System of Records

AGENCY: U.S. Marine Corps, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The U.S. Marine Corps proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration adds a routine use to permit disclosure of information to the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research.

DATES: This action will be effective on November 13, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, FOIA and Privacy Act Section, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. B. L. Thompson at (703) 614–4008 or DSN 224–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 25, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

MMN00006

SYSTEM NAME:

Marine Corps Military Personnel Records (OQR/SRB) (May 11, 1999, 64 FR 25299).

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add new paragraph to read 'To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

* * * * *

MMN00006

SYSTEM NAME:

Marine Corps Military Personnel Records (OQR/SRB).

SYSTEM LOCATION:

PRIMARY SYSTEM:

Headquarters, U.S. Marine Corps (Code MMSB), 2008 Elliot Road, Quantico, VA 22134–5030.

DECENTRALIZED SEGMENTS:

Commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty and has responsibility for the Officer Qualification Records/Service Record Books (OQR/SRB).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel (enlisted/officer): Reserve, retired and discharged or otherwise separated.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the Official Military Personnel File, SRB and OQR.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a record on all Marine Corps military personnel for use in management of resources, screening and selection for promotion, training and educational programs, administration of appeals, grievances, discipline, litigations and adjudication of claims and determination of benefits and entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Coast Guard and National Guard in the performance of their official duties relating to screening members who have expressed a positive interest in an interservice transfer, enlistment, appointment or acceptance.

To agents of the Secret Service in connection with matters under the jurisdiction of that agency upon presentation of credentials.

To private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

To officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

To officials and employees of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

To state, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

To officials and employees of the Department of Veterans Affairs, Department of Health and Human Services, and Selective Service Administration in the performance of their official duties related to eligibility, notification, and assistance in obtaining benefits by members and former members of the Marine Corps.

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to approved research projects.

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in performance of their official duties related to the management, supervision, and administration of members and former members of the Marine Corps.

To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders, magnetic megastorage and on microfiche.

RETRIEVABILITY:

The records at Headquarters, U.S. Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps Reserve enlisted records of personnel joined/transferred to these components subsequent to June 30, 1974, all former Commandants, all living retired officers (who served in General Officer grade, records of all personnel separated/retired four months or less) are retrieved by full name and Social Security Number. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records Center, St. Louis, MO. Those retired to St. Louis prior to January 1, 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and full name. All other Marine Corps records retired to St. Louis, MO are accessed by MSN and/or Social Security Number and are retrieved by an assigned registry number.

SAFEGUARDS:

Restricted access to building and all areas where data is maintained. Records are maintained in areas accessible only by authorized personnel who have been properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent. Records maintained at Headquarters, U.S. Marine Corps are transferred to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, one year after separation, placement on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in General Officer grade and former Marines no longer considered of newsworthy status.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5030.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5030 (for active duty members); or to the Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100 (for separated members).

Individuals seeking to determine information about their OQR/SRB records maintained by their respective commanding officer should address written inquiries to the command concerned. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of record system notices.

Written requests should contain the full name, Social Security Number, and signature of the requester.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5030 (for active duty personnel); to the respective commanding officer of the command concerned for OQR/SRB; or to the Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100 (for separated members).

Written requests should include the full name, Social Security Number, and signature of the requester.

The individual may visit any of the above activities for review of records. Proof of identification may consist of an individual's active, reserve or retired identification card, Armed Forces Report of Transfer or Discharge (DD Form 214), discharge certificate, driver's license, or other data sufficient to insure that the individual is the subject of the record.

CONTESTING RECORD PROCEDURES:

The U.S. Marine Corps rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps; Marine Corps commands and organizations; other agencies of federal, state, and local government; medical reports; correspondence from financial and other commercial enterprises; correspondence and records of educational institutions; correspondence of private citizens addressed directly to the Marine Corps or via the U.S. Congress and other agencies; investigations to determine suitability for enlistment, security clearances, and special assignments; investigations related to disciplinary proceedings; and the individual of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–26258 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Air Force proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration adds a routine use to permit disclosure of information to the National Academy of Sciences.

DATES: This action will be effective on November 13, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 25, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AF PC C

SYSTEM NAME:

Military Personnel Records System (June 11, 1997, 62 FR 31793).

CHANGES:

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add a new paragraph as follows 'To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.'

* * * * *

F036 AF PC C

SYSTEM NAME:

Military Personnel Records System.

SYSTEM LOCATION:

Primary locations: Headquarters United States Air Force, 1040 Air Force Pentagon, Washington, DC 20330–1040.

Headquarters Air Force Personnel Center, 550 C Street W, Randolph Air Force Base, TX 78150–4703.

Air Reserve Personnel Center, 6760 East Irvington Place 4000, Denver, CO 80280–4000.

National Personnel Records Center, Military Personnel records, 9700 Page Boulevard, St. Louis, MO 63132–5100.

Headquarters of major commands and field operating agencies; consolidated base personnel offices; State Adjutant General Office of each respective state, District of Columbia and Commonwealth of Puerto Rico, and Air Force Reserve and Air National Guard units. Official mailing addresses are published as an appendix to the Air Force compilation of records systems notices.

Secondary locations: Officer Correspondence and Miscellaneous Document Group for active duty officers at Headquarters Air Force Personnel Center (HQ AFPC), and at Headquarters, United States Air Force (HQ USAF); Officer Selection Record Group (OSRGp) at HQ USAF, General Officer Group and at HQ USAF and HQ AFPC Air Force Colonel's Group; retired general officers Master Personnel Record Group (MPerRGp) at AFPC; Officer Command Selection Record Group (OCSRGp) at the respective Air Force base of assignment servicing Military Personnel Flight (MPF), and respective Air Force major command; Air Force active duty enlisted personnel MPerRGp and senior NCO selection folder at AFPC; Field Personnel Records Group (FPerRGp) at the respective unit of assignment or servicing MPF or Consolidated Reserve Personnel Office (CRPO); personnel in Temporary Disability Retired List, Missing in Action (MIA), Prisoner of War (POW), Dropped From Rolls status MPerGp at AFPC; Reserve officers MPerRGp at Air Reserve Personnel Center (ARPC); Reserve airmen MPerRGp at ARPC and FPerRGp at the respective unit of assignment or servicing MPF/CRPO; United States Air National Guard (ANGUS) officers MPerRGp at ARPC, OCSRGp at the respective State Adjutant General Office, and FPerRGp at the respective unit of assignment; ANGUS airmen MPerRGp at the respective State Adjutant General Office and FPerRGp at the respective unit of assignment; retired and discharged Air Force military personnel MPerRGp at National Personnel Records Center; and Air Force Academy cadets MPerRGp at unit of assignment MPF.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military, Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains substantiating documents such as forms, certificates, administrative orders and correspondence pertaining to appointment as a commissioned officer, warrant officer, Regular AF, AF Reserve or ANGUS, enlistment/reenlistment/extension of enlistment, assignment, Permanent Change of Station, Temporary Duty (TDY), promotion and demotion; identification card requests; casualty; duty status changes—Absent Without Leave/MIA/POW/Missing/Deserter; military test administration/results; service dates; separation; discharge; retirement; security; training; Professional Military Education (PME); On-The-Job Training; Technical, General Military Training; commissioning; driver; academic education; performance/effectiveness reports; unfavorable communications in the OSRGp; records corrections; formal/informal medical or dental treatment/examination; flying/rated status administration; extended active duty; emergency data; line of duty determinations; human/personnel reliability; career counseling; records transmittal; AF reserve administration; Air National Guard administration; board proceedings; personnel history statements; Veterans Administration compensations; disciplinary actions; record extracts; locator information; personal clothing/equipment items; passport; classification; grade data; Career Reserve applications/cancellations; traffic safety; Unit Military Training; travel voucher for TDY to Republic of Vietnam; dependent data; professional achievements; Geneva Convention card; Federal insurance; travel and duty restrictions; Conscientious Objector status; decorations and awards; badges; Favorable Communications (colonels only); Inter-Service transfers; pay and allowances; combat duty; leave; photographs, and Personnel Data System products.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; as implemented by Air Force Instruction 36–2608, and E.O. 9397 (SSN).

PURPOSE(S):

Military personnel records are used at all levels of Air Force personnel management within the agency for actions/processes related to procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, sustentation, separation and retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Records may be disclosed to the Department of Veterans Affairs for research, processing and adjudication of claims, and providing medical care.

To dependents and survivors for determination of eligibility for identification card privileges.

To the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for determination of eligibility and benefits.

To local Immigration/Naturalization Office for accountability and audit purposes.

To State Unemployment Compensation offices for verification of military service related information for unemployment compensation claims; Respective local state government offices for verification of Vietnam 'State Bonus' eligibility.

To the Office of Personnel Management for verification of military service for benefits, leave, or Reduction in Force purposes, and to establish Civil Service employee tenure and leave accrual rate.

To the Social Security Administration to substantiate applicant's credit for social security compensation; Local state office for verification of military service relative to the Soldiers and Sailors Civil Relief Act. Information as to name, rank, Social Security Number, salary, present and past duty assignment, future assignments that have been finalized, and office phone number may be provided to military financial institutions who provide services to DOD personnel. For personnel separated, discharged or retired from the Air Force, information as to last known address may be provided to the military financial institutions upon certification by a financial institution officer that the facility has a dishonored check or defaulted loan.

To the Selective Service Agencies for computation of service obligation. To the American National Red Cross for emergency assistance to military members, dependents, relatives or other persons if conditions are compelling.

To the Department of Labor for claims of civilian employees formerly in military service, verification of service-related information for unemployment compensation claims, investigations of

possible violations of labor laws and for pre-employment investigations.

To the Armed Forces Retirement Home to determine eligibility. To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file folders/ binders, cabinets and on computer and computer output products.

RETRIEVABILITY:

Information in the system is retrieved by last name, first name, middle initial and Social Security Number.

Records stored at National Personnel Records Center are retrieved by registry number, last name, first name, middle initial and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the records system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records stored in locked room, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Those documents designated as temporary in the prescribing directive remain in the records until their obsolescence (superseded, member terminates status, or retires) when they are removed and provided to the individual. Unfavorable communications in the OSRGp are transferred to Air Reserve Component and retained for one year following an officer's termination of status, or destroyed if officer retires or dies. Those documents designated as permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Force Military Personnel Center, 550 C Street W, Randolph Air Force Base, TX 78150–4703.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Commander, Headquarters Air Force Military Personnel Center, 550 C Street W, Randolph Air Force Base, TX 78150–4703.

Individuals may also appear in person at the responsible official's office or the respective repository for records for personnel in a particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. The system manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Commander, Headquarters Air Force Military Personnel Center, 550 C Street W, Randolph Air Force Base, TX 78150–4703.

Individuals may also appear in person at the responsible official's office or the respective repository for records for personnel in a particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. The system manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject of the file, supervisors, correspondence generated within the agency in the conduct of official business, educational institutions, and civil authorities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–26255 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective on November 13, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 25, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0640–10b TAPC

SYSTEM NAME:

Official Military Personnel Record (November 30, 1998, 63 FR 65761).

CHANGES:

* * * * *

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0600–8–104b TAPC'.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add two new paragraphs as follows 'To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.'

To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

* * * * *

A0600–8–104b TAPC

SYSTEM NAME:

Official Military Personnel Record.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400 for active Army officers.

U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249–5301 for active duty enlisted personnel.

U.S. Army Reserve Personnel Command, 9700 Page Avenue, St Louis, MO 63132–5200 for reserve personnel.

National Personnel Records Center, National Archives and Records Administration, 9700 Page Avenue, St Louis, MO 63132–5100, for discharged or deceased personnel.

An automated index exists at the U.S. Army Reserve Personnel Command showing physical location of the Official Military Personnel of retired, separated and files on all service members returned to active duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty members of the U.S. Army who are enlisted, appointed, or commissioned status; members of the U.S. Army who were enlisted, appointed, or commissioned and were separated by discharge, death, or other termination of military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include enlistment contract; Department of Veterans Affairs benefit forms; physical evaluation board proceedings; military occupational specialty data; statement of service; qualification record; group life insurance election; emergency data; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; field for active duty; transfer or discharge report/Certificate of Release or Discharge from Active Duty; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks, consent/declaration of parent/guardian; Army Reserve Officers Training Corps supplemental agreement; award recommendations; academic reports; casualty report; U.S. field medical card; retirement points, deferment; preinduction processing and commissioning data; transcripts of military records; summary sheets review of conscientious objector; election of options; oath of enlistment; enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, 10 U.S.C. section 815 appellate actions; determinations of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgments of service requirements; retired benefits; application for review by physical evaluation board and disability board; appointments; designations; evaluations; birth certificates; photographs; citizenship statements and status; educational constructive credit transcripts; flight status board reviews; assignment agreements, limitations/waivers/election and travel; efficiency appeals; promotion/reduction/recommendations, approvals/declinations announcements/notifications, reconsiderations/worksheets elections/letters or memoranda of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; FBI reports; Social Security Administration correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice action, in-service details, determinations, reliefs, component; awards, pay entitlement, released, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 42 U.S.C. 10606; DoD Instruction 1030.1, Victim and Witness Assistance; and E.O. 9397 (SSN).

PURPOSE(S):

These records are created and maintained to manage the member's Army service effectively; document historically a member's military service, and safeguard the rights of the member and the Army.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of State to issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

To the Department of Treasury to issue bonds; to collect and record income taxes.

To the Department of Justice to file fingerprints to perform investigative and judicial functions.

To the Department of Agriculture to coordinate matters related to its advanced education program.

To the Department of Labor to accomplish actions required under Federal Employees Compensation Act.

To the Department of Health and Human Services to provide services authorized by medical, health, and related functions authorized by 10 U.S.C. 1074 through 1079.

To the Nuclear Regulatory Commission to accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

To the American Red Cross to accomplish coordination and service functions including blood donor programs and emergency investigative support and notifications.

To the Civil Aeronautics Board to accomplish flight qualifications, certification and licensing actions.

To the Federal Aviation Agency to determine rating and certification (including medical) of in-service aviators.

To the U.S. Postal Service to accomplish postal service authorization involving postal officers and mail clerk authorizations.

To the Department of Veterans Affairs:

1. To provide information relating to service, benefits, pensions, in-service loans, insurance, and appropriate hospital support.

2. To provide information relating to authorized research projects.

To the Bureau of Immigration and Naturalization to comply with status relating to alien registration, and annual residence/location.

To the Office of the President of the United States of America to exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

To the Federal Maritime Commission to obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

To each of the several states, and U.S. possessions to support state bonus application; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions to accomplish student registration, tuition support, tests, and related requirements incident to in-service education programs in compliance with 10 U.S.C. chapters 102 and 103.

To the Social Security Administration to obtain or verify Social Security Number; to transmit Federal Insurance Compensation Act deductions made from members' wages.

To the Department of Transportation to coordinate and exchange necessary information pertaining to inter-service relationships between U.S. Coast Guard (USCG) and U.S. Army when service members perform duty with the USCG.

To the Civil authorities for compliance with 10 U.S.C. 814.

To the U.S. Information Agency to investigate applicants for sensitive positions pursuant to E.O. 10450.

To the Federal Emergency Management Agency to facilitate participation of Army members in civil defense planning training, and emergency operations pursuant to the military support of civil defense as prescribed by DoD Directive 3025.10, Military Support of Civil Defense, and Army Regulation 500–70, Military Support of Civil Defense.

To the Director of Selective Service System to Report of Non-registration at Time of Separation Processing, of individuals who decline to register with Selective Service System. Such report will contain name of individual, date of birth, Social Security Number, and mailing address at time of separation.

Other elements of the Federal Government pursuant to their respective authority and responsibility.

Note: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices do not apply to these categories of records.

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system, except for those specifically excluded categories of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Optical digital imagery, microfiche stored randomly in electro-mechanical storage/retrieval devices. Files consists of selected data automated in support of military personnel management purposes on platters, disc fiche and other computer media.

RETRIEVABILITY:

Alphabetically by surname; automated data retrievable by name, Social Security Number or ADP parameter; records of active Army, Reserve, National Guard, (officer), retired, separated and deceased persons are retrieved by Social Security Number terminal digit sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; automated records are further protected by authorized password system for access terminals, controlled access to operations locations, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent; retained in active file until termination of service, following which they are retired to the U.S. Army Reserve Personnel Command, 9700 Page Avenue, St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the following:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components) serving on active duty should be sent to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–MSR, 200 Stovall Street, Alexandria, VA 22332–0400.

Inquiries for records of enlisted members (including members of Reserve Components) serving on active duty should be sent to: Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249–5301.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to the Commander, U.S. Army Reserve Personnel Command, 9700 Page Avenue, St. Louis, MO 63132–5200.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after June 30, 1917, or enlisted members who were completely separated after October 31, 1912, or for records of deceased Army personnel should be sent to the Chief, National Personnel Records Command, National Archives and Records Administration, 9700 Page Avenue, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, service identification number, military status, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the following:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components) serving on active duty should be sent to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–MSR, 200 Stovall Street, Alexandria, VA 22332–0400.

Inquiries for records of enlisted members (including members of Reserve Components) serving on active duty should be sent to: Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249–5301.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to the Commander, U.S. Army Reserve Personnel Command, 9700 Page Avenue, St. Louis, MO 63132–5200.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after June 30, 1917, or enlisted members who were completely separated after October 31, 1912, or for records of deceased Army personnel should be sent to the Chief, National Personnel Records Center, National Archives and Records Administration, 9700 Page Avenue, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, service identification number, military status, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to individual's military status; academic, training, or qualifications records acquired prior to or during military service; correspondence, forms, records, documents and other relevant papers in Department of the Army, other Federal agencies, or state and local governmental entities; civilian education and training institutions; and members of the public when information is relevant to the Service Member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–26256 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to Amend Systems of Records.

SUMMARY: The Defense Logistics Agency proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. In addition, DLA is making a global administrative change to all its Privacy Act systems of records notices.

DATES: This action will be effective without further notice on November 13, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS–C, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DLA is revising the current entry called ''Contesting record procedures:'' for all its Privacy Act systems of records to read as follows:

''Contesting record procedures.'' The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DSS–C, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

* * * * *

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files (September 21, 1999, 64 FR 51110).

CHANGES:

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CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry ''day and month of birth.''

* * * * *

S900.10 CA

SYSTEM NAME:

Personnel Roster/Locator Files.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current civilian employees, military personnel, and a select number of former employees of the DLA activity where records are maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, Social Security Number, organizational assignment, home address and telephone number, grade/rank, position title and job series, day and month of birth, and spouse or next-of-kin name, address, and telephone numbers.

Security offices and police force records may also contain emergency medical and disability data, including information on special equipment or devices the individual requires, name and telephone number of medical practitioner, and medical alert data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. Chapter 31 (Personnel); and E.O. 9397 (SSN).

PURPOSE(S):

To notify DLA personnel of the arrival of visitors, to plan social and honorary recognition functions, to recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.

Medical and disability data is used by security and police officers to identify and locate individuals during medical emergencies, facility evacuations, and similar threat situations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Security and police officers may relay medical and disability data to emergency medical treatment personnel, local fire fighters, and similar groups responding to calls for emergency assistance.

The DoD 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Retrieved by name, Social Security Number, organization, or grade/rank.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorize users. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed upon termination/departure of DLA personnel or when no longer needed for notification of official or social Agency functions.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–26257 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Inventions for Licensing; Government-Owned Inventions

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

U.S. Provisional Patent Application Serial No. 60/207,891 entitled, ''RESOURCE MANAGEMENT METHODOLOGY'', filing date: May 25, 2000, Navy Case No. 82185.

U.S. Provisional Patent Application Serial No. 60/224,381entitled, ''PAYLOAD DISPENSING SYSTEM PARTICULARLY SUITED FOR UNMANNED AERIAL VEHICLES'', filing date: August 8, 2000, Navy Case No. 82210.

U.S. Provisional Patent Application Serial No. 60/229,063 entitled, ''CLOCK SYNCHRONIZATION USING QUANTUM MECHANICAL NON-LOCALITY EFFECTS'', filing date: August 31, 2000, Navy Case No. 82343.

ADDRESSES: Requests for copies of the provisional patent applications cited should be directed to the Naval Surface Warfare Center, Dahlgren Laboratory, Code CD222, 17320 Dahlgren Road, Building 183, Room 015, Dahlgren, VA 22448–5100, and must include the Navy Case number. Interested parties will be required to sign a Confidentiality, Non-Disclosure and Non-Use Agreement before receiving copies of requested patent applications.

FOR FURTHER INFORMATION CONTACT: James B. Bechtel, Patent Counsel, Naval Surface Warfare Center, Dahlgren Laboratory, Code CD222, 17320 Dahlgren Road, Building 183, Room 015, Dahlgren, VA 22448–5100, telephone (540) 653–8016.

(**Authority:** 35 U.S.C. 207, 37 CFR Part 404)

Dated: September 29, 2000.

J.L. Roth,

Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–26271 Filed 10–12–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive License; Daniel G. Jablonski

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy gives notice of its intent to grant Daniel G. Jablonski, a revocable, nonassignable, exclusive license in the United States to practice the Government-owned invention, U.S. Patent Number 4,881,080 *Apparatus for and a Method of Determining Compass Headings.*

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting

evidence, if any not later than December 12, 2000.

ADDRESSES: Written objections are to be filed with Carderock Division, Naval Surface Warfare Center, Code 004, 9500 MacArthur Blvd., West Bethesda MD 20817–5700.

FOR FURTHER INFORMATION CONTACT: Mr. Dick Bloomquist, Director Technology Transfer, Carderock Division, Naval Surface Warfare Center, Code 0117, 9500 MacArthur Blvd., West Bethesda, MD 20817–5700, (301) 227–4299.

Dated: September 26, 2000.

J.L. Roth,

Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–26269 Filed 10–12–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Navy proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration adds a routine use to permit disclosure of information to the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research.

DATES: This action will be effective on November 13, 2000 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 25, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01070–3

SYSTEM NAME:

Navy Personnel Records System (August 30, 2000, 65 FR 52718).

CHANGES:

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add new paragraph to read ''To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.''

* * * * *

N01070–3

SYSTEM NAME:

Navy Personnel Records System.

SYSTEM LOCATION:

PRIMARY LOCATIONS:

Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055–3130; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; and local activity to which individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

SECONDARY LOCATIONS:

Department of the Navy Activities in the chain of command between the local activity and the headquarters level; Federal Records Storage Centers; National Archives. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel service jackets and service records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of naval personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 42 U.S.C. 10601 *et seq.*, Victim's Rights and Restitution Act of 1990 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To assist officials and employees of the Navy in the management, supervision and administration of Navy personnel (officer and enlisted) and the operations of related personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the National Research Council in Cooperative Studies of the National History of Disease, of Prognosis and of Epidemiology. Each study in which the records of members and former members of the naval service are used must be approved by the Chief of Naval Personnel.

To officials and employees of the Department of Health and Human Services, Department of Veteran Affairs, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

To officials and employees of the Department of Veteran Affairs in the performance of their duties relating to approved research projects.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties relating to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual

assisted or his/her sponsor continues to be a member of the Navy.

To duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

To state and local agencies in the performance of their official duties related to verification of status for determination of eligibility for Veterans Bonuses and other benefits and entitlements, including Department of Labor and state unemployment agencies for unemployment compensation for ex-service members.

To officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of their official duties related to the verification of the active duty naval service of Members of Congress. Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur.

To federal, state, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies. Information relating to professional qualifications of chaplains may be provided to civilian certification boards and committees, including, but not limited to, state and federal licensing authorities and ecclesiastical endorsing organizations.

To governmental entities or private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by name and Social Security Number. Manual records may be retrieved by name, Social Security Number, enlisted service number, or officer file number.

SAFEGUARDS:

Computer facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need-to-know.

RETENTION AND DISPOSAL:

Transfer to Naval Reserve Personnel Center, New Orleans, LA 70149 six months after discharge, retirement, or death of service member. Naval Reserve Personnel Center will forward to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5000. Transfer to the National Archives and Records Administration 75 years after separation of service member. [Note: An exception is made for copies of officer fitness reports, enlisted evaluations, and officer and enlisted counseling forms which may be maintained by the member's commanding officer or command for a period not to exceed five years.]

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055–3130; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055–3130; or contact the personnel officer where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Navy Personnel Command, Records Review Room, Building 769, Room K615, Millington, TN for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055–3130, or contact the personnel officer where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Navy Personnel Command, Records Review Room, Building 769, Room K615, Millington, TN for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–26259 Filed 10–12–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

National Center for Education Statistics (NCES); Notice of Partially Closed Meeting

AGENCY: U.S. Department of Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics (ACES). 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 of their opportunity to attend.

DATES: October 26–27, 2000.

Times

October 26, 2000

Full Council
9 a.m.–10:45 a.m. (open)
10:45–11:45 (closed)
11:45–2:15 p.m. (open)
Statistics Committee and Policy Committee
2:15 p.m.–5 p.m. (open).

October 27, 2000

Statistics Committee and Policy Committee
9 a.m.–12 noon (open)
Full Council
12 noon–2:30 p.m. (open).

Location: Department of Education, 1990 K Street NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Audrey Pendleton, National Center for Education Statistics, 1990 K Street NW, Room 9115, Washington, DC 20006.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics (ACES) is established under section 46(c)(1) of the Education Amendments of 1974, Public Law 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement (OERI) and is responsible for advising on standards to ensure that statistics and analyses disseminated by NCES are of high quality and are not to subject to political influence. In addition, ACES is required to advise the Commissioner of NCES and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of Educational Progress (NAEP).

Meetings of the Council are open to the public. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assistive listening devices, and materials in alternative format) should notify Audrey Pendleton at 202–502–7300 by no later than October 13, 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.

The proposed agenda includes the following:

- New member swearing-in
- A status report from the NCES Commissioner on major Center initiatives; including the reauthorization of NCES and ACES;
- The closed session on the agenda involves discussion about specific cost estimates for future procurements/contracts. The public disclosure of this information would be likely to significantly frustrate implementation of proposed action if conducted in open session. Such matters are protected by exemption (9)(B) of section 552b(c) of Title 5 U.S.C.
- NCES' International Program;
- Enhancing school and state participation in NAEP;

Individual meetings of two ACES Committees will focus on specific topics:

- The agenda for the Statistics Committee includes a discussion of revision of NCES statistical standards, technical issues on adult literacy surveys, and Research and Development studies.
- The agenda for the Policy Committee includes discussion of adjustments of NAEP Data, Coordination of NAEP, TIMSS–R, and PISA reports, and revision of the Integrated Postsecondary Education Data System sample frame.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, National Center for Education Statistics, 1990 K Street NW, Room 9100, Washington, DC 20006.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 00–26344 Filed 10–12–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Special Environmental Analysis for Emergency Actions Taken in Response to the Cerro Grande Fire at the Los Alamos National Laboratory, Los Alamos, NM

AGENCY: National Nuclear Security Administration, DOE.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the Special Environmental Analysis for Actions Taken in Response to the Cerro Grande Fire at the Los Alamos National Laboratory, Los Alamos, New Mexico. The special environmental analysis (SEA) describes the impacts related to the emergency fire suppression, soil erosion and flood control actions by DOE starting in early May 2000 at the time of the Cerro Grande Fire and extending through November 2000. DOE prepared the SEA in compliance with the Council on Environmental Quality National Environmental Policy Act (NEPA) regulations regarding emergency actions. The SEA will be forwarded in October 2000 to the Los Alamos National Laboratory (LANL) to be used for implementation of the mitigation measures described in the document.

ADDRESSES: For copies of the SEA, further information regarding the document or activities described, or to provide comments, contact: Elizabeth Withers, NEPA Compliance Officer, U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544, phone (505) 667–8690, fax (505) 665–4872. The SEA will be available under the DOE NEPA Analyses module of the DOE NEPA web site at http://tis.eh.doe.gov/nepa/.

For more information regarding activities related to the Cerro Grande Fire and the LANL Emergency Rehabilitation Team, including relevant phone numbers, visit the LANL web site at www.lanl.gov.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact Ms. Carol M. Borgstrom, EH–42, Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Ave., SW., Washington,

DC 20585. Ms. Borgstrom may be contacted by calling (202) 586–4600 or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: Pursuant to the Council on Environmental Quality (Council) regulation for implementing NEPA under emergency circumstances (40 CFR 1506.11) and DOE's corresponding NEPA implementing regulation (10 CFR 1021.343), DOE consulted with the Council regarding alternative NEPA compliance arrangements for emergency actions having potentially significant environmental impacts. As a result of the consultations, DOE prepared this SEA of impacts related to the emergency fire suppression, soil erosion and flood control actions by DOE starting in early May 2000 at the time of the Cerro Grande Fire and extending through November 2000. A notice of emergency DOE actions was published in the **Federal Register** on June 21, 2000, which included a brief description of contemplated actions, and their potential impacts, as both were understood at that time. The **Federal Register** notice also served as the Public Notice and Statement of Findings regarding DOE's intention to take action involving construction and other actions within floodplains and wetlands pursuant to DOE's regulations for Compliance with Floodplain/Wetlands Environmental Review Requirements (10 CFR Part 1022). DOE announced the preparation of the SEA at regular public and stakeholder meetings regarding the status of DOE's emergency actions being taken. These status meetings were held weekly in Los Alamos beginning on June 30 and extending through August 11, 2000. The meetings are now being held on a monthly basis, with the first monthly meeting held on September 15, 2000.

DOE is providing copies of the SEA to LANL stakeholders, including tribes and members of the public who have identified themselves as interested parties. DOE has also made the SEA publicly available through the Internet and by placing it in DOE and LANL reading rooms and local public libraries in: Los Alamos, Santa Fe, Espanola, and Albuquerque, New Mexico.

The actions covered in this SEA encompass a wide range of activities, including felling trees, igniting back fires, applying fire-retardants, removing and stabilizing contaminants, and controlling erosion and storm water. In general, DOE actions had localized or limited individual adverse impacts and were designed to protect life and property from the effects of the fire and subsequent soil erosion and surface water runoff caused by seasonally heavy rainfalls. In this respect, the actions had a significant positive cumulative impact at LANL and within the regions of influence for most resources. However, individual projects had some adverse effects, such as loss of habitat for wildlife, primarily resulting from soil and vegetation removal. The SEA does not include an analysis of the impacts that resulted from the Cerro Grande Fire itself. The fire impacts at LANL will be captured in other reports, and specifically, the Annual SWEIS Yearbook will detail the cumulative impacts of the wildfire.

Subsequent Document Preparation

Results of monitoring the mitigation effectiveness and the environmental effects of the emergency actions will be made available to the public through an annual mitigation tracking report. The first annual tracking report will be issued in January 2002 for the Fiscal Year beginning October 1, 2000, and ending on September 30, 2001. DOE will consider any comments received on the SEA and the subsequent documents in pursuing adaptive mitigation measures. Comments should be sent to Ms. Withers as indicated in the **ADDRESSES** section above.

Issued in Washington, DC, on October 5, 2000.

Henry Garson,

NEPA Compliance Officer, Defense Programs, National Nuclear Security Administration.

[FR Doc. 00–26332 Filed 10–12–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–26–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 2000.

Take notice that on October 3, 2000, El Paso Natural Gas Company (El Paso) tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets, with an effective date of November 3, 2000:

First Revised Sheet No. 309A
First Revised Sheet No. 445

El Paso states that the tariff sheets delete El Paso's pro forma Trading Partner Agreement and implement the use of the Gas Industry Standards Board's Model Trading Partner Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26290 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–340–000]

Koch Gateway Pipeline Company; Notice of Technical Conference

October 6, 2000.

On June 15, 2000, Koch Gateway Pipeline Company (Kock Gateway) filed in compliance with Order No. 637. A technical conference to discuss the various issues raised by Koch's filing was held on Wednesday, September 20, 2000.

Take notice that a second technical conference to discuss the issue of segmentation on Kock's system will be held Wednesday, October 25, 2000, at 9:00 am, in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26289 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–29–000]

Michigan Gas Storage Company; Notice of Compliance Filing

October 6, 2000.

Take notice that on October 4, 2000, Michigan Gas Storage company (MGSCo) tendered a filing in compliance with the Commission's September 28, 2000 order in Docket No. RM96–1–016. That order stated that ''pipelines seeking an exemption from the imbalance trading requirement are * * * to show why they should not be required to implement imbalance trading.''

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26291 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–28–000]

Mojave Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 2000.

Take notice that on October 4, 2000, Mojave Pipeline Company (Mojave) tendered for filing to its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of November 4, 2000:

First Revised Sheet No. 242

First Revised Sheet No. 506

Mojave states that the tariff sheets delete Mojave's pro forma Trading Partner Agreement and implement the use of the Gas Industry Standards Board's Model Trading Partner Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26287 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–518–017]

PG&E Gas Transmission, Northwest Corporation; Notice of Proposed Change in FERC Gas Tariff

October 6, 2000.

Take notice that on October 3, 2000, PG&E Gas Transmission, Northwest Corporation (PG&E GTN) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A., Fourth Revised Sheet No. 7.01, to become effective October 1, 2000.

PG&E GTN states that this sheet is being filed to reflect the implementation of one negotiated rate agreement.

PG&E GTN further states that a copy of this filing has been served on PG&E GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26288 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR00–9–000]

PG&E Texas Pipeline, L.P.; Notice of Staff Panel

October 6, 2000.

Take notice that a Staff Panel shall be convened in accordance with the Commission order [1] in the above-captioned docket to allow opportunity for written comments and for the oral presentation of views, data, and arguments regarding the fair and equitable rates to be established for transportation service under section 311 of the Natural Policy Act of 1978 on PG&E Texas Pipeline, L.P.'s system. The Staff Panel will not be a judicial or evidentiary-type hearing and there will be no cross-examination of persons presenting statements. Members participating on the Staff Panel before whom the presentations are made may ask questions. If time permits, Staff Panel members may also ask such relevant questions as are submitted to them by participants. Other procedural rules relating to the panel will be announced at the time the proceeding commences.

The Staff Panel will be held on Friday, October 13, 2000, at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory

[1] See PG&E Texas Pipeline, L.P., 93 FERC ¶ 61,012 (2000).

Commission, 888 First Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26286 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–27–000]

Southern California Gas Company v. El Paso Natural Gas Company; Notice of Complaint

October 6, 2000.

Take notice that on October 4, 2000 pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission's) Rules of Practice and Procedure (18 CFR 385.206), Southern California Gas Company (SoCalGas) filed a Section 5 Complaint against El Paso Natural Gas Company (El Paso).

Specifically, SoCalGas requests the Commission to issue an order: (1) Finding that the SoCalGas/Topock delivery point is fully subscribed on a firm primary basis (without determining which shippers hold firm primary capacity), and was fully subscribed when capacity was awarded commencing January 1, 2000 (Open Season) and subsequently; (2) directing El Paso to cease and desist violating express orders and regulations by continuing to sell firm primary capacity at the SoCalGas/Topock delivery point since no such capacity is available and (3) directing El Paso to schedule capacity acquired during the Open Season and subsequently into the SoCalGas/Topock delivery point on a secondary basis only.

Any person desiring to be heard or to protest this 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 must be filed on or before October 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before October 25, 2000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26285 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES01–1–000, et al.]

Central Illinois Light Company, et al.; Electric Rate and Corporate Regulation Filings

October 5, 2000.

Take notice that the following filings have been made with the Commission:

1. Central Illinois Light Company

[Docket No. ES01–1–000]

Take notice that on October 3, 2000, Central Illinois Light Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue, from time to time between November 1, 2000, and October 31, 2002, short-term debt obligations in an aggregate principal amount not to exceed $150 million at any one time and with final maturities of not later than October 31, 2003.

Comment date: October 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Edison Sault Electric Company

[Docket No. ES01–2–000]

Take notice that on October 3, 2000, Edison Sault Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue not more than $50 million of long-term and/or short-term secured and unsecured debt to its parent corporation, Wisconsin Energy Corporation and other third-party lenders, over a two-year period.

Edison Sault Electric Company also seeks a waiver of the Commission's competitive bidding and negotiated placement requirements in 18 CFR 34.2.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. FirstEnergy Operating Companies American Transmission Systems, Inc.

[Docket Nos. ER99–2609–005 ER99–2647–002]

Take notice that on September 29, 2000, the FirstEnergy Operating Companies (FirstEnergy) and American Transmission Systems, Inc. (ATSI), tendered for filing a notice of cancellation of FirstEnergy's Open Access Transmission Tariff, and a service agreement under which FirstEnergy becomes a customer of ATSI for network integration transmission service. FirstEnergy and ATSI state that the filing is made to implement provisions in the Stipulation and Agreement approved by FERC on March 16, 2000 in the above-referenced dockets.

FirstEnergy and ATSI state further that they have served the filing on all parties to the proceeding.

Comment date: October 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Ameren Services Company

[Docket No. ER01–1–000]

Take notice that on October 2, 2000, Ameren Services Company (ASC), tendered for filing Service Agreements for Long-Term Firm Point-to-Point Transmission Services between ASC and Ameren Energy, as Agent for Ameren Services Company and Reliant Energy Services, Inc. ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. The Detroit Edison Company

[Docket No. ER01–2–000]

Take notice that on October 5, 2000, The Detroit Edison Company (Detroit Edison), tendered for filing Service Agreements (Service Agreements) for Short Term Firm and Non-Firm Point-to-Point Transmission Service under the Open Access Transmission Tariff of Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Cinergy Services, Inc., dated as of August 29, 2000. The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing.

Also Detroit Edison tenders for filing Service Agreements (Service Agreements) for Short-term Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Cinergy Services, Inc., dated as of August 29, 2000.

Detroit Edison requests that the Service Agreements be made effective as rate schedules as of September 29, 2000.

The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Company

[Docket No. ER01–3–000]

Take notice that on October 2, 2000, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement (Service Agreement) for Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. The Service Agreement is between Detroit Edison and DTE Energy Marketing, dated as of August 3, 2000.

Also Detroit Edison tenders for filing a Service Agreement (Service Agreement) for Firm Point-to-Point Transmission Service under the Open Access Transmission Tariff of Detroit Edison, FERC Electric Tariff No. 1. This Service Agreement is between Detroit Edison and DTE Energy Marketing, dated as of August 3, 2000.

The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of September 5, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. The Detroit Edison Company

[Docket No. ER01–4–000]

Take notice that on October 2, 2000, The Detroit Edison Company (Detroit Edison), tendered for filing Service Agreements (Service Agreement) for Short Term Firm and Non-Firm Point-to-Point Transmission Service under the Open Access Transmission Tariff of Detroit Edison, FERC Electric Tariff No. 1. This Service Agreement is between Detroit Edison and Connectiv Energy Supply, dated as of July 19, 2000.

Also Detroit Edison tenders for filing a Service Agreement (Service Agreement) for Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. The Service Agreement is between Detroit Edison and Connectiv Energy Supply, Inc., dated as of July 19, 2000.

The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of August 18, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. The Detroit Edison Company

[Docket No. ER01–5–000]

Take notice that on October 2, 2000, The Detroit Edison Company (Detroit Edison), tendered for filing Service Agreements (Service Agreements) for Short-term Firm and Non-Firm Point-to-Point Transmission Service under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Rainbow Energy Marketing Corporation, dated as of August 31, 2000.

Also Detroit Edison tendered for filing Service Agreements (Service Agreements) for Short Term Firm and Non-Firm Point-to-Point Transmission Service under the Open Access Transmission Tariff of Detroit Edison, FERC Electric Tariff No. 1. These Service Agreements are between Detroit Edison and Rainbow Energy, dated as of August 31, 2000.

The parties have not engaged in any transactions under the Service Agreements prior to thirty days to this filing. Detroit Edison requests that the Service Agreements be made effective as rate schedules as of September 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Puget Sound Energy, Inc.

[Docket No. ER01–6–000]

Take notice that on October 2, 2000, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Sacramento Municipal Utility District (SMUD) as Transmission Customer.

A copy of the filing was served upon SMUD.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Ameren Energy Marketing Company

[Docket No. ER01–7–000]

Take notice that on October 2, 2000, Ameren Energy Marketing Company (AEM), pursuant to Section 205 of the Federal Power Act (FPA), 16 U.S.C. § 824d, and the market-based rate authority provided to it by the Commission, Ameren Energy Marketing Company (AEM) filed an amendment to an existing Electric Service Agreement with Soyland Power Cooperative, Inc., currently on file with the FERC.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–8–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Associated Power Services, Inc. (now PanCanadian Energy Services Inc.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 35.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–9–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Citizens Lehman Power Sales (now Citizens Power LLC), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 18.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–10–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and

Coastal Electric Services Company, FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 30.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–11–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and AES Power, Inc., FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 39.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–12–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Koch Power Services (now Koch Energy Trading, Inc.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 26.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER01–13–000]

Take notice that on October 2, 2000, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), tendered for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Electric Clearinghouse, Inc., FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 10.

GPU Energy requests that cancellation be effective November 29, 2000.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Ameren Energy Marketing Company, Union Electric Company d/b/a AmerenUE

[Docket No. ER01–14–000]

Take notice that on October 2, 2000, Ameren Energy Marketing Company (AEM), pursuant to Section 205 of the Federal Power Act (FPA), 16 U.S.C. § 824d, and Part 35 of the Federal Energy Regulatory Commission's (FERC or Commission) Regulations issued thereunder, 18 CFR 35, tendered for filing an agreement with Union Electric Company d/b/a AmerenUE (AmerenUE) allowing for the substitution of AEM as the contracting party under certain jurisdictional agreements.

AEM seeks an effective date of September 1, 2000, for this agreement.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. The United Illuminating Company

[Docket No. ER01–15–000]

Take notice that on October 2, 2000, The United Illuminating Company (UI) tendered for filing an Interconnection Agreement with Quinnipiac Energy LLC.

UI requests an effective date of October 2, 2000.

UI states that a copy of this filing has been sent to Quinnipiac Energy.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Arizona Public Service Company

[Docket No. ER01–31–000]

Take notice that on October 2, 2000, Arizona Public Service Company (the Company), tendered for filing an informational report on refunds of over-billed amounts to certain wholesale customers through the Company's FERC Fuel Adjustment Clause.

Copies of this filing have been served upon the affected parties as follows:

Customer Name	APS–FPC/FERC Rate
Schedule	
Electrical District No. 3 (ED–3)	12.
Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk)	58.
Electrical District No. 1 (ED–1)	68.
Town of Wickenburg (Wickenburg)	74, APS–FERC Electric Tariff Vol No. 3.
Southern California Edison Company (SCE)	120.
City of Williams (Williams)	192.
San Carlos Indian Irrigation Project (SCIIP)	201.
Electrical District No. 6 (ED–6)	APS–FERC Electric Tariff Vol No. 3.
Electrical District No. 7 (ED–7)	APS–FERC Electric Tariff Vol No. 3.
Electrical District No. 8 (ED–8)	APS–FERC Electric Tariff Vol No. 3.
Aguila Irrigation District (AID)	APS–FERC Electric Tariff Vol No. 3.
McMullen Valley Water Conservation and Drainage District (MVD)	APS–FERC Electric Tariff Vol No. 3.
Tonopah Irrigation District (TID)	APS–FERC Electric Tariff Vol No. 3.
Harquahala Valley Power District (HVPD)	APS–FERC Electric Tariff Vol No. 3.
Buckeye Water Conservation and Drainage District (Buckeye)	APS–FERC Electric Tariff Vol No. 3.
Roosevelt Irrigation District (RID)	APS–FERC Electric Tariff Vol No. 3.
Maricopa County Municipal Water Conservation District (MCMWCD)	APS–FERC Electric Tariff Vol No. 3.
City of Williams (Williams) the California Public Utilities Commission and the Arizona Corporation Commission.	APS–FERC Electric Tariff Vol No. 3.

Comment date: October 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26283 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM99–2–000]

Regional Transmission Organizations; Notice Providing Further Details on Procedures for Order No. 2000 Filings

October 6, 2000.

In a notice issued on July 20, 2000,[1] the Commission offered guidance on procedures for making filings in compliance with Order No. 2000[2] and the regulations promulgated by that order.[3] This notice provides further details on filing procedures in response to questions addressed to the Secretary's office.

Timing of Filings

Section 35.34(c) sets forth the general rule that filings are due by October 15, 2000, and section 35.34(h) establishes January 15, 2001 as the deadline for public utilities already participating in approved transmission entities.[4] Attached as an appendix to the July 20 notice was a list of the public utilities that the Commission deems to be within section 35.34(h) with a January 15, 2001 filing deadline. It has been called to the Commission's attention that some public utilities that should be subject to the January 15, 2001 filing deadline were inadvertently omitted from that appendix. This omission will not be considered controlling for compliance purposes. Any public utility required to make an Order No. 2000 compliance filing, and that satisfies the section 35.34(h) criteria,[5] may file by January 15, 2001 even if inadvertently omitted from the appendix. Any public utility required to make an Order No. 2000 compliance filing that does not meet the section 35.34(h) criteria is expected to make a filing specified by section 35.34(d) or (g) by October 15, 2000.[6]

Docketing of Filings

The Commission has established the new ''RT'' prefix for docket numbers that will be assigned to any filing made in compliance with Order No. 2000. The Commission requests that all public utilities making compliance filings required by section 35.34(c) or (h) of the regulations put the ''RT'' docket prefix in the docket area of their filings.

The Commission intends to assign the same docket number to all components of a single RTO proposal, including any filings made pursuant to sections 203 and 205 of the Federal Power Act and any petitions for declaratory order pursuant to section 35.34(d)(3) of the regulations. Accordingly, those filing an RTO proposal are encouraged to file it as a single package and clearly identify how the contents of the package satisfy all applicable statutory and regulatory requirements.

Filings by Non-Jurisdictional Entities

To the extent any non-public utility (that is not subject to Federal Power Act section 203 or 205 jurisdiction) wants to make a voluntary filing regarding how its electric transmission facilities may or may not be included in an RTO, it may do so in the following ways. If the non-public utility is participating in an RTO proposal, it may join in the RTO filing without jeopardizing its non-jurisdictional status. If the non-public utility wishes to comment on a particular RTO compliance filing, it may do so during the comment period that will be established in the notice of each compliance filing. Finally, if the non-public utility wishes to make an informational filing informing the Commission generally of its status with respect to RTO formation, it may make such a filing in Docket No. RT01–1–000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26292 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

October 6, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested off-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to

[1] Notice of Guidance for Processing Order No. 2000 Filings, 92 FERC ¶ 61,048 (2000).

[2] Regional Transmission Organizations, Order No. 2000, 65 Fed. Reg. 809 (January 6, 2000), FERC Stats. and Regs. ¶ 31,089 (1999), *order on reh'g,* Order No. 2000–A, 65 Fed. Reg. 12,088 (March 8, 2000), FERC Stats. and Regs. ¶ 31,092 (2000).

[3] 18 CFR 35.34.

[4] Because October 15, 2000 falls on a Sunday, and January 15, 2001 falls on a holiday, the filings are due by close of business on October 16, 2000, and January 16, 2001, respectively. *See* 18 CFR 385.2007(a)(2).

[5] Section 35.34(h) applies to every ''public utility that owns, operates or controls facilities used for the transmission of electric energy in interstate commerce as of March 6, 2000, and that has filed with the Commission on or before March 6, 2000 to transfer operational control of its facilities to a transmission entity that has been approved or conditionally approved by the Commission on or before March 6, 2000 as being in conformance with the eleven ISO principles set forth in Order No. 888 * * *.''

[6] With respect to any public utility that has filed to transfer operational control of its transmission facilities to an approved transmission entity as defined in section 35.34(h) but had not done so as of March 6, 2000, and with respect to any public utility that has made a firm commitment to participate in an RTO compliance filing that will be made by January 15, 2001, the filing due by October 15, 2000 may be brief, but should state clearly the filer's intent to participate in the future compliance filing.

respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http:/www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Project No.	Date	Name
Exempt:		
1. CP00–232–000	9–15–00	Warren Geisler, M.D.
2. CP00–65–000	9–25–00	Clifford G. Day.
3. Project No. 2146–081	9–25–00	Aubry Q. Cohon.
4. Project No. 1864–005	9–18–00	Honorable Don Koivisto.
5. Project No. 1864–005	9–6–00	Richard G. Gerrits.
6. Project No. 1864	7–28–00	Randy Kemp.
7. Project No. 1864	9–7–00	Gerald and Hetty Gray.
8. Project No. 1864	9–2–00	Richard J. Matrello.
9. Project No. 10875–001	9–27–00	Stephen L. Saunders.
10. Project No. 2146–081	9–26–00	Steve Means. Randy B. Kelley, Robert W. Echols, Jr. Dawson Partee. Douglas M. Weems. Robert Avery. Bill C. Stewart.
11. Project No. 2146–081	9–26–00	Donna E. Graham.
12. Project No. 2146–081	9–14–00	Jerry and Iralene Dowdy.
Prohibited:		
1. Project No. 9974–043	9–22–00	Kenneth J. Robillard.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–26284 Filed 10–12–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Rate Order No. WAPA–94

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order.

SUMMARY: This action is to approve the existing Boulder Canyon Project (BCP) electric service ratesetting formula, Rate Order No. WAPA–70, through September 30, 2005, and to approve the Fiscal Year (FY) 2001 Base Charge and Rates. The existing electric service ratesetting formula and base charge and rates will expire September 30, 2000. This notice for approval of the ratesetting formula and the FY 2001 Base Charge and Rates are issued under 10 CFR part 903.

FOR FURTHER INFORMATION CONTACT: Mr. Maher Nasir, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 352–2768, or by e-mail: nasir@wapa.gov.

SUPPLEMENTARY INFORMATION: By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); and (2) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). In Delegation Order No. 0204–172, effective November 24, 1999, the Secretary delegated the authority to the confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary. Existing Department of Energy (DOE) procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835). DOE procedures have been followed by Western in developing this provisional electric service ratesetting formula.

The project began with 1928 legislation approving construction of the BCP. The 1928 legislation provided for a dam to be built in the Black Canyon located on the Colorado River adjacent to the Arizona/Nevada border. Commercial power generation began in 1936 with yearly average generation of 4.5 billion kilowatthours (kWh). Its installed capacity is 2,074 megawatts (MW).

BCP power is marketed in three states; Arizona, California, and Nevada under the Hoover Power Plant Act of 1984 and following the marketing plan approved and published in the **Federal Register** on December 28, 1984. The power is marketed as long-term contingent capacity and firm energy. This capacity and firm energy are available as long as sufficient water in the reservoir allows Western to meet its delivery obligations. If sufficient water to support Contractors' capacity entitlements is not available, each Contractor's capacity entitlement is temporarily reduced. Contractors are entitled to receive 4.5 billion kWh of firm energy each year. If generation at Hoover Powerplant is less than that, Western can purchase energy to make up the shortfall at the request of individual Contractors on a pass-through cost basis.

The Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 requires Western, prior to October 1 of each Rate Year, to determine the next FY annual base

charge and rates. The Base Charge and Rates for the first rate year and each fifth FY thereafter, shall become effective provisionally upon approval by the Deputy Secretary of Energy subject to final approval by the FERC. For all other FYs, the rate shall become effective upon approval by the Deputy Secretary of Energy.

Western will continue to provide the Contractors an annual base charge and rates by October 1 of each year using the same ratesetting formula. The base charge and rates are reviewed annually and adjusted upward or downward to assure sufficient revenues to achieve payment of all costs and financial obligations associated with the project. Each FY, Western prepares a power repayment study that includes estimates of annual revenues and expenses for the BCP including interest and capitalized costs.

Western's BCP electric service ratesetting formula was submitted to FERC for confirmation and approval on October 31, 1995. On April 19, 1996, in Docket No. EF96–5091–000 at 75 FERC ¶ 62,050, FERC issued an order confirming, approving, and placing into effect on a final basis the electric service ratesetting formula for BCP. The ratesetting formula set forth in Rate Order No. WAPA–70 was approved for a period beginning November 1, 1995, and ending September 30, 2000.

Western proposes to extend the existing ratesetting formula, and approve the proposed FY 2001 Base Charge of $47,788,574, and Rates of $0.99/kWmonth for capacity and 5.04 mills/kWh for energy, which ensures sufficient revenues to pay for the BCP project expenses, interest, and capital requirements through September 30, 2001. Increased annual expenses have contributed to the proposed annual rate adjustment.

In accordance with 10 CFR part 903, Western held a consultation and comment period. The notice of the proposed ratesetting formula and for the proposed FY 2001 Base Charge and Rates of the electric service was published in the **Federal Register** on March 10, 2000.

Following review of Western's proposal within the Department of Energy, I approved Rate Order No. WAPA–94, on an interim basis, for the Boulder Canyon Project electric service Rate Schedule BCP–F6 through September 30, 2005, and the FY 2001 Base Charge and Rates through September 30, 2001.

Dated: September 18, 2000.

T.J. Glauthier,

Deputy Secretary.

Order Approving the Boulder Canyon Project Electric Service Ratesetting Formula and the FY 2001 Base Charge and Rates

This ratesetting formula was established under section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)), through which the power marketing functions of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), were transferred to and vested in the Secretary of Energy (Secretary).

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary delegated (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of the Western Area Power Administration (Western); and (2) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC).

In Delegation Order No. 0204–172, effective November 24, 1999, the Secretary delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary. Existing Department of Energy (DOE) procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835). Procedures for approving Power Marketing Administration rates by FERC are found in 18 CFR part 300.

Acronyms and Definitions

As used in this rate order, the following acronyms and definitions apply:

BCP: Boulder Canyon Project.

Base Charge: The total charge paid by a Contractor for capacity and energy based on the annual revenue requirement, under section 13 of the BCPIA effective February 17, 1995. The base charge shall be composed of a capacity component and an energy component.

BCPIA: The Boulder Canyon Project Implementation Agreement which became effective February 17, 1995. The agreement resolved eleven rate-related issues: (1) Replacements; (2) Visitor Facilities; (3) Amendment to Regulations; (4) Multi-Project Benefits and Costs; (5) Engineering & Operating Committee (E&OC) and Coordinating Committee; (6) Billing and Payment; (7) Operating Amount and Working Capital; (8) Audits; (9) Principal Payments; (10) Annual Rate Adjustments; and (11) Uprating Credits.

Calculated Energy Rate: The calculated amount equal to 50 percent of the annual revenue requirement for each FY divided by the energy deemed delivered in such FY.

Capacity Dollar: The amount of revenue to be billed for BCP capacity sales for each FY. Such amount shall be 50 percent of the annual revenue requirement, adjusted for the annual capacity credit in accordance with section 13.9 of the BCPIA.

Contractors: An entity with a contract and receiving service from Western's Desert Southwest Customer Service Region. The BCP Contractors are: City of Anaheim, Arizona Power Authority, City of Azusa, City of Banning, City of Boulder City, City of Burbank, Colorado River Commission, City of Colton, City of Glendale, City of Los Angeles Department of Water & Power, Metropolitan Water District of Southern California, City of Pasadena, City of Riverside, Southern California Edison, and City of Vernon.

DOE: Department of Energy.

DOE Order RA 6120.2: An order identifying the financial reporting and rate-making procedures for the power marketing administrations.

Energy Dollar: The amount of revenue to be billed for BCP energy sales for each FY. Such amount shall be 50 percent of the annual revenue requirement, adjusted for the annual capacity credit in accordance with section 13.9 of the BCPIA.

FERC: Federal Energy Regulatory Commission.

FY: Fiscal Year, October 1 through September 30.

Forecast Capacity Rate: Equals the Capacity Dollar divided by 1,951,000 kWs.

Forecast Energy Rate: Equals the Energy Dollar divided by the lesser of the energy forecasted in the total master schedule or 4,501.001 million kWhs.

Hoover Dam: The dam on the Colorado River which forms Lake Mead.

kW: Kilowatt.

kWh: Kilowatthour.

mills/kWh: Mills per kilowatthour.

NEPA: National Environmental Policy Act of 1969.
OM&R: Operation, maintenance, and replacement.
PRS: Power Repayment Study.
Project Act: The Boulder Canyon Project Act authorizing the construction of Boulder Canyon Project dated December 21, 1928 (43 U.S.C. 617, *et seq.*).
Rates: A forecast energy rate and a forecast capacity rate.
Rate Year: The next FY for which the annual revenue requirement is forecast for annual rate determination purposes in the PRS.
Reclamation: United States Department of the Interior, Bureau of Reclamation.
Western: United States Department of Energy, Western Area Power Administration.

Effective Date

This Rate Order No. WAPA–94 approves the existing ratesetting formula and the FY 2001 Base Charge and Rates which will take effect on October 1, 2000. The ratesetting formula will be in effect on an interim basis, pending FERC's approval of this or a substitute ratesetting formula on a final basis for a 5-year period ending September 30, 2005, or until superseded.

Public Notice and Comment

Western held a consultation and comment period under 10 CFR part 903. A **Federal Register** notice was published March 10, 2000, announcing Western's proposal to extend the existing ratesetting formula, and of the calculation of the FY 2001 Base Charge and Rates. The notice also announced a public information forum on April 13, 2000, and a public comment forum on May 9, 2000.

On March 30, 2000, Western met with the Contractors and again notified them of Western's intent to extend the existing ratesetting formula and presented the proposed calculation of the FY 2001 Base Charge and Rates. Western discussed in detail the FY 2001 budget and capital expenditures. This Order is for approval of the existing ratesetting formula and the calculation of the FY 2001 Base Charge and Rates.

Project Description

The BCP was authorized for construction by the Project Act. The Project Act provided for a dam to be built in the Black Canyon located on the Colorado River adjacent to the Arizona-Nevada border. The dam was built for the express purposes of: (1) Controlling the flooding in the lower regions of the Colorado River drainage system, (2) improving navigation of the Colorado River and its tributaries, (3) regulating the Colorado River, while providing storage and delivery of the stored water for the reclamation of public lands; and (4) generating electrical energy as a means of making the BCP a self-supporting and financially solvent undertaking.

Construction of Hoover Dam, formerly known as Boulder Dam, began in 1930. Commercial power generation began in 1936 with the first generating unit of the powerplant going into service in 1937. The Hoover Powerplant has 19 generating units and an installed capacity of 2,074 MW.

The Hoover Powerplant Act of 1984 sets forth the amounts of Hoover power to be sold beginning June 1, 1987, to the 15 Contractors located in the states of Arizona, California, and Nevada.

Power Repayment Studies

The BCPIA Contract No. 95–PAO–10616 requires that the amount of each annual Base Charge and Rates be reviewed annually prior to October 1 and adjusted upward or downward, and to take effect in the first billing period of the Rate Year. Each FY Western estimates BCP expenses by preparing a PRS that includes estimates for OM&R costs for the BCP to determine the annual revenue requirement for the next FY. The preparation of each FY's PRS includes adjustments from estimated to actual dollars in the previous year's PRS. Any adjustments required, whether resulting in an increase or decrease of the annual revenue requirement, are carried forward and included in the estimated revenue requirement used to calculate the next year's rate.

Each annual Base Charge pays the annual amortized portion of the United States' investment in the BCP facilities with interest and associated OM&R costs. This repayment schedule does not depend upon the power and energy made available for sale or the rate of generation each year.

Certification of Rate

Western's Administrator has certified that the BCP electric service ratesetting formula determining the annual Base Charge and Rates placed into effect on an interim basis is consistent with applicable laws, policies, regulations, agreements, and departmental orders and the calculation of the FY 2001 Base Charge and Rates is the lowest consistent with sound business principles.

Discussion

According to Reclamation law, Western must establish power rates sufficient to recover operation, maintenance, and purchase power expenses, and to repay the Federal Government's investment in generation and transmission facilities. Rates must also be set to cover interest expenses on the unpaid balance of facilities' investments, and replacements and additions, and certain non-power costs in excess of the irrigation users' ability to pay.

Western prepares an annual PRS that identifies the estimated annual revenue requirement for the next FY. In accordance with the contracts, expenses for replacements and additions are included in the annual anticipated OM&R. The existing ratesetting formula for the BCP requires that each year the Contractors pay the total estimated annual revenue requirement in return for up to 1,951,000 kWs of capacity and 4,501.001 million kWhs of energy. The capacity and energy, produced up to the above limits at the BCP, are allocated to the Contractors on a percentage basis. The existing ratesetting formula for the annual Base Charge and Rates satisfies the cost-recovery criteria set forth in DOE Order RA 6120.2.

Statement of Revenue and Related Expenses

The annual revenue requirement for the BCP is based upon the PRS calculations for future requirements, which will be adjusted when FY actuals are known. The following tables provide a summary of the revenues and expenses for the existing electric service ratesetting formula and also the projected revenues and expenses for the proposed 5-year electric service ratesetting formula.

BCP REVENUES AND EXPENSES, FY 1996–2000

[$1,000]

Item	Actual	Projected	Difference
Total Revenues	$276,372	$315,522	
Sum of Prior Year's Revenue Adjustment	(4,122)	0	
Adjusted Total Revenues	272,250	315,522	($43,272)
Revenue Distribution:			
O&M	116,148	131,051	(14,903)
Payments to States	3,000	3,000	0
Other	20,604	23,201	(2,597)
Uprating Payments	58,102	74,699	(16,597)
Replacements	17,612	20,402	(2,790)
Working Capital	(1,347)	653	(2,000)
Interest	62,032	62,577	(546)
Investment replayment	14,185	13,577	930
Prior Year Carryover	(9,878)	(13,317)	(3,439)
Sum of Prior Year's Expense Adjustment	(8,208)	0	(8,208)
Total Revenue Distribution	272,250	315,522	(43,272)

BCP 5-YEAR PROJECTIONS, REVENUES AND EXPENSES

[$1,000]

	FY 2001–2005 projections
Total Revenues	$317,809
Revenue Distribution:	
O&M	141,448
Payments to States	3,000
Other Expense	42,490
Uprating Payments	55,751
Replacements	9,456
Working Capital	0
Interest	57,792
Investment Repayment	9,811
Carryover	(1,939)
Total Revenue Distribution	317,809

Basis for Rate Development

The annual Energy Dollar and Capacity Dollar are designed to maintain a 50/50 split between revenue earned from energy sales and the capacity credit revenue adjustment to resolve the historic imbalance between revenues collected from capacity and energy. The cost to an individual BCP Contractor varies because of the differences in each BCP Contractor's entitlement.

Each Contractor is billed a monthly Base Charge comprised of: (1) An energy charge equal to the Rate Year Energy Dollar multiplied by the Contractor's firm energy percentage multiplied by its monthly energy ratio; and (2) a capacity charge equal to the Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's contingent capacity percentage. The monthly Base Charge is due and payable regardless of the amount of power and energy produced by BCP. The annual Base Charge does not depend upon the amount of power and energy made available for sale.

In addition to the Contractor's monthly Base Charge, a Forecast Energy Rate and a Forecast Capacity Rate are calculated and applied to: (1) Excess energy; (2) unauthorized overruns; and (3) water pump energy.

At the end of the FY, and once the actual energy deemed delivered is known, Western determines a Calculated Energy Rate. If the actual energy deemed delivered is greater than 4,501.001 million kWhs, Western then applies the Calculated Energy Rate to each Contractor's energy deemed delivered to determine the Contractor's actual energy charge. Western then establishes a credit or debit for each Contractor based on the difference between the Contractor's Energy Dollar and the Contractor's actual energy charge. The credit or debit is then applied to the Contractor's next power bill.

Comments

During the public consultation and comment period, Western received 4 written comment letters on the annual rate adjustment. In addition, 5 contractor representatives commented during the May 9, 2000, public comment forum. All comments received by the end of the public consultation and comment period on June 8, 2000, that were relevant to this rate process, were reviewed and considered in preparing this rate order.

Written comments were received from:

Arizona Power Authority, AZ
Colorado River Commission, NV
Irrigation & Electrical Districts Association of Arizona, AZ
Metropolitan Water District of Southern California, CA

Comments dealt with specific cost allocation methodologies, unbundling of the Visitor Center cost components, civil service retirement costs, providing timely information to the Contractors, and commitment to maintaining the schedule for the various processes implemented under the BCPIA. All comments supported Western's efforts to reduce the Base Charge and Rates. The following is a summary of all relevant comments received and Western's responses to those comments. Comments and responses are paraphrased for brevity. Specific comments are used for clarification where necessary.

Rate Impacting Issues

Comment: A major component of the increase in revenue requirements at Hoover is associated with efforts to increase and ensure unit availability through capital investments. Can Western and Reclamation provide an estimate of the expected increase in unit availability?

Response: This issue of unit availability was discussed at the Engineering and Operating Committee (E&OC) meeting held May 17, 2000, in Las Vegas, NV. As an agenda item for the upcoming E&OC meeting in October 2000, Contractors are to decide, as a group, how important plant availability is to them and subsequently provide that information to Western and Reclamation as input into the decision making process related to capital investments.

Comment: A Contractor requested a response from Western regarding a

Contractor proposal whereby the costs for the Buchanan Boulevard Project be allocated in proportion to the voltage of each project's/entity's transmission lines interconnected at Mead rather than allocating the total costs among Western's three projects.

Response: Western believes the contractor proposal is incomplete or too vague at this time to determine whether it would be a more appropriate method than Western's current allocation method. Western's current allocation of the total costs for the Buchanan Boulevard Project is allocated between Western's three projects that are interconnected at Mead Substation. Based upon this logic, approximately one-third is allocated to BCP, one-third to the Parker-Davis Project, and one-third to the Pacific Northwest-Pacific Southwest Intertie Project.

As stated during the informal stage of the rate process, Western is pursuing non-reimbursable emergency funding from the Federal Highway Administration. In the event that Western is not successful in obtaining this funding, Western will conduct a re-evaluation of the current allocation method, at which time Western would further consider the Contractor's proposal.

Comment: A Contractor requested that costs related to the Visitor Center and Parking Structure be accounted for as Visitor Services expense rather than regular O&M expense. The Contractors also requested a meeting to discuss various Visitor Services issues.

Response: A meeting was held on June 29, 2000, with Reclamation, Western, and the Contractors to discuss this issue. It was agreed by all that beginning in FY 2001, the expenses related to the Visitor Services would be accounted for as such, and not be included under regular O&M expense.

Comment: A Contractor expressed concern that the costs due to the FERC open access orders and additional costs to power marketing services are inappropriately charged to the existing power Contractors. The Contractors are recommending that Western and the BCP Contractors revisit the cost allocation procedures and determine a more equitable determination of allocating the costs to the projects.

Response: Western is currently seeking to schedule a meeting with the Contractors to discuss organizational responsibilities and how each organization within the Desert Southwest Region allocates their costs.

Comment: The Contractors stated they believe Western has no authority to collect civil service retirement costs in their rates.

Response: DOE General Counsel stated by memorandum dated July 1, 1998, the Power Marketing Administrations (PMAs) have the authority to collect, through the rates, the full costs of the retirement benefits. In addition, FERC has issued numerous orders approving the inclusion of such costs in PMA rates: *Western Area Power Administration* (Intertie Project), 87 FERC ¶ 61,346 (1999), *Southeastern Power Administration,* 86 FERC ¶ 61,195 (1999), and *Southeastern Power Administration,* 91 FERC ¶ 61,272 (2000). Under the provisions of the Boulder Canyon Project Adjustment Act, 43 U.S.C. 618–618p, all receipts from the BCP shall be paid into the Colorado River Dam Fund (CRDF) and are available for defraying the costs of operation. The total dollars associated with these costs, collected into the CRDF, under these authorities, through FY 2001 is approximately $4.9 million.

General Issues

Comment: A Contractor commented that Western and Reclamation need to work harder on cost control and containment in the future.

Response: Western and Reclamation have worked very diligently with the BCP Contractors under the BCPIA, and will continue to work on cost control and containment in coordination with the Contractors. This collaborative process has held total expenses to less than an average annual increase of 2 percent since FY 1994.

Comment: A Contractor noted the importance and need to pay attention to the change in discretionary components of the budget and not allow fixed components to ''muddy the water.''

Response: Western and Reclamation are aware of the cost components in the annual budgets that are considered discretionary items versus fixed items. The various annual processes allow us to focus on the discretionary items. However, in the future, Western will present the discretionary items separately from the fixed items, and demonstrate the impacts of both, on the annual Base Charge and Rates.

Comment: A Contractor emphasized its concern for rate increases, and that BCP power was three-fourths of their annual operating budget.

Response: Western and Reclamation are committed to continue working with the BCP Contractors in keeping increases in the Base Charge and Rates the lowest possible consistent with sound business principles.

Comment: A Contractor noted the need for more communications to extend beyond the various processes, among Western, Reclamation, and the Contractors to ensure common understanding of a Contractor's intent regarding questions, and the appropriate responses.

Response: In addition to the E&OC, the ten year operating plan, and the technical review committee processes, Western and Reclamation are open to more communications with the Contractors. Both agencies are committed to enforcing the appropriate time tables and are open to more opportunities for better communications for understanding Contractor needs during, and outside of, each process at the Contractor's request.

Comment: The Contractors stated the need for more timely processes. The Contractors also commented that they fully expect Western and Reclamation to resolve, within the very near future, the causes of the encumbrances by other activities, resulting in information not being made available to them due to lack of resources.

Response: Western and Reclamation apologize for the delay, lack of information provided, and short turn around for Contractor comment in the current ten year operating plan process. Both agencies are committed to working diligently through future annual processes, and in a timely manner, as set forth and agreed to, under Section 12 and Appendix D of the BCPIA.

Comment: A commentor stated that the E&OC process is ''flawed'' because of the continuing increase in revenue requirements for BCP, and that the E&OC has the wrong focus. Rather than justifying annual cost increases, they need to refocus on the approach to ''budgeting,'' and hold Western and Reclamation to the goal of a 2- to 3-percent increase from year to year.

Response: Western and Reclamation do not agree that the E&OC process is flawed, given the accomplishments of the E&OC since February 1995. Processes were implemented that created the existing rate methodology of an annual Base Charge for the purchase of Hoover power, which is derived from the annual revenue requirement and the contractual entitlement percentages, rather than paying an annual energy and capacity rate based on projected annual hydrology. The annual ten year operating plan process was developed under the E&OC and allows for Contractor input and review of the annual plan that impacts the annual Base Charge and Rates. Each FY, a final operating plan is published with Western, Reclamation, and the Contractors agreeing to the increases in annual expenses that go forth in the annual rate process. In addition to these

processes, Western and Reclamation are committed to continue working with the Contractors to mitigate the annual increases and are open to additional meetings with the Contractors. Once again, as an example of Western's and Reclamation's commitment to minimizing year to year cost increases, since 1994, BCP's total expenses have increased by less than an average of 2 percent per year through FY 2000.

Comment: A Contractor requests that Western commit to implementing an accounting process that identifies direct costs associated with the generation and transmission functions.

Response: Western is planning to implement direct charging work order numbers during the forthcoming FY.

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321, *et seq.*; Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined that this action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving rates or services applicable to public property.

Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Availability of Information

Information regarding this ratesetting formula and the calculation of the FY 2001 Base Charge and Rates, including PRSs, letters, memorandums, and other supporting material made or kept by Western used to develop the provisional ratesetting formula, is available for public review in the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, AZ 85009–5313; and in the Power Marketing Liaison Office, Room 8G–027, 1000 Independence Avenue SW., Washington, DC 20585–0001.

Submission to Federal Energy Regulatory Commission

The ratesetting formula and the calculation of the FY 2001 Base Charge and Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and approval.

Order

In view of the foregoing and under the authority delegated to me by the Secretary, I hereby approve on an interim basis, effective October 1, 2000, Rate Schedule BCP–F6 for electric service, and the FY 2001 Base Charge and Rates for the Boulder Canyon Project. Rate Schedule BCP–F6 will be in effect on an interim basis, pending FERC confirmation and approval or a substitute ratesetting formula on a final basis through September 30, 2005.

Dated: September 18, 2000.

T.J. Glauthier,

Deputy Secretary.

Boulder Canyon Project; Schedule of Rates for Electric Service

[Rate Schedule BCP–F6; (Supercedes BCP–F5)]

Effective: The first day of the first full billing period beginning on or after October 1, 2000, and remaining in effect through September 30, 2005, or until superseded.

Available: In the marketing area serviced by the Boulder Canyon Project (BCP).

Applicable: To power contractors served by the BCP supplied through one meter, at one point of delivery, unless otherwise provided by contract.

Character and Conditions of Service: Alternating current at 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

Base Charge: The total charge paid by a contractor for annual capacity and energy based on the annual revenue requirement. The Base Charge shall be composed of an energy component and a capacity component:

Energy Charge: Each Contractor shall be billed monthly an energy charge equal to the Rate Year Energy Dollar multiplied by the Contractor's firm energy percentage multiplied by the Contractor's monthly energy ratio as provided by contract.

Capacity Charge: Each Contractor shall be billed monthly a capacity charge equal to the Rate Year Capacity Dollar divided by 12 multiplied by the Contractor's contingent capacity percentage as provided by contract.

Forecast Rates:

Energy: Shall be equal to the Rate Year Energy Dollar divided by the lesser of the total master schedule energy or 4,501.001 million kWhs. This rate is to be applied for use of excess energy, unauthorized overruns, and water pump energy.

Capacity: Shall be equal to the Rate Year Capacity Dollar divided by 1,951,000 kWs, to be applied for use of unauthorized overruns.

Calculated Energy Rate: Within 90 days after the end of each rate year, a Calculated Energy Rate shall be calculated. If the energy deemed delivered is greater than 4,501.001 million kWhs, then the Calculated Energy Rate shall be applied to each Contractor's energy deemed delivered. A credit or debit shall be established based on the difference between the Contractor's Energy Dollar and the Contractor's actual energy charge, to be applied the following month calculated or as soon as possible thereafter.

Lower Basin Development Fund Contribution Charge: The contribution charge is 4.5 mills/kWh for each kWh measured or scheduled to an Arizona purchaser and 2.5 mills/kWh for each kWh measured or scheduled to a California or Nevada purchaser, except for purchased power.

Billing for Unauthorized Overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual power obligations, such overrun shall be billed at 10 times the Forecast Energy Rate and Forecast Capacity Rate. The contribution charge shall be applied also to each kWh of overrun.

Adjustments: None.

[FR Doc. 00–26331 Filed 10–12–00; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–6]

Agency Information Collection Activities: Proposed Collection; Comment Request; Assessing Public Opinions on Visibility Impairment Due to Air Pollution

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 EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Assessing Public Opinions on Visibility Impairment due to Air Pollution (ICR number 1970.01). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments should be submitted on or before December 12, 2000.

ADDRESSES: Comments should be submitted to Mr. Rich Damberg, Office of Air Quality Planning and Standards, Mail Code 15, U.S. Environmental Protection Agency, Research Triangle Park NC 27711, email *damberg.rich@epa.gov*, phone 919–541–5592, fax 919–541–7690.

Availability of Related Information

A summary of the focus group process and the proposed questions can be obtained without charge by contacting Rich Damberg at the address or telephone number listed above. Be sure to include name, address, telephone number, e-mail if available, and delivery preference (mail or e-mail delivery).

Electronic Availability

The summary and proposed questions can also be obtained online at the Agency's Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network (TTN) under the technical area of ''Office of Air and Radiation Policy and Guidance (OAR P&G), and under the heading of ''General Documents'' at the following web site: *http://www.epa.gov/ttn/oarpg/gener.html.* If assistance is needed in accessing the system, call the help desk at (919) 541–5384 in Research Triangle Park, NC.

FOR FURTHER INFORMATION CONTACT: Mr. Rich Damberg at (919) 541–5592.

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities potentially affected by this action are individuals who agree to participate in the focus groups. Participation is voluntary and subjects will be appropriately compensated for their time and effort. Recruiting will be done by Abt Associates Inc., in a manner described in the abstract below.

Title: Assessing Public Opinions on Visibility Impairment Due to Air Pollution (EPA ICR number 1970.01).

Abstract: The purpose of this project is to obtain information regarding public opinions on visibility impairment. The findings will be used to inform the review of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). Secondary NAAQS are established to protect against adverse effects on public welfare, and one of the welfare effects associated with airborne PM is visibility impairment. These focus groups will provide one important tool for obtaining information on people's views on discernability and acceptability of differing levels of visibility impairment. Photographic representations will be prepared for each focus group city that illustrate visibility at differing levels of pollution, and will be used along with the focus group discussion questions to elicit comment on people's views on discernability and acceptability of different levels of visibility. A contractor, Abt Associates Inc., will develop and implement the focus group discussions, including coordination of focus group facilitation. We plan to recruit subjects from six or seven U.S. metropolitan areas. Subjects will be asked to participate in a focus group discussion, which will last 2 or 2½ hours. Approximately nine to twelve subjects will be recruited for each focus group session. Participation is voluntary. Respondents will have to expend time, effort, and possibly travel expense to participate in the study. As such, we will compensate subjects for their time (and travel if necessary). 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. We solicit comment on the summary of the proposed focus group project, and specifically solicit comment on the following issues:

(i) 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;

(ii) 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;

(iii) The quality, utility, and clarity of the information to be collected; and

(iv) Minimization of 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.

Burden Statement: The total national burden estimate for all parts of the questionnaire process is 672 hours. The burden estimates are based on participation by 12 subjects in 14 focus group discussions (2 different sessions in each selected city). We estimate that each subject will require, on average, 1 minute to refuse to participate during the phone recruiting process, and up to 4 hours to participate in the focus group (including possible travel time). Given these assumptions, the total burden for the survey in terms of participant time (672 hours) valued at $13.18 (the average hourly earnings for May 1999 according to the Bureau of Labor Statistics) is estimated to be $8,857 prior to the payment of the proposed compensation. We stress again that participation by subjects in the survey is voluntary and that subjects will be compensated for their time and effort. 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.

Dated: October 2, 2000.

Henry C. Thomas,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 00–26352 Filed 10–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Reformulated Gasoline and Conventional Gasoline

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 EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Reformulated Gasoline and Conventional Gasoline, (EPA ICR No. 1591.13, OMB Control No. 2060–0277, expiration date: 12–31–00). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 12, 2000.

ADDRESSES: Transportation and Regional Programs Division, Office of Transportation and Air Quality, Office of Air and Radiation, Mail Code 6406J, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. A paper or electronic copy of the draft ICR may be obtained without charge by contacting the person listed below.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, (202) 564–9303, fax: (202) 565–2085, caldwell.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which produce, import, or distribute gasoline.

Title: Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network (40 CFR part 80—subparts D, E and F), EPA ICR No. 1591.13, OMB Control No. 2060–0277, expiration date: 12–31–00.

Abstract: Gasoline combustion is the major source of air pollution in most urban areas. The Clean Air Act (Act) requires that gasoline dispensed in certain areas with severe air quality problems be reformulated to reduce toxic and ozone-forming (smog) emissions. The Act also requires that in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be ''dumped'' into the remainder of the country's gasoline, known as conventional gasoline (CG). The EPA promulgated regulations at 40 CFR part 80 establishing standards for RFG and CG, as specified in the Act, and establishing mandatory reporting and recordkeeping requirements for demonstrating compliance and as an aid to enforcement. The primary requirements are to test each batch of gasoline for various properties, report the results to EPA, and demonstrate compliance with the standards on an annual basis. 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 EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: EPA estimates the respondent population at 75 RFG refineries, 25 RFG import facilities, 25 RFG oxygenate blenders, 225 CG refineries, 50 CG import facilities, 250 pipelines and terminals, 500 truckers, 19 independent laboratories, 20 auditors, and the RFG Survey Association, Inc. The typical RFG or CG respondent will have around 100 to 130 reports per year, depending primarily on the number of batches of gasoline involved. The total number of reports is estimated at 53,170 and the total burden at 101,585 hours. While this gives an average burden per report of about two hours, about 95% of the reports have an estimated burden of one hour. At $60 per hour, the labor cost is about $6 million. Most start-up costs were incurred at the start of the program in 1995. However, there is an estimated annualized capital cost for analysis equipment of $4.8 million. Annual operating and maintenance costs are estimated at about $5 million, and annual purchase of services costs are estimated at about $13 million. 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.

Dated: October 4, 2000.

Lori Stewart,

Acting Director, Transportation and Regional Programs Division.

[FR Doc. 00–26354 Filed 10–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6611–6]

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 October 02, 2000 Through October 06, 2000

Pursuant to 40 CFR 1506.9.

EIS No. 000345, FINAL EIS, COE, DE, Fenwick Island Feasibility Study, Storm Damage Reduction, Delaware Coast from Cape Henlopen to Fenwick Island, Protective Berm and Dune Construction, Community of Fenwick Island, Sussex County, DE, Due: November 13, 2000, Contact: Steve Allen (215) 656–6555.

EIS No. 000346, FINAL EIS, NPS, CA, Anacapa Island Restoration Project, Implementation, Channel Islands National Park, Ventura County, CA, Due: November 13, 2000, Contact: Alan Schmierer (415) 427–1441.

Amended Notices

EIS No. 000338, DRAFT EIS, STB, SD, WY, MN, Powder River Basin Expansion Project, Construction of

New Rail Facilities, Finance Docket No. 33407 Dakota, Minnesota and Eastern Railroad, SD, WY and MN, Due: January 05, 2001, Contact: Victoria Rutson (202) 565–1545. Revision of FR notice published on 10/06/2000: CEQ Comment Date corrected from 11/20/2000 to 01/05/2001.

Dated: October 10, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–26386 Filed 10–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6611–7]

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) 260–5076. 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–USN–D11030–VA Rating EC2, Marine Corps Heritage Center (MCHC) Complex, Construction and Operation at Marine Corps Base (MCB) Quantico, VA.

Summary: EPA expressed concern due to the loss of valuable forested habitat. EPA recommended reducing the area of deforestation by consolidating MCHC functions into multi-story buildings and creating underground and/or raised parking structures as well as reducing to a minimum the size of the area needed for demonstration operations.

Final EISs

ERP No. F–FHW–B40090–ME Augusta River Crossing Study, To Reduce Traffic Deficiencies within the Transportation System Serving the City of Augusta, Funding, Kennebec River, Kennebec County, ME.

Summary: A number of the concerns regarding analysis of alternatives and potential impacts EPA raised in its review of the draft EIS remain unaddressed in the final EIS.

ERP No. F–FHW–D40306–WV King Coal Highway Project Construction, from the vicinity of Williamson to the vicinity of Bluefield, COE Section 404 Permit, Mingo, McDowell Mercer, and Wyoming Counties, WV.

Summary: EPA maintains its concerns regarding the level of information provided in assessing the impacts to streams, wetlands, and community resources for the proposed 96 mile transportation corridor.

ERP No. F–FHW–J40145–UT Legacy Parkway Project, Construction from I–215 at 2100 North in Salt Lake City to I–15 and US 89 near Farmington, Funding and COE Section 404 Permit, Salt Lake and Davis Counties, UT.

Summary: EPA continues to have objections to the proposed action. EPA has determined that the least damaging alternative has not been selected, and the proposed Legacy Nature Preserve does not fully offset the wetland impacts. EPA is also concerned with the alternative selection process used in the FEIS, the permanence of the proposed Legacy Preserve, the accuracy and reproducibility of the traffic demand model, and the impacts of connected and reasonably foreseeable future actions.

Adoption—Woodrow Wilson Bridge Replacement, I–95/I–495 From West of Telegraph Road to East of MD Routes 210, City of Alexandria and Fairfax County, VA; Prince George's County, MD and DC.

Summary: EPA's key concerns pertain to time of year restrictions to protect fishery resources, upland disposal of dredged material, and completion of a comprehensive compensatory mitigation package.

ERP No. FS–COE–E36167–FL Central and Southern Florida Project for Flood Control and Other Purposes, Everglades National Park Modified Water Deliveries, New Information concerning Flood Mitigation to the 8.5 Square Mile Area (SMA), Implementation, South Miami, Dade County, FL.

Summary: EPA agreed that Alternative 6D (modified) reasonably maximized ecosystem restoration benefits when compared to the costs and social impacts.

Dated: October 10, 2000.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–26387 Filed 10–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–7]

Transfer and Cross-Collateralization of Clean Water State Revolving Funds and Drinking Water State Revolving Funds

AGENCY: Environmental Protection Agency.

ACTION: Policy statement.

SUMMARY: Enactment of the Safe Drinking Water Act (SDWA) Amendments of 1996 and the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of Fiscal Year 1999, (Appropriations Act) provide flexibility to States for both their drinking water and wastewater needs. The SDWA Amendments established the Drinking Water State Revolving Fund (DWSRF) and also contain a provision authorizing States to transfer funds between the DWSRF and the Clean Water State Revolving Fund (CWSRF). Congress also created additional flexibility by authorizing a form of cross-collateralization in the Appropriations Act. With proper planning, priority setting, and public disclosure, these two provisions can assist the States in maximizing their infrastructure funding programs by increasing the availability of funds where they are most needed, enhancing bond ratings, and lowering borrowing costs without increasing risks.

Since there are similarities between the two SRF programs, the Environmental Protection Agency (EPA) intends to administer the two programs in a similar manner in regard to transfers and cross-collateralization. Requirements regarding transfer and cross-collateralization of funds are contained in EPA's Interim Final Rule, Drinking Water State Revolving Funds (see 65 FR 48286). This policy establishes EPA policy regarding the use of these two provisions in funding DWSRF and CWSRF projects. It identifies the process a State must undergo to gain EPA approval for incorporating transfers and/or cross-collateralization into its SRF program.

DATES: This policy statement is effective October 13, 2000.

FOR FURTHER INFORMATION CONTACT: For technical inquiries, contact Sheila Platt, State Revolving Fund Branch, Municipal Support Division, Office of Wastewater Management (MC–0064204), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW.,

Washington, DC 20460. The telephone number is (202) 260–7376 and the e-mail address is platt.sheila@epa.gov. Copies of this document can be obtained from EPA's Office of Wastewater Management website at www.epa.gov/owm/finan.html.

SUPPLEMENTARY INFORMATION:

Background

Section 302 of the SDWA Amendments authorizes a State to transfer up to 33 percent of the amount of a fiscal year's DWSRF program capitalization grant to the CWSRF program or an equivalent amount from the CWSRF program to the DWSRF program. The Fiscal Year 1999 Appropriations Act (Public Law 105–276) authorizes cross-collateralization between the DWSRF and CWSRF programs.

EPA released a draft policy entitled ''Transfer/Cross-collateralization Policy for the DWSRF and CWSRF'' in June 1998 which specified the provisions that States must meet in order to gain EPA approval for incorporating transfers and cross-collateralization provisions into their programs. The draft policy has been used for the past two years for review and approval of State transfer and cross-collateralization proposals. The policy was developed with substantial review and comment from EPA Regional staff, national stakeholder organizations, and a State/EPA SRF Work Group comprised of State DWSRF managers, State CWSRF managers, and managers of State financial agencies. The only major comment received pertained to extending the September 30, 2001 sunset date for transfers. EPA will recommend to Congress that the sunset date for transfers be dropped. This policy statement includes the transfer and cross-collateralization requirements for both the DWSRF and the CWSRF programs.

Dated: October 5, 2000.

J. Charles Fox,

Assistant Administrator, Office of Water.

Transfer and Cross-Collateralization of Clean Water State Revolving Funds and Drinking Water State Revolving Funds

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I. Transfers

A. Statutory Authority

Section 302 of the Safe Drinking Water Act (SDWA) Amendments of 1996 offers States the flexibility to transfer funds from one SRF program to the other. The transfer provision reads as follows:

Sec. 302. Transfer of Funds.

(a) In General.—Notwithstanding any other provision of law, at any time after the date 1 year after a State establishes a State loan fund pursuant to section 1452 of the Safe Drinking Water Act but prior to fiscal year 2002, a Governor of the State may—(1) reserve up to 33 percent of a capitalization grant made pursuant to such section 1452 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and (2) reserve in any year a dollar amount up to the dollar amount that may be reserved under paragraph (1) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State pursuant to section 1452 of the Safe Drinking Water Act.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Administrator shall submit a report to Congress regarding the implementation of this section, together with the Administrator's recommendations, if any, for modifications or improvement.

(c) STATE MATCH.—Funds reserved pursuant to this section shall not be considered to be a State match of a capitalization grant required pursuant to section 1452 of the Safe Drinking Water Act or the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

Section 302 states that the governor of a State can reserve up to 33% of its DWSRF capitalization grant for transfer to its CWSRF or an equivalent amount from its CWSRF to its DWSRF. Therefore, a State has the flexibility to prioritize its funding where it has the greatest need.

Both the CWSRF and the DWSRF programs require that an Attorney General's opinion certifying that the SRF program is consistent with State law be submitted with each capitalization grant application. If a State receives a capitalization grant and later decides to transfer funds, the capitalization grant agreement must be amended and an Attorney General's opinion must be submitted certifying that State law permits the State to transfer funds. Transfers must be made by the Governor or by a State official acting pursuant to authorization from the Governor.

1. Authorized Time Period

Funds may be reserved and transferred only during a limited time period:

a. CWSRF or DWSRF funds may be transferred after one year has elapsed since a State establishes its DWSRF Fund (i.e., the date of the first DWSRF capitalization grant awarded to the State for projects), and may include an amount equal to the allowance associated with its fiscal year 1997 capitalization grant. For example, if a DWSRF Fund is established on October 31, 1997 with the award of a capitalization grant for project funds, the first day funds can be transferred is November 1, 1998.

b. Funds may only be transferred ''prior to fiscal year 2002'' (October 1, 2001).

2. Transfer Ceiling

The amount of the total DWSRF capitalization grant, including any portion awarded for set-aside activities, determines the amount of funds that can be reserved and transferred.

a. The Governor of a State may reserve an amount equal to 33% of the DWSRF capitalization grant and transfer the funds to the CWSRF.

b. The Governor may reserve funds from the CWSRF in an amount equal to no more than 33% of the DWSRF capitalization grant and transfer those funds to the DWSRF.

B. Transfer Flexibility

1. Transfer Funds

Based on section 302 of the SDWA, the DWSRF capitalization grant the State is basing the transfer amount on must have been awarded prior to the transfer of any funds. Section 302 does not limit the transfer of funds to Federal capitalization grant dollars. States may

transfer Federal capitalization grant dollars, State match, investment earnings, or principal and interest repayments. When CWSRF Federal funds are transferred, the CWSRF capitalization grant must also have been awarded prior to the transfer of funds. As part of the transfer process, States must identify in both the CWSRF and DWSRF Intended Use Plans (IUPs) that funds will be transferred, the type of funds to be transferred (Federal capitalization grant dollars, State match, investment earnings, etc.), and the effect that transfers will have on the program's ability to fund projects. States may elect to reserve the authority to transfer funds in one year, but not actually transfer those funds until a later time, but no later than fiscal year 2001 (see Table #1).

2. Timely and Expeditious Use

Reserving the authority to transfer funds at a future date is not reserving the actual cash, but is a ''credit'' for future transfer. Funds must still be used for project or set-aside activities during the time period prior to when the actual transfer occurs. States may then transfer other moneys present in the respective SRF at the time of the transfer.

3. Expiration of Authority to Reserve or Transfer

Funds may not be reserved or transferred after September 30, 2001.

4. Transferring on Net Basis

Moneys may be transferred between the SRF programs on a net basis provided that the 33% ceiling is maintained. Once money has been transferred, even if the donor SRF reaches the 33% limit, it may still be transferred back to the donor SRF from the receiving SRF by a subsequent transfer. Table #2 shows the effect of multiple capitalization grants of $100 each and transfers between the SRF programs.

Another example is a situation where State law does not allow State funds to be used to fund private water systems in the State's DWSRF program. In this case, the State may designate that it will transfer State match funds from the DWSRF to the CWSRF and Federal funds, equal to the State match amount, from the CWSRF to the DWSRF. Since the dollar amounts of these transfers are equal, there is no effect on the amount available to transfer. Table #3 illustrates this example.

C. State Match, Set-asides, Administrative Ceiling and 604(b) Calculation

Transfers do not impact the State match calculation in the capitalization grants, the set-asides calculations in the DWSRF, or the 4% administration and 604(b) calculations in the CWSRF.

1. State Match

In both SRF programs, the State match requirement is 20% of the capitalization grant. Transfers do not affect the calculation of those required amounts in either program. Section 302 of the SDWA stipulates that funds transferred under this provision cannot be considered the required State match for the capitalization grant in either SRF program. The transfer provision cannot be used to acquire State match. Transferred funds cannot be used for the purposes of securing or repaying State match bonds.

2. DWSRF Set-asides

Since set-aside ceilings in the DWSRF are calculated based on the allotment or the capitalization grant, the ceilings are not recalculated as a result of transferring funds.

3. CWSRF Administrative Ceiling and 604(b) Calculation

The 4% administrative ceiling is not calculated using transferred amounts. The calculation of the 4% is based upon the initial capitalization grant. The 604(b) funds are calculated on the allotment.

The following example illustrates the fact that a transfer will have no impact on State match, the DWSRF set-asides, the CWSRF administrative ceiling, and the CWSRF 604(b) calculation. The CWSRF capitalization grant is $10,000,000 and the State match is $2,000,000. The DWSRF capitalization grant is $10,000,000 and the State match is $2,000,000. The State has determined it will use 31% of the capitalization grant for set-aside activities. The State also decided to transfer $3,000,000 from the CWSRF to the DWSRF for additional SDWA project activities. After the transfer, the State match for each SRF program ($2,000,000) remains unchanged because the CWSRF and DWSRF State match is based upon the initial capitalization grants. The DWSRF set-aside calculation does not change ($3,100,000) because the set-asides are based upon the initial capitalization grant amount and/or the allotment. The CWSRF 4% administrative ceiling remains at $400,000 and 604(b) is still calculated at $100,000.

D. Project Funding for Small Systems

Transfers into or out of the DWSRF Fund could impact loan assistance for small systems that serve fewer than 10,000 persons. The SDWA requires that a State use a minimum of 15 percent of all dollars credited to the Fund to provide loan assistance to small public water systems to the extent such funds can be obligated for eligible projects of public water systems. Accordingly, 15 percent of all dollars transferred into the DWSRF Fund must also be used in accordance with the small systems provision of the SDWA.

E. Intended Use Plan and Operating Agreement

1. Intended Use Plan

States must develop an annual IUP for each SRF program for public review and comment that includes a description of the funds to be reserved and/or transferred and how those funds will be used. The IUPs must disclose how and why the decisions to transfer funds were made. EPA encourages States to include a discussion of wastewater and drinking water needs to show the public that the highest priorities are being funded. The IUP must provide sufficient information regarding transfers for the public to understand:

a. The total amount of authority being reserved for future transfer including the authority from previous years;

b. The total amount and type of funds being transferred during the term of the IUP;

c. The impact on the current year's Fund and set-asides; and

d. The long-term impact on the Fund.

Both CWSRF and DWSRF IUPs must be amended if a mid-year transfer is to occur that has not had prior disclosure to the public. For example, the State received its DWSRF capitalization grant in June 1998 and subsequently decides to transfer funds to its CWSRF. Because the current year IUPs did not contain information concerning transfers, the IUPs must be amended (and capitalization grants if transferring federal dollars) and distributed for public review and comment in accordance with the State procedures established for amending IUPs.

2. Operating Agreement

When a State initially decides to include the ability to transfer in its program, the Operating Agreement must be amended to include the method the State will use to transfer funds.

F. Transferring Federal Funds and State Match Funds

Because transfers can complicate the analysis of whether a State is complying with the proper payment schedule, binding commitments, and cross-cutting Federal authorities, the State must identify whether the transferred amount consists of dollars on which these requirements will apply or other dollars. The State must maintain sufficient procedures to ensure proper accounting for transferred dollars.

1. Payment Schedule/Grant Amendments

If a State decides to transfer Federal funds subsequent to establishing a payment schedule, a revised payment schedule will be necessary. Changes to the payment schedule will be effected through an amendment to the grant agreement.

2. Cash Draw Proportionality

Transfers of Federal capitalization dollars or State match dollars will impact cash draw proportionality. Please refer to the ''Guide to Using EPA's Automated Clearing House for the Drinking Water State Revolving Fund Program'' (EPA–832–B98–003) published in September 1998 for details concerning recalculating proportionality.

3. Binding Commitments

When Federal funds or State match funds are transferred from one SRF program's Fund into the other SRF program's Fund, the State must enter into binding commitments in the receiving SRF program for the transferred amount within one year after receipt of payment or, if payment has already been taken, within one year of the transfer date, in addition to the binding commitments required for its capitalization grant and State match. If funds are transferred from the CWSRF to the set-aside account in the DWSRF, the binding commitment requirement on the amount transferred will not apply. The donor SRF program will not be required to enter into binding commitments on the transferred funds.

4. Cross-cutting Federal Authorities

Cross-cutting Federal authorities apply to transferred Federal funds in the same manner as they apply to the capitalization grant funds in the receiving SRF program.

G. Transferring Other Funds

Since transfers do not relieve the State from complying with those requirements that apply to the amount of the capitalization grant, the State should consider transferring principal and interest repayments and investment earnings rather than transferring Federal and State match funds. Grant amendments, binding commitment requirements and cross-cutters, except for civil rights, do not apply to transferred funds consisting of repayments of principal and interest, and investment earnings. Also, cash draw proportionality will not be impacted by transfers of repayment funds and investment earnings. Please refer to the ''Guide to Using EPA's Automated Clearing House for the Drinking Water State Revolving Fund Program.''

H. Reporting, Monitoring and Review

A State must report transfers in the DWSRF Biennial Report and in the CWSRF Annual Report. The reports must identify the amount of funds transferred from one SRF program to the other and how those funds were used. Since the State must be able to track all transfers, a schedule of actual transfers must be included in the reports which can be reconciled with the schedule of expected transfers in the IUP. A State must also explain reasons that funds were not transferred in accordance with the plan described in the IUP, including the impact on the SRF programs.

The State must also report transfers in the financial statements of the SRF programs with corresponding footnotes explaining the type of funds transferred (Federal dollars, State match, principal and interest repayments, or investment earnings).

II. Cross-Collateralization

A. Authorization

The Departments of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of Fiscal Year 1999 (Public Law 105–276) authorizes cross-collateralization between the DWSRF and the CWSRF programs. The language included in the law in regard to cross-collateralization is as follows:

* * * *Provided, That,* consistent with section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)), section 302 of the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182) and the accompanying joint explanatory statement of the committee on conference (H. Rept. No. 104–741 to accompany S. 1316, the Safe Drinking Water Act Amendments of 1996), and notwithstanding any other provision of law, beginning in fiscal year 1999 and thereafter, States may combine the assets of State Revolving Funds (SRFs) established under section 1452 of the Safe Drinking Water Act, as amended, and title VI of the Federal Water Pollution Control Act, as amended, as security for bond issues to enhance the lending capacity of one or both SRFs, but not to acquire the State match for either program, provided that revenues from the bonds are allocated to the purposes of the Safe Drinking Water Act and the Federal Water Pollution Control Act in the same portion as the funds are used as security for the bonds * * *

B. Purpose

The drinking water and wastewater community has advocated cross-collateralization to increase the financing flexibility of the CWSRF and the DWSRF. For States which issue bonds, the added security provided by the strength of the CWSRF will enhance the funding capacity in the DWSRF by achieving better bond ratings. Funds from one SRF program can be used to secure the other SRF program against a default.

C. Legislative Authority

The CWSRF and the DWSRF programs require that an Attorney General's opinion certifying that the SRF program is consistent with State law be submitted with each capitalization grant application. If a State receives a capitalization grant and later decides to cross-collateralize, the capitalization grant agreement must be amended and an Attorney General's opinion must be submitted certifying that State law permits the State to cross-collateralize.

D. Operating Agreement and Intended Use Plan

When a State initially decides to include cross-collateralization in its program, the Operating Agreement must be amended to detail how cross-collateralization will be implemented. The State must annually include in the IUP for each SRF program a description of how cross-collateralization will be used, and provide the IUPs to the public for review and comment prior to submitting them to the Region as part of the capitalization grant applications. The IUPs must, at a minimum, describe:

a. the type of moneys which will be used as security;

b. how moneys will be used in the event of a default;

c. whether or not moneys used for a default in the other program will be repaid; and, if it will not be repaid, what will be the cumulative impact on the Funds.

E. Revenues From the Bonds

The proceeds generated by the issuance of bonds must be allocated to the purposes of the DWSRF and the CWSRF in the same proportion as the assets from the two Funds that are used as security for the bonds. States must

demonstrate that at the time of bond issuance, the proportionality requirements have been or will be met. If a default should occur, and Fund assets from one SRF program are used for debt service in the other SRF program, the security would no longer need to be proportional.

Proportionality may be achieved at different levels of security. A State may achieve proportionality at the debt service reserve level. If the debt service reserve is the primary security and consists of 35% DWSRF funds and 65% CWSRF funds, the bond proceeds must be allocated 35% to DWSRF purposes and 65% to CWSRF purposes.

A State may also achieve proportionality by requiring that loan repayments on loans made from the CWSRF are pledged, as the primary security, only to the CWSRF bonds (or portion of a joint bond issue) and loan repayments on loans made from the DWSRF are pledged, as the primary security, only to the DWSRF bonds (or portion of a joint bond issue). If principal forgiveness is used as a subsidy for disadvantaged communities funded with bond proceeds in the DWSRF program, this option may not be used since the security would be disproportionate to the security provided by the CWSRF program.

The above are only two examples which can be used to maintain the proportionality of the security for bonds. There may be other options the State will want to explore and submit for EPA approval.

F. State Match

States may not combine the assets of the SRF programs as security for bond issues to acquire State match for either program. States may not use the assets of one SRF program to secure match bonds of the other SRF program.

G. Operation of SRF Programs

States may use, in combination, the assets of the SRF programs as security for bond issues. However, the CWSRF and DWSRF must each continue to be operated separately. States must maintain records so that, for each SRF program, separate financial statements can be compiled and separate financial audits can be conducted. The debt service reserve and interest earned thereon for the DWSRF program and the CWSRF program must each be accounted for separately. Repayments on loans in the CWSRF program must be paid to the CWSRF and repayments on loans made in the DWSRF program must be paid to the DWSRF.

Cross-collateralization does not effect the calculation of set-asides, the 4% administrative ceiling and binding commitments. Payments and cash draw proportionality may be affected if there are defaults. The CWSRF Annual Report and the DWSRF Biennial Report must describe the use of assets of the SRF programs as security for bond issues and any use of moneys from one SRF program by the other as a result of cross-collateralization.

TABLE 1.—RESERVING THE RIGHT (BANKING) TO TRANSFER IN FUTURE YEARS

Year	DWSRF capitalization grant	Amount reserved for transfer	Banked transfer ceiling	Amount transferred
1997	$100	$33	$33	$00
1998	100	33	66	00
1999	100	33	99	00
2000	100	33	132	00
2001	100	33	165	165
2002	100	[1] 00	[1] 00	[1] 00
Total	600	165	.....	165

[1] No funds may be reserved or transferred after fiscal year 2001.

TABLE 2.—TRANSFERRING ON A NET BASIS

[In this example, the DWSRF capitalization grant in each year is $100. Therefore, the transfer ceiling is $33 for the first year, increasing to $66 in the second year and $99 in the third year, etc.]

Year	Transaction description	Banked transfer ceiling	Transferred from CWSRF–DWSRF	Transferred from DWSRF–CWSRF	CW funds available for transfer [1]	DW funds available for transfer [1]
1997	CG Award	$33	.....	.....	[2] $33	[2] $332
1998	CG Award	66	.....	.....	66	66
1998	Transfer	66	20	.....	46	86
1999	CG Award	99	.....	.....	79	119
1999	Transfer	99	.....	86	165	33
1999	Transfer	99	90	.....	75	123
2000	CG Award	132	.....	.....	108	156
2000	Transfer	132	.....	50	158	106
2001	CG Award	165	.....	.....	191	139
2001	Transfer	165	191	.....	0	330
2002	CG Award	0	.....	.....	0	0

[1] The maximum either SRF can transfer as the result of banking and previous transfers.
[2] Transfers cannot occur until one year after the DWSRF has been established.

TABLE 3

Year	Transaction description	Banked transfer ceiling	Transferred from CWSRF–DWSRF (Federal)	Transferred from DWSRF–CWSRF (State)	CW Funds available for transfer [1]	DW Funds available for transfer [1]
1997	CG Award	$33			$33	$33
1998	CG Award	66			66	66
1998	Transfer	66	$40	$40	66	66

[1]The maximum either SRF can transfer as the result of banking and previous transfers.

[FR Doc. 00–26353 Filed 10–12–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2444]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

October 10, 2000.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by October 30, 2000. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of Section 73.202(b) of the Commission's Rules FM Broadcast Station Johannesburg and Edwards, California (MM Docket No. 99–239).

Number of Petitions Filed: 1.

Subject: Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures (WT Docket No. 97–82).

Number of Petitions Filed: 5.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–26399 Filed 10–12–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, October 17, 2000, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Report of actions taken pursuant to authority delegated by the Board of Directors

Memorandum and resolution re: Final Rule—Part 308—Rules of Practice and Procedure

Discussion Agenda

Memorandum and resolution re: Proposed Rule—Part 325—Capital Maintenance—Risk-Based Capital Treatment for Claims on Securities Firms

Memorandum and resolution re: Joint Advance Notice of Proposed Rulemaking—Part 325—Capital Maintenance—Simplified Capital Framework Applicable to Non-Complex Institutions

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); (202) 416–2007 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: October 10, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–26447 Filed 10–11–00; 10:11 am]

BILLING CODE 6714–01–M

FEDERAL HOUSING FINANCE BOARD

[No. 2000–N–6]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2000–01 third quarter review cycle under the Finance Board's community support requirement regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the 2000–01 third quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board on or before November 27, 2000.

ADDRESSES: Bank members selected for the 2000–01 third quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Office of Policy, Research and Analysis, Program Assistance Division, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at FITZGERALDE@FHFB.GOV.

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Policy, Research and Analysis, Program Assistance Division, by telephone at 202/408–2874, by electronic mail at

FITZGERALDE@FHFB.GOV, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at 202/408–2579.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to the requirements of section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirement regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the November 27, 2000 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before October 27, 2000, each Bank will notify the members in its district that have been selected for the 2000–01 third quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's web site: WWW.FHFB.GOV. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2000–01 third quarter community support review cycle:

Name	City	State
Federal Home Loan Bank of Boston—District 1		
Collinsville Savings Society	Collinsville	Connecticut.
The Guilford Savings Bank	Guilford	Do.
Advest Bank and Trust Company	Hartford	Do.
Southington Savings Bank	Southington	Do.
Tolland Bank	Vernon	Do.
Northwest Community Bank	Winsted	Do.
Bar Harbor Banking and Trust Company	Bar Harbor	Maine
Calais Federal Savings and Loan Association	Calais	Do.
Camden National Bank	Camden	Do.
Damariscotta Bank and Trust Company	Damariscotta	Do.
Franklin Savings Bank	Farmington	Do.
Katahdin Trust Company	Patten	Do.
Peoples Heritage Savings Bank	Portland	Do.
Rockland Savings and Loan Association	Rockland	Do.
Coastal Bank	Westbrook	Do.
Abington Savings Bank	Abington	Massachusetts.
Athol Savings Bank	Athol	Do.
Boston Bank of Commerce	Boston	Do.
Security Federal Savings Bank	Brockton	Do.
Canton Institution for Savings, Bank of Canton	Canton	Do.
Clinton Savings Bank	Clinton	Do.
Danvers Savings Bank	Danvers	Do.
Lafayette Federal Savings Bank	Fall River	Do.
Falmouth Co-operative Bank	Falmouth	Do.
Family Federal Savings, FA	Fitchburg	Do.
Florence Savings Bank	Florence	Do.
Colonial Co-operative Bank	Gardner	Do.
Hingham Institution for Savings	Hingham	Do.
Peoples Savings Bank	Holyoke	Do.
Ipswich Savings Bank	Ipswich	Do.
Roxbury-Highland Bank	Jamaica Plain	Do.
Equitable Co-operative Bank	Lynn	Do.
Mansfield Co-operative Bank	Mansfield	Do.
Milford Federal Savings and Loan Association Milford	Do..	
Newton South Co-operative Bank	Newton	Do.
Northampton Cooperative Bank	Northampton	Do.
Colonial Federal Savings Bank	Quincy	Do.
Reading Co-operative Bank	Reading	Do.
Southbridge Savings Bank	Southbridge	Do.

Name	City	State
Mechanics Co-operative Bank	Taunton	Do.
Hometown Bank, a Co-operative Bank	Webster	Do.
Woronoco Savings Bank	Westfield	Do.
South Shore Savings Bank	Weymouth	Do.
Bow Mills Bank and Trust	Bow	New Hampshire.
Citizens Bank—New Hampshire	Manchester	Do.
Newport Federal Savings Bank	Newport	Rhode Island.
First Vermont Bank and Trust Company	Brattleboro	Vermont.
National Bank of Middlebury	Middlebury	Do.
Union Bank	Morrisville	Do.
Northfield Savings Bank	Northfield	Do.
Merchants Bank	South Burlington	Do.
Franklin Lamoille Bank	St. Albans	Do.
Federal Home Loan Bank of New York—District 2		
Audubon Savings Bank	Audubon	New Jersey.
Bogota Savings Bank	Bogota	Do.
Peoples Savings Bank	Bordentown	Do.
Century Savings Bank	Bridgeton	Do.
Colonial Bank FSB	Bridgeton	Do.
NVE Savings Bank	Englewood	Do.
Glen Rock Savings Bank	Glen Rock	Do.
Summit Bank	Hackensack	Do.
Roma Federal Savings Bank	Hamilton	Do.
Schuyler Savings Bank	Kearny	Do.
Kearny Federal Savings Bank	Kearny	Do.
Lincoln Park Savings and Loan Association	Lincoln Park	Do.
Metuchen Savings Bank	Metuchen	Do.
Boiling Springs Savings Bank	Rutherford	Do.
Gloucester County Federal Savings Bank	Sewell	Do.
Sturdy Savings Bank	Stone Harbor	Do.
South Jersey Savings and Loan Association	Turnersville	Do.
Penn Federal Savings Bank	West Orange	Do.
Woodstown National Bank and Trust Company	Woodstown	Do.
Evans National Bank	Angola	New York.
Independence Community Bank	Brooklyn	Do.
Elmira Savings Bank, F.S.B.	Elmira	Do.
Goshen Savings Bank	Goshen	Do.
Cattaraugus County Bank	Little Valley	Do.
Abacus Federal Savings Bank	New York	Do.
Chinatown Federal Savings Bank	New York	Do.
Commercial Bank of New York	New York	Do.
Staten Island Savings Bank	Staten Island	Do.
The Savings Bank of Utica	Utica	Do.
Wallkill Valley FS&LA	Wallkill	Do.
Doral Bank	Catano	Puerto Rico.
Oriental Bank and Trust	Hato Rey	Do.
Federal Home Loan Bank of Pittsburgh—District 3		
Altoona First Savings Bank	Altoona	Pennsylvania.
Reeves Bank	Beaver	Do.
Bernville Bank, N.A.	Bernville	Do.
Founders' Bank	Bryn Mawr	Do.
Pennsylvania State Bank	Camp Hill	Do.
First Carnegie Deposit	Carnegie	Do.
Coatesville Savings Bank	Coatesville	Do.
Slovenian S&LA of Franklin-Conemaugh	Conemaugh	Do.
First National Community Bank	Dunmore	Do.
Halifax National Bank	Halifax	Do.
Peoples National Bank	Hallstead	Do.
Keystone Financial Bank, N.A.	Harrisburg	Do.
Polonia Bank	Huntingdon Valley	Do.
Mauch Chunk Trust Company	Jim Thorpe	Do.
First Summit Bank	Johnstown	Do.
First National Bank of McConnellsburg	McConnellsburg	Do.
Mifflinburg Bank and Trust Company	Mifflinburg	Do.
Community Banks, N.A.	Millersburg	Do.
Union National Community Bank	Mount Joy	Do.
The Muncy Bank and Trust Company	Muncy	Do.
First Penn Bank	Philadelphia	Do.
Eureka Bank	Pittsburgh	Do.
Iron and Glass Bank	Pittsburgh	Do.

Name	City	State
Pittsburgh Home Savings Bank	Pittsburgh	Do.
Slovak Savings Bank	Pittsburgh	Do.
United-American Savings Bank	Pittsburgh	Do.
Berks County Bank	Reading	Do.
Merchants Bank of Pennsylvania	Shenandoah	Do.
Northwest Savings Bank	Warren	Do.
Peoples State Bank of Wyalusing	Wyalusing	Do.
Drovers & Mechanics Bank	York	Do.
York Federal Savings and Loan Association	York	Do.
City National Bank of West Virginia	Charleston	West Virginia.
Citizens Bank of Morgantown, Inc.	Morgantown	Do.
One Valley Bank Morgantown	Morgantown	Do.
First National Bank	Ronceverte	Do.
Advance Financial Savings Bank	Wellsburg	Do.
Federal Home Loan Bank of Atlanta—District 4		
The Exchange Bank of Alabama	Altoona	Alabama.
Bank of Alabama	Birmingham	Do.
First Commercial Bank	Birmingham	Do.
New South Federal Savings Bank	Birmingham	Do.
First National Bank	Brewton	Do.
Central State Bank	Calera	Do.
Camden National Bank	Camden	Do.
The Peoples Bank	Clio	Do.
Commercial Bank of Demopolis	Demopolis	Do.
Southland Bank	Dothan	Do.
The Southern Bank Company	Gadsden	Do.
First National Bank of Hamilton	Hamilton	Do.
Headland National Bank	Headland	Do.
Valley National Bank	Lanett	Do.
First State Bank of Clay County	Lineville	Do.
First Citizens Bank	Luverne	Do.
Bank of Prattville	Prattville	Do.
Citizens' Bank, Inc.	Robertsdale	Do.
Slocomb National Bank	Slocomb	Do.
First Tuskegee Bank	Tuskegee	Do.
The Citizens Bank of Valley Head	Valley Head	Do.
First Liberty National Bank	Washington	DC.
Riggs Bank N.A.	Washington	Do.
Pointe Bank	Boca Raton	Florida
BankUnited, FSB	Coral Gables	Do.
BankAtlantic	Fort Lauderdale	Do.
Natbank N.A	Hollywood	Do.
American Bank and Trust of Polk County	Lake Wales	Do.
Florida First Bank	Lakeland	Do.
Eagle National Bank of Miami	Miami	Do.
Kislak National Bank	Miami Lakes	Do.
Metro Savings Bank, FSB	Orlando	Do.
First Federal Bank of North Florida	Palatka	Do.
Bay Bank and Trust Company	Panama City	Do.
UniBank	Pinecrest	Do.
Sarasota Bank	Sarasota	Do.
Capital City Bank	Tallahassee	Do.
Bay Financial Savings Bank, F.S.B	Tampa	Do.
City First Bank	Tampa	Do.
Columbia Bank	Tampa	Do.
Manufacturers Bank of Florida	Tampa	Do.
Republic Security Bank	West Palm Beach	Do.
Federal Trust Bank	Winter Park	Do.
Bank of Alapaha	Alapaha	Georgia
The Summit National Bank	Atlanta	Do.
Georgia Bank and Trust Company of Augusta	Augusta	Do.
The First Bank of Brunswick	Brunswick	Do.
First Georgia Bank, F.S.B	Brunswick	Do.
Bank of Canton	Canton	Do.
White County Bank	Cleveland	Do.
Newton Federal Savings and Loan Association	Covington	Do.
Hardwick Bank and Trust Company	Dalton	Do.
Southeastern Bank	Darien	Do.
First National Bank of Coffee County	Douglas	Do.
Elberton Federal Savings and Loan Association	Elberton	Do.
Farmers and Merchants Bank	Eatonton	Do.
Fairburn Banking Company	Fairburn	Do.

Name	City	State
Citizens Union Bank	Greensboro	Do.
The Coastal Bank	Hinesville	Do.
Crescent Bank and Trust Company	Jasper	Do.
Peoples Bank	Lavonia	Do.
Embry National Bank	Lawrenceville	Do.
Pineland State Bank	Metter	Do.
First National Bank of the South	Milledgeville	Do.
Gateway Bank and Trust	Ringgold	Do.
First Floyd Bank	Rome	Do.
Farmers and Merchants Bank	Statesboro	Do.
Spivey State Bank	Swainsboro	Do.
Thomaston Federal Savings Bank	Thomaston	Do.
Commercial Bank	Thomasville	Do.
Tucker Federal Bank	Tucker	Do.
First Federal Savings and Loan	Valdosta	Do.
Citizens Bank	Warrenton	Do.
Severn Savings Bank, FSB	Annapolis	Maryland.
Advance Bank	Baltimore	Do.
Baltimore American Savings Bank, FSB	Baltimore	Do.
Baltimore County Savings Bank, F.S.B	Baltimore	Do.
Bohemian American FS&LA	Baltimore	Do.
Fraternity Federal Savings and Loan	Baltimore	Do.
Hamilton Federal Savings and Loan Association	Baltimore	Do.
Leeds Federal Savings Bank	Baltimore	Do.
Madison and Bradford FS&LA	Baltimore	Do.
Saint Casimirs Savings Bank	Baltimore	Do.
Presidential Bank, FSB	Bethesda	Do.
Peoples Bank of Kent County	Chestertown	Do.
The Talbot Bank of Easton	Easton	Do.
Peoples Bank of Elkton	Elkton	Do.
The Bank of Fruitland	Fruitland	Do.
Eastern Savings Bank, FSB	Hunt Valley	Do.
Wyman Park FS&LA	Lutherville	Do.
Key Bank and Trust	Owings Mills	Do.
Enterprise Federal Savings Bank	Oxon Hill	Do.
Valley Bank of Maryland	Pikesville	Do.
American Bank	Rockville	Do.
Wilmington Trust FSB	Salisbury	Do.
First Shore FS&LA	Salisbury	Do.
Sykesville Federal Savings Association	Sykesville	Do.
Provident Bank of Maryland	Towson	Do.
Ashburton Federal Savings & Loan Association	Westminster	Do.
Equitable Federal Savings Bank	Wheaton	Do.
Home Savings Bank, SSB of Eden	Eden	North Carolina.
Gaston Federal Bank	Gastonia	Do.
High Point Bank and Trust Company	High Point	Do.
The Community Bank	Pilot Mountain	Do.
Roanoke Valley Savings Bank, SSB	Roanoke Rapids	Do.
Centura Bank	Rocky Mount	Do.
First Savings Bank of Moore County	Southern Pines	Do.
Piedmont Federal Savings & Loan Association	Winston-Salem	Do.
Perpetual Bank, FSB	Anderson	South Carolina
First Palmetto Savings Bank	Camden	Do.
Spratt Savings and Loan Association	Chester	Do.
Peoples Federal Savings & Loan	Conway	Do.
Greenville National Bank	Greenville	Do.
Heritage Federal Bank	Laurens	Do.
Plantation Federal Savings Bank, Inc.	Pawleys Island	Do.
Woodruff Federal Savings and Loan	Woodruff	Do.
Shore Bank	Accomac	Virginia
Virginia Commerce Bank	Arlington	Do.
Bedford Federal Savings Bank	Bedford	Do.
Fredericksburg Savings Bank	Fredericksburg	Do.
First and Citizens Bank	Monterey	Do.
Farmers&MerchantsBank—Eastern Shore	Onley	Do.
First Federal Savings Bank of Virginia	Petersburg	Do.
Southwest Virginia Savings Bank, FSB	Roanoke	Do.
Community Bank	Staunton	Do.
Southside Bank	Tappahannock	Do.
Federal Home Loan Bank of Cincinnati—District 5		
Kentucky Home Bank, Inc.	Bardstown	Kentucky .
Bank of Clarkson	Clarkson	Do.

Name	City	State
Clinton Bank	Clinton	Do.
Citizens Federal Savings and Loan Association	Covington	Do.
Heritage Community Bank	Danville	Do.
South Central Savings Bank, F.S.B	Edmonton	Do.
The Peoples Bank of Fleming County	Flemingsburg	Do.
State National Bank of Frankfort	Frankfort	Do.
Fredonia Valley Bank	Fredonia	Do.
First Southern National Bank—Garrard County	Lancaster	Do.
Citizens Bank & Trust Company of Grayson Co	Leitchfield	Do.
Bank of the Bluegrass and Trust Company	Lexington	Do.
Peoples Security Bank	Louisa	Do.
First Capital Bank of Kentucky	Louisville	Do.
First FS&LA of Morehead	Morehead	Do.
Commonwealth Bank, F.S.B	Mt. Sterling	Do.
Mount Sterling National Bank	Mt. Sterling	Do.
Traditional Bank, Inc	Mt. Sterling	Do.
Peoples Bank of Tompkinsville	Tompkinsville	Do.
Farmers National Bank	Walton	Do.
Belmont Savings Bank	Bellaire	Ohio.
Citizen's National Bank	Bluffton	Do.
Brookville Building and Savings Association	Brookville	Do.
First FS&LA of Bucyrus	Bucyrus	Do.
First Federal Savings and Loan Association	Centerburg	Do.
Columbia Savings Bank	Cincinnati	Do.
Franklin Savings and Loan Company	Cincinnati	Do.
Market Bank	Cincinnati	Do.
New Foundation Loan and Building Company	Cincinnati	Do.
Warsaw Federal Savings and Loan Association	Cincinnati	Do.
Charter One Bank, F.S.B	Cleveland	Do.
Third FS&LA of Cleveland	Cleveland	Do.
The Cortland Savings and Banking Company	Cortland	Do.
Heartland Bank	Croton	Do.
United Midwest Savings Bank	DeGraff	Do.
Hicksville Building Loan and Savings Bank	Hicksville	Do.
Merchants National Bank	Hillsboro	Do.
NCB Savings Bank, FSB	Hillsboro	Do.
Home Savings Bank	Kent	Do.
Home S&L Company of Kenton, Ohio	Kenton	Do.
Kenwood Savings Bank	Kenwood	Do.
First FS&LA of Lakewood	Lakewood	Do.
Fairfield Federal Savings & Loan Association	Lancaster	Do.
First National Bank	Lebanon	Do.
Leesburg Federal Savings Bank	Leesburg	Do.
The First-Knox National Bank of Mount Vernon	Mount Vernon	Do.
New Carlisle Federal Savings Bank	New Carlisle	Do.
Park National Bank	Newark	Do.
First Savings Bank	Norwood	Do.
The Oakwood Deposit Bank Company	Oakwood	Do.
The Citizens Savings Bank Company	Pemberville	Do.
Third Savings and Loan Company	Piqua	Do.
American Savings Bank	Portsmouth	Do.
Home City Federal Savings Bank	Springfield	Do.
Belmont National Bank	St. Clairsville	Do.
Steel Valley Bank NA	Tiltonsville	Do.
Perpetual Federal Savings Bank	Urbana	Do.
First FS&LA of Warren	Warren	Do.
First Federal Savings Bank	Washington C.H	Do.
Liberty Savings Bank, F.S.B	Wilmington	Do.
North Valley Bank	Zanesville	Do.
Farmers & Merchants Bank	Adamsville	Tennessee.
Bank of Alamo	Alamo	Do.
Peoples Bank	Barretville	Do.
First South Credit Union	Bartlett	Do.
Bank of Belfast	Belfast	Do.
Bank of Crockett	Bells	Do.
First Bank of Polk County	Copperhill	Do.
Decatur County Bank	Decaturville	Do.
First Independent Bank	Gallatin	Do.
Trust One Bank	Germantown	Do.
Andrew Johnson Bank	Greeneville	Do.
Chester County Bank	Henderson	Do.
Lewis County Bank	Hohenwald	Do.
The Bank of Jackson	Jackson	Do.
People's Community Bank	Johnson City	Do.

Name	City	State
Wilson Bank and Trust	Lebanon	Do.
First National Bank of the Cumberlands	Livingston	Do.
Citizens Bank	New Tazewell	Do.
Newport Federal Savings & Loan Association	Newport	Do.
Citizens National Bank	Sevierville	Do.
Federal Home Loan Bank of Indianapolis—District 6		
Independent Federal Credit Union	Anderson	Indiana.
Boonville Federal Savings Bank	Boonville	Do.
First State Bank	Brazil	Do.
Riddell National Bank	Brazil	Do.
Union Savings and Loan Association	Connersville	Do.
Union FS&LA	Crawfordsville	Do.
First Federal Savings Bank	Evansville	Do.
Citizens Savings Bank of Frankfort	Frankfort	Do.
Pacesetter Bank of Hartford City	Hartford City	Do.
MetroBank	Indanapolis	Do.
Indiana Corp. Federal Credit Union	Indanapolis	Do.
Kentland Federal Savings and Loan Association	Kentland	Do.
The LaPorte Savings Bank	LaPorte	Do.
Logansport Savings Bank, FSB	Logansport	Do.
Home Bank, S.B	Martinsville	Do.
Peoples Bank SB	Munster	Do.
Farmers State Bank	New Ross	Do.
First Bank Richmond, S.B	Richmond	Do.
Mid-Southern Savings Bank, FSB	Salem	Do.
Owen County State Bank	Spencer	Do.
Grant County State Bank	Swayzee	Do.
First State Bank, Southwest Indiana	Tell City	Do.
Liberty Savings Bank, FSB	Whiting	Do.
Homestead Savings Bank, FSB	Albion	Michigan.
Commercial Bank	Alma	Do.
Paramount Bank	Bingham Farms	Do.
Fidelity Bank	Birmingham	Do.
Tri County Bank	Brown City	Do.
Branch County FS&LA	Coldwater	Do.
Select Bank	Grand Rapids	Do.
Peoples State Bank	Hamtramck	Do.
Union Bank	Lake Odessa	Do.
Marshall Savings Bank, FSB	Marshall	Do.
Peoples State Bank of Munising	Munising	Do.
New Buffalo Savings Bank	New Buffalo	Do.
Thumb National Bank and Trust Company	Pigeon	Do.
Citizens First Savings Bank	Port Huron	Do.
LaSalle Federal Savings Bank	St. Joseph	Do.
First National Bank of Three Rivers	Three Rivers	Do.
First National Bank of Wakefield	Wakefield	Do.
Federal Home Loan Bank of Chicago—District 7		
First Community Bank and Trust	Beecher	Illinois.
First State Bank of Beecher City	Beecher City	Do.
Greater Chicago Bank	Bellwood	Do.
First National Bank and Trust Company	Carbondale	Do.
The First National Bank in Carlyle	Carlyle	Do.
Centralia Savings Bank	Centralia	Do.
BankChampaign, N.A	Champaign	Do.
Community Savings Bank	Chicago	Do.
Illinois Service FS&LA	Chicago	Do.
Labe Bank	Chicago	Do.
Mid Town Bank & Trust Company of Chicago	Chicago	Do.
Preferred Savings Bank	Chicago	Do.
Pulaski Savings Bank	Chicago	Do.
NAB Bank	Chicago	Do.
North Federal Savings Bank	Chicago	Do.
Oak Bank	Chicago	Do.
South Central Bank and Trust Company	Chicago	Do.
Washington Federal Bank for Savings	Chicago	Do.
Family Federal Savings of Illinois	Cicero	Do.
West Town Savings Bank	Cicero	Do.
The John Warner Bank	Clinton	Do.
Home FS & LA of Elgin	Elgin	Do.
The Elizabeth State Bank	Elizabeth	Do.

Name	City	State
Flora Bank and Trust	Flora	Do.
Community Bank Wheaton/Glen Ellyn	Glen Ellyn	Do.
Liberty Federal Bank	Hinsdale	Do.
Illinois State Bank of Lake in the Hills	Lake in the Hills	Do.
Heritage National Bank	Lawrenceville	Do.
Fairfield Savings Bank, F.S.B	Long Grove	Do.
First State Bank of Mason City	Mason City	Do.
Mazon State Bank	Mazon	Do.
McHenry Savings Bank	McHenry	Do.
City National Bank	Metropolis	Do.
First National Bank	Moline	Do.
Marquette Bank Monmouth	Monmouth	Do.
Wabash Savings Bank	Mt Carmel	Do.
The Farmers Bank of Mt. Pulaski	Mt. Pulaski	Do.
Regency Savings Bank, FSB	Naperville	Do.
Superior Bank FSB	Oak Brook Terrace	Do.
BankFinancial, FSB	Olympia Fields	Do.
Pekin Savings Bank	Pekin	Do.
Herget National Bank	Pekin	Do.
Peru Federal Savings Bank	Peru	Do.
National Bank of Petersburg	Petersburg	Do.
Citizens State Bank of Shipman	Shipman	Do.
Farmers State Bank of Somonauk	Somonauk	Do.
Town and Country Bank of Springfield	Springfield	Do.
Marine Bank, Springfield	Springfield	Do.
Tremont Savings Bank	Tremont	Do.
Banner Banks	Birnamwood	Wisconsin.
Community First Bank	Boscobel	Do.
North Shore Bank, FSB	Brookfield	Do.
Dorchester State Bank	Dorchester	Do.
Mid America Bank	Footville	Do.
Premier Bank	Fort Atkinson	Do.
Capital Bank	Green Bay	Do.
Greenleaf Wayside Bank	Greenleaf	Do.
Hustisford State Bank	Hustisford	Do.
Union State Bank	Kewaunee	Do.
Bank of Lake Mills	Lake Mills	Do.
Bank of Little Chute	Little Chute	Do.
Rural American Bank—Luck	Luck	Do.
AnchorBank, S.S.B	Madison	Do.
Associated Bank South Central	Madison	Do.
Home Savings Bank	Madison	Do.
Bremer Bank	Menomonie	Do.
The Peoples State Bank	Mazomanie	Do.
Middleton Community Bank	Middleton	Do.
First Community Bank	Milton	Do.
Milton Savings Bank	Milton	Do.
Mutual Savings Bank	Milwaukee	Do.
West Pointe Bank	Oshkosh	Do.
Wisconsin State Bank	Random Lake	Do.
The Reedsburg Bank	Reedsburg	Do.
Dairy State Bank	Rice Lake	Do.
Community Business Bank	Sauk City	Do.
PyraMax Bank, S.S.B	South Milwaukee	Do.
Baylake Bank	Sturgeon Bay	Do.
Superior Savings Bank	Superior	Do.
Farmers & Merchants Bank	Tomah	Do.
Bank of Waunakee	Waunakee	Do.
Maritime Savings Bank	West Allis	Do.
West Bend Savings Bank	West Bend	Do.
The First Citizens State Bank of Whitewater	Whitewater	Do.
Federal Home Loan Bank of Des Moines—District 8		
Raccoon Valley State Bank	Adel	Iowa.
Peoples State Bank	Albia	Do.
Community Bank	Alton	Do.
Bank Altoona	Altoona	Do.
First National Bank of Ames	Ames	Do.
Farmers & Traders Savings Bank	Bancroft	Do.
Chelsea Savings Bank	Belle Plaine	Do.
Bennett State Bank	Bennett	Do.
Boone Bank & Trust Company	Boone	Do.
Prairie State Bank	Brunsville	Do.

Name	City	State
Guaranty Bank and Trust Company	Cedar Rapids	Do.
Cherokee State Bank	Cherokee	Do.
First State Bank	Conrad	Do.
Dubuque Bank and Trust Company	Dubuque	Do.
Exchange State Bank	Exira	Do.
First Federal Savings Bank of Iowa	Fort Dodge	Do.
Gibson Savings Bank	Gibson	Do.
Mills County State Bank	Glenwood	Do.
Security State Bank	Guttenburg	Do.
Farmers Savings Bank	Halbur	Do.
Farmers State Bank	Hawarden	Do.
First State Bank	Hawarden	Do.
Humboldt Trust & Savings Bank	Humboldt	Do.
State Central Bank	Keokuk	Do.
Heritage Bank	Marion	Do.
F&M Bank—Iowa Central	Marshalltown	Do.
Security State Bank	Red Oak	Do.
Lincoln Savings Bank	Reinbeck	Do.
Sibley State Bank	Sibley	Do.
Security State Bank	Stuart	Do.
First State Bank	Sumner	Do.
Farmers Savings Bank & Trust	Vinton	Do.
Webster City Federal Savings Bank	Webster City	Do.
Community State Bank	West Branch	Do.
Citizens State Bank	Wyoming	Do.
Farmers State Bank of Adams	Adams	Minnesota.
Bremer Bank, NA	Alexandria	Do.
State Bank of Aurora	Aurora	Do.
State Bank of Bellingham	Bellingham	Do.
Star Bank, NA	Bertha	Do.
Farmers & Merchants State Bank	Blooming Prairie	Do.
First National Bank	Blue Earth	Do.
Canton State Bank	Canton	Do.
First National Bank of Deer River	Deer River	Do.
The First National Bank of Deerwood	Deerwood	Do.
State Bank of Kimball	Kimball	Do.
Lake Elmo Bank	Lake Elmo	Do.
First National Bank Le Center	Le Center	Do.
First State Bank of LeRoy	LeRoy	Do.
Community Federal Savings & Loan Association	Little Falls	Do.
Prairie State Bank	Milan	Do.
Peoples National Bank	Mora	Do.
First Federal Savings Bank	Morris	Do.
Community National Bank	North Branch	Do.
Northwoods Bank of Minnesota, fsb	Park Rapids	Do.
Pine City State Bank	Pine City	Do.
Prior Lake State Bank	Prior Lake	Do.
Minnesota Valley Bank	Redwood Falls	Do.
First Independent Bank	Russell	Do.
United Prairie Bank	Spicer	Do.
First National Bank	Thief River Falls	Do.
State Bank of Tower	Tower	Do.
Security State Bank of Wanamingo	Wanamingo	Do.
Winona National and Savings Bank	Winona	Do.
Belgrade State Bank	Belgrade	Missouri.
Ozark Mountain Bank	Branson	Do.
O'Bannon Banking Company	Buffalo	Do.
First National Bank	Camdenton	Do.
Horizon State Bank	Cameron	Do.
Bank 21	Carrollton	Do.
State Bank of Missouri	Concordia	Do.
Eminence Security Bank	Emminence	Do.
Rockwood Bank	Eureka	Do.
Peoples Bank of Fordland	Fordland	Do.
Allen Bank and Trust Company	Harrisonville	Do.
Sun Security Bank of Mid-America	Holts Summit	Do.
Jonesburg State Bank	Jonesburg	Do.
Blue Ridge Bank and Trust Company	Kansas City	Do.
Missouri Bank and Trust of Kansas City	Kansas City	Do.
Kearney Commercial Bank	Kearney	Do.
Neosho Savings and Loan Association	Neosho	Do.
Bank of New Madrid	New Madrid	Do.
Charter 1 Bank	Owensville	Do.
Ozark Bank	Ozark	Do.

Name	City	State
Progressive Ozark Bank, fsb	Salem	Do.
First National Bank of Sarcoxie	Sarcoxie	Do.
Security Bank and Trust Company	Scott City	Do.
Community State Bank	Shelbina	Do.
Central West End Bank, A FSB	St. Louis	Do.
Missouri State Bank and Trust Company	St. Louis	Do.
South Side National Bank in St. Louis	St. Louis	Do.
Security Bank of Pulaski County	St. Robert	Do.
Community Bank, NA	Summersville	Do.
Peoples Bank and Trust Company	Troy	Do.
The Bank of Urbana	Urbana	Do.
The Missouri Bank	Warrenton	Do.
Farmers and Merchants Bank of Wright City	Wright City	Do.
First State Bank of North Dakota	Arthur	North Dakota.
First National Bank	Bowbells	Do.
Security State Bank of North Dakota	Hannaford	Do.
The Goose River Bank	Mayville	Do.
The First State Bank of Munich	Munich	Do.
Liberty State Bank	Powers Lake	Do.
Farmers & Merchants Bank of Valley City	Valley City	Do.
Dakota Heritage State Bank	Chancellor	South Dakota.
The First Western Bank Custer	Custer	Do.
Valley Bank, N.A	Elk Point	Do.
Reliabank Dakota	Estelline	Do.
Campbell County Bank, Inc	Herreid	Do.
Bank of Hoven	Hoven	Do.
First State Bank of Miller	Miller	Do.
CorTrust Bank	Mitchell	Do.
American State Bank	Oldham	Do.
American State Bank of Pierre	Pierre	Do.
Farmers and Merchants State Bank	Plankinton	Do.
First PREMIER Bank	Sioux Falls	Do.
First Western Bank Sturgis	Sturgis	Do.
Commercial State Bank	Wagner	Do.
First Western Bank Wall	Wall	Do.
Federal Home Loan Bank of Dallas—District 9		
Elk Horn Bank and Trust Company	Arkadelphia	Arkansas.
The Union Bank of Bryant	Bryant	Do.
First National Bank of Howard County	Dierks	Do.
Merchants & Farmers Bank	Dumas	Do.
Planters and Merchants Bank	Gillett	Do.
Calhoun County Bank	Hampton	Do.
Community First Bank	Harrison	Do.
The Cleburne County Bank	Heber Springs	Do.
One Bank & Trust	Little Rock	Do.
Pinnacle Bank	Little Rock	Do.
Pulaski Bank and Trust Company	Little Rock	Do.
Farmers Bank and Trust Company	Magnolia	Do.
Union Bank and Trust Company	Monticello	Do.
Newport Federal Savings Bank	Newport	Do.
Priority Bank	Ozark	Do.
First Community Bank	Pocahontas	Do.
United Bank	Springdale	Do.
Farmers and Merchants Bank	Stuttgart	Do.
First Federal Savings and Loan Association	Texarkana	Do.
Abbeville Building and Loan	Abbeville	Louisiana.
The Business Bank of Baton Rouge	Baton Rouge	Do.
Community Trust Bank	Choudrant	Do.
Crowley Building and Loan Association	Crowley	Do.
United Community Bank	Gonzales	Do.
Central Progressive Bank	Hammond	Do.
The Union Bank	Marksville	Do.
Horizons Bank	Monroe	Do.
IberiaBank	New Iberia	Do.
Fidelity Homestead Association	New Orleans	Do.
Crescent Bank and Trust	New Orleans	Do.
Citizens Bank and Trust Company	Plaquemine	Do.
Iberville Building & Loan Association	Plaquemine	Do.
Bank of Zachary	Zachary	Do.
Magnolia State Bank	Bay Springs	Mississippi.
The Valley Bank	Greenwood	Do.
The First National Bank of South Mississippi	Hattiesburg	Do.

Name	City	State
Grand Bank for Savings, FSB	Hattiesburg	Do.
OmniBank	Jackson	Do.
Trustmark National Bank	Jackson	Do.
Citizens Bank and Trust Company	Louisville	Do.
BankFirst Financial	Macon	Do.
Bank of New Albany	New Albany	Do.
Bank of Okalona	Okalona	Do.
First Federal Savings and Loan	Pascagoula	Do.
Bank of Yazoo City	Yazoo City	Do.
Union Savings Bank	Albuquerque	New Mexico.
Western Bank of Clovis	Clovis	Do.
Gallup Federal Savings Bank	Gallup	Do.
Citizens Bank of Las Cruces	Las Cruces	Do.
The Bank of Las Vegas	Las Vegas	Do.
Bank of Santa Fe	Santa Fe	Do.
Century Bank, FSB	Santa Fe	Do.
Franklin Bank, SSB	Austin	Texas.
IBM Texas Employees Federal Credit Union	Austin	Do.
Lamar Bank	Beaumont	Do.
First National Bank of Beeville	Beeville	Do.
Bonham State Bank	Bonham	Do.
First State Bank of North Texas	Cedar Hill	Do.
Shelby Savings Bank, ssb	Center	Do.
Chappell Hill Bank	Chappell Hill	Do.
Charter Bank Northwest	Corpus Christi	Do.
Nueces National Bank	Corpus Christi	Do.
First Security State Bank	Cranfils Gap	Do.
First National Bank of Crockett	Crockett	Do.
First National Bank in Dalhart	Dalhart	Do.
Inwood National Bank	Dallas	Do.
First Command Bank	Fort Worth	Do.
Pioneer National Bank	Fredericksburg	Do.
First State Bank	Happy	Do.
Henderson Savings & Loan	Henderson	Do.
Coastal Bank ssb	Houston	Do.
Community State Bank	Houston	Do.
First Heights Bank, fsb	Houston	Do.
Guardian Savings and Loan Association	Houston	Do.
Heritage Bank	Houston	Do.
Riverway Bank	Houston	Do.
State Bank	La Grange	Do.
Bayshore National Bank of La Porte	La Porte	Do.
Spring Hill State Bank	Longview	Do.
Angelina Savings Bank, FSB	Lufkin	Do.
Guaranty Bank	Mount Pleasant	Do.
Olympic Savings Association	Refugio	Do.
First State Bank	Stratford	Do.
Alliance Bank	Sulphur Springs	Do.
First State Bank	Temple	Do.
First FS&LA of Tyler	Tyler	Do.
First National Bank of Weatherford	Weatherford	Do.
Horizon Capital Bank	Webster	Do.
Federal Home Loan Bank of Topeka—District 10		
Colorado Central Credit Union	Arvada	Colorado.
Valley Bank and Trust	Brighton	Do.
Farmers State Bank of Calhan	Calhan	Do.
First National Bank of Canon City	Canon City	Do.
Bank West	Castle Rock	Do.
Castle Rock Bank	Castle Rock	Do.
FirstBank Colorado Springs	Colardo Springs	Do.
The First National Bank of Durango	Durango	Do.
Colorado Federal Savings Bank	Englewood	Do.
The First National Bank of Flagler	Flagler	Do.
Morgan Federal Bank	Fort Morgan	Do.
Colorado East Bank and Trust	Lamar	Do.
First National Bank in Lamar	Lamar	Do.
First National Bank of Anthony	Anthony	Kansas.
Valley State Bank	Atchison	Do.
Peoples Exchange Bank	Belleville	Do.
Guaranty State Bank and Trust Company	Beloit	Do.
Beverly State Bank	Beverly	Do.
Caldwell State Bank	Caldwell	Do.

Name	City	State
Elk State Bank	Clyde	Do.
Citizens National Bank	Fort Scott	Do.
Central Bank and Trust Company	Hutchinson	Do.
Inter-State FS&LA of Kansas City	Kansas City	Do.
State Bank of Kingman	Kingman	Do.
Citizens Savings and Loan Association, F.S.B	Leavenworth	Do.
First Savings Bank F.S.B	Manhattan	Do.
First State Bank	Norton	Do.
First FS&LA of Olathe	Olathe	Do.
First Option Bank	Osawatomie	Do.
The Roxbury Bank	Roxbury	Do.
The Columbian Bank and Trust Company	Topeka	Do.
First National Bank of Ainsworth	Ainsworth	Nebraska.
Community Bank	Alma	Do.
First Western Bank, NA	Atkinson	Do.
Auburn State Bank	Auburn	Do.
Bruning State Bank	Bruning	Do.
Butte State Bank	Butte	Do.
South Central State Bank	Campbell	Do.
First National Bank of Columbus	Columbus	Do.
City Bank and Trust Company	Crete	Do.
Cedar Security Bank	Fordyce	Do.
Fort Calhoun State Bank	Fort Calhoun	Do.
Security Home Bank	Malmo	Do.
Commercial Federal Bank	Omaha	Do.
Security National Bank of Omaha	Omaha	Do.
Pinnacle Bank	Papillion	Do.
First National Bank of Stromsburg	Stromsburg	Do.
Lancaster County Bank	Waverly	Do.
Bank of Yutan	Yutan	Do.
First National Bank & Trust Company	Ardmore	Oklahoma.
Citizens Security Bank and Trust Company	Bixby	Do.
Chickasha Bank and Trust Company	Chickasha	Do.
First National Bank and Trust in Clinton	Clinton	Do.
First Bank of Haskell	Haskell	Do.
Republic Bank of Norman	Norman	Do.
Lakeside State Bank	Oologah	Do.
First National Bank of Oklahoma	Ponca	Do.
First American Bank and Trust Company	Purcell	Do.
Sulphur Community Bank	Sulphur	Do.
Arvest State Bank	Tulsa	Do.
Federal Home Loan Bank of San Francisco—District 11		
Bank of Stockdale	Bakersfield	California.
California National Bank	Beverly Hills	Do.
Pacific Business Bank	Carson	Do.
Valley Independent Bank	El Centro	Do.
Xerox Federal Credit Union	El Segundo	Do.
North County Bank	Escondido	Do.
Fremont Bank	Fremont	Do.
Fidelity Federal Bank, FSB	Glendale	Do.
American First Federal Credit Union	La Habra	Do.
International City Bank, N.A	Long Beach	Do.
First Commerce Bank	Los Angeles	Do.
National Bank of California	Los Angeles	Do.
Preferred Bank	Los Angeles	Do.
U.S. Trust Company, N.A	Los Angeles	Do.
Modesto Commerce Bank	Modesto	Do.
Vintage Bank	Napa	Do.
Oak Valley Community Bank	Oakdale	Do.
United Labor Bank, FSB	Oakland	Do.
World Savings and Loan Association	Oakland	Do.
Palm Desert National Bank	Palm Desert	Do.
Mid-Peninsula Bank	Palo Alto	Do.
PFF Bank and Trust	Pomona	Do.
Commercial Capital Bank, FSB	Riverside	Do.
Summit State Bank	Rohnert Park	Do.
Malaga Bank, ssb	Rolling Hills Estate	Do.
California Savings & Loan, a F.A	San Francisco	Do.
Commercial Bank of San Francisco	San Francisco	Do.
Westcoast Savings and Loan Association	Seal Beach	Do.
Monterey Bank Bay	Watsonville	Do.

Name	City	State
Federal Home Loan Bank of Seattle—District 12		
Northrim Bank	Anchorage	Alaska.
Northern Schools FCU	Fairbanks	Do.
Bank Pacific	Agana	Guam.
Finance Factors, Limited	Honolulu	Hawaii.
Hawaii State Federal Credit Union	Honolulu	Do.
The Bank of Commerce	Idaho Falls	Idaho.
Ireland Bank	Malad	Do.
First Federal Savings Bank of Twin Falls	Twin Falls	Do.
United Banks, N.A.	Absarokee	Montana.
Pioneer Federal Savings and Loan Association	Dillon	Do.
Pacific Continental Bank	Eugene	Oregon.
First FS&LA of McMinnville	McMinnville	Do.
Albina Community Bank	Portland	Do.
Community First	Prineville	Do.
Bank of American Fork	American Fork	Utah.
Home Credit Bank	Salt Lake City	Do.
TransWest Credit Union	Salt Lake City	Do.
Heritage Savings Bank	St. George	Do.
Horizon Bank, a Savings Bank	Bellingham	Washington.
Commercial Bank of Everett	Everett	Do.
Bank of Fairfield	Fairfield	Do.
Timberland Savings Bank	Hoquiam	Do.
Kitsap Bank	Port Orchard	Do.
Puyallup Valley Bank	Puyallup	Do.
First Savings Bank of Renton	Renton	Do.
HomeStreet	Seattle	Do.
Washington First International Bank	Seattle	Do.
Bank of Star Valley	Afton	Wyoming.
Wyoming Bank & Trust Company, N.A	Buffalo	Do.
Pinnacle Bank	Cody	Do.
Oregon Trail Bank	Guernsey	Do.
First National Bank and Trust	Powell	Do.
First State Bank of Thermopolis	Thermopolis	Do.
First National Bank, Torrington	Torrington	Do.
Pinnacle Bank, Wyoming	Torrington	Do.

To encourage the submission of public comments on the community support performance of Bank members, on or before October 27, 2000, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2000–01 third quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2000–01 third quarter review cycle must be delivered to the Finance Board on or before the November 27, 2000 deadline for submission of Community Support Statements.

By the Federal Housing Finance Board.

James L. Bothwell,

Managing Director.

[FR Doc. 00–25651 Filed 10–12–00; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Meeting Notice

TIME AND DATE: 10 a.m., Wednesday, October 18, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW, Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: October 11, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–26460 Filed 10–11–00; 11:28 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section

7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Transaction No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—08/07/2000			
20004239	Advanced Energy Industries, Inc	Dr. Ray R. Dils	Sekidenko, Inc.
20004266	HealthCentral.com	Drug Emporium, Inc.	Drug Emporium, Inc.
20004267	Andersen Consulting LLP	Henry E. Asher	eData.com, Inc.
20004283	Wilbur-Ellis Company	Don & Irene Gragnani	Helm Fertilizers, Inc.
20004284	Caxton Global Investments Limited	Buffets, Inc.	Buffets, Inc.
20004285	American United Insurance Company.	CNL Financial Corporation	CNL Financial Corporation
20004290	CyberSource Corporation	PaylinX Corporation	PaylinX Corporation
20004291	Cypress Semiconductor Corporation	Silicon Light Machines	Silicon Light Machines
20004292	Halpern Denny Fund II, L.P	F. Andrew Welcher	Jackson Oil Products Company, Inc. Resources Recovery, Inc.
20004296	UnitedHealth Group Incorporated	Familymeds Group, Inc.	Familymeds Group, Inc.
20004301	Quanta Services, Inc	James & Laura Woods	Woods Electrical Co., Inc. Woods Network Services, Inc.
20004302	Key Components, LLC	Acme Electric Corporation	Acme Electric Corporation
20004303	Commerce One, Inc.	AppNet, Inc.	AppNet, Inc.
20004304	Kenneth R. Thomson	Physicians World Communications Group.	Physicians World Communications Group
20004305	Warburg, Pincus, Equity Partners, L.P.	The Cobalt Group	The Cobalt Group
20004310	Sidney B. DeBoer	Terry L. Schulte	Terry Schulte Automotive, Inc.
20004312	American Home Products Corporation.	Aventis	Aventis Pharamaceuticals Products, Inc. Rhone-Poulenc Rorer Inc.
20004315	United Auto Group, Inc	Kevin Rinke	Rinke Cadillac Co. The Rinke Pontiac-GMC Company
20004319	Elisabeth Badinter	Saatchi & Saatchi plc	Saatchi & Saatchi plc
20004320	Cordiant Communications Group plc	Lighthouse Global Network, Inc.	Lighthouse Global Network, Inc.
20004324	Jon M. Huntsman	Rohm and Haas Company	Rohm and Haas Company
20004325	GTCR Fund VII, L.P	Schubert Family Trust	National Alarm Computer Center, Inc.
Transactions Granted Early Termination—08/08/2000			
20004222	Deutsche Bank	AlphaBlox Corporation	AlphaBlox Corporation
20004205	Metris Companies Inc	Popular, Inc	Banco Popular North America
Transactions Granted Early Termination—08/09/2000			
20004118	Land O' Lakes, Inc	ConAgra, Inc	Beatrice Group, Inc.
20004120	Kyle W. Mussman	Marie Balitsos	BCK/Rivgam, L.L.C.
20004145	Rogers Group, Inc	Hanson PLC	Hanson Aggregates East, Inc.
20004146	Hanson PLC	Rogers Group, Inc	Rogers Group, Inc.
20004168	First Union Corporation	Gabriel Communications, Inc	Gabriel Communications, Inc.
20004201	Invensys plc	John E. Conley	Cactus Integration Group, LLC
20004204	Summer M. Redstone	Raycom Media, Inc	Raycom America, Inc.
20004223	Provident Financial Group, Inc	Bank One Corporation	Banc One Capital Holdings Corp., Banc One Capital Funding Banc One Neighborhood, Banc One Captial Markets
20004225	America Online	TiVo Inc	TiVo Inc.
20004311	General Motors Corporation	FINOVA Capital Corporation	FINOVA Capital Corporation
20004363	Jerome H. Kern	AT&T Corporation	On Command Corporation
Transactions Granted Early Termination—08/10/2000			
20004260	Gramercy Communications Partners (Cayman), L.P.	Z-Tel Technologies, Inc	Z-Tel Technologies, Inc.
20004313	UBS AG	Paine Webber Group, Inc	Paine Webber Group, Inc.
Transactions Granted Early Termination—08/11/2000			
20004227	Gramercy Communications Partners, L.P.	Charles M. Piluso	North American Telecommunications Corporation.
20004234	Team Health Holdings, LLC	Laidlaw Inc	EmCare Holdings, Inc.
20004331	VS&A Communications Partners III, L.P.	Gilbert Global Equity partners, L.P	Ionex Telecommunications, Inc.

Transaction No.	Acquiring	Acquired	Entities
20004341	Ron W. Arder, Jr	Flextronics International Ltd	Flextronics International Ltd.
20004342	Flextronics International Ltd	Ron W. Arder, Jr	Lightning Manufacturing Solutions Texas, L.L.C.
20004343	Frank J. Dotzler	Flextronics International Ltd	Flextronics International Ltd.
20004344	Flextronics International Ltd	Frank J. Dotzler	Lightning Manufacturing Solutions Texas, L.L.C.
20004351	Flextronics International Ltd	Lightning Metal Specialties, Inc	Lightning Metal Specialties, Inc.
20004358	Teradyne, Inc. a Massachusetts Corporation.	Robert S. Herring, Sr	Herco Technology Incorporated. Perception Laminates, Inc.
20004499	Hilite Holdings L.L.C	Northern Stamping, Inc	Northern Stamping, Inc.
20004308	Lloyd J. Baretz	National Data Corporation	C-Care, Inc. d/b/a The MARS Group EE&C Financial Services, Inc. H.O.P.E. Enterprises Group, Inc. National Data Corporation PhyServ Solutions, Inc. Professional Medical Recovery Services, Inc.
20004354	TNT Post Group N.V.	G3 World Mail B.V.i.o	G3 World Mail B.V.i.o.
Transactions Granted Early Termination—08/15/2000			
20003988	Stephen J. Luczo	VERITAS Software Corporation	VERITAS Software Corporation
20004132	Premdor Inc	General Electric Company	Wing Industries, Inc.
20004164	H Group Holding, Inc	Novartis AG	Novartis AG
20004176	Asworth Corporation	Novartis AG	Novartis AG
20004206	Carl C. Icahn	VISX, Inc	VISX, Inc.
20004213	Wells Fargo & Company	Life Time Fitness, Inc.	Life Time Fitness, Inc.
20004228	Clear Channel Broadcasting, Inc	Sunburst Media, L.P.	Sunburst Media, L.P.
20004253	Lehman Brothers Blount Investment SPV LLC.	Robin A. Peterson	Fabtek, Inc.
20004255	Hitachi, Ltd	Elpida Memory (USA) Inc.	Elipda Memory (USA) Inc.
20004256	NEC Corporation	Elpida Memory (USA) Inc.	Elpida Memory (USA) Inc.
20004257	J.H. Whitney IV, L.P	MetroPCS, Inc.	MetroPCS, Inc.
20004258	The Chase Manhattan Corporation	MetroPCS, Inc.	MetroPCS, Inc.
20004269	Dassault Systems, S.A	Spatial Technology Inc.	Spatial Components, LLC.
20004271	Ford Motor Company	Vastera, Inc	Vastera, Inc.
20004288	Mediacom Communications Corporation.	Illinet Communications, L.L.C.	Illini Cable Holding, Inc. Illini Cablevision of Illinois, Inc. Illini Communications of Central Illinois, LLC.
20004289	BP Amoco p.l.c	Century Partners-Idaho Limited Partnership.	IGI Resources, Inc.
20004299	Alltel Corporation	Alltel Corporation	Florida RSA #1B (Naples) Limited Partnership.
20004306	John R. Eckel, Jr	N.V. Koninklijke Nederlandsche Petroleum Maatschappij.	N.V. Koninklijke Nederlandsche Petroleum Maatschappij
20004314	PowerGen plc	Ameren Corp.	Electric Energy, Inc.
20004317	DLJ Merchant Banking Partners II, L.P.	Insilco Holding Co	Great Lake, Inc., Steel Parts Corporation. Insilco Corporation. Thermal Components, Inc., Thermal Transfer Products, Ltd.
20004318	Paul M. Montrone	Bayberry Trust	Northern Lights Cable, Inc. Prestolite Wire Corporation. Prestolite Wire Pacific Rim, PTE, Ltd.
20004337	Flextronics International Ltd	Chatham Technologies, Inc	Chatham Technologies, Inc.
20004425	Rhodia	ChiRex Inc	ChiRex Inc.
20004445	General Electric Company	Dominion Resources, Inc	First Source Financial LLP.
Transactions Granted Early Termination—08/16/2000			
20004190	J.P. Morgan & Co. Incorporated	RiskMetrics Group, Inc. (The)	RiskMetrics Group, Inc. (The).
20004240	Tosco Corporation	BP Amoco p.l.c	BP Exploration & Oil Inc. BP Oil Pipeline Company
20004328	Carso Global Telecom, S.A. de C.V	Home Wireless Networks, Inc.	Home Wireless Networks, Inc.
20004335	Eastman Kodak Company	David M. Stern	Research Systems, Inc.
20004336	CheckFree Holdings Corporation	Bank of America Corporation	Bank of America Corporation
20004339	Sonera Corporation	James O. Hayles, Jr. and Myna C. Hayles, (husband & wife).	Eliska Wireless Ventures I, Inc.
20004345	University Community Hospital, Inc	Tarpon Springs Hospital Foundation, Inc.	Tarpon Springs Hospital Foundation, Inc.
20004349	TH Lee.Putnam Internet Partners, LP.	United Shipping & Technology, Inc	United Shipping & Technology, Inc.
20004350	TH Lee.Putnam Internet Parallel Partners, L.P.	United Shipping & Technology, Inc	United Shipping & Technology, Inc.
20004357	Powertel, Inc.	James O. Hayles, Jr. and Myna C. Hayles (husband and wife).	Eliska Wireless Ventures I, Inc.
20004359	Sonera Corporation	Powertel, Inc	Powertel, Inc.
20004364	Stork N.V.	H&E Machinery, Inc	H&E Machinery, Inc. H&E Turbo Components, Inc. M&E Turbo Machinery, Inc.

Transaction No.	Acquiring	Acquired	Entities
20004365	Marubeni Corporation	PLM International Inc	PLM International, Inc.
20004366	Intel Corporation	Trillium Digital Systems, Inc	Trillium Digital Systems, Inc.
20004369	Andrea L. Cunningham	Incepta Group Plc	Incepta Group Plc.
20004370	Incepta Group Plc	Andrea L. Cunningham	Cunningham Communications, Inc.
20004371	Insilco Holding Co	Dale Fleming	Precision Cable Manufacturing Corporation.
20004372	American Reprographics Holdings, L.L.C.	The Sandpoint Charitable Trust	Wilco Reprographics, Inc.
20004378	James L. Barksdale	Webvan Group, Inc	Webvan Group, Inc.
20004380	Kan S. Bajaj	Commerce One, Inc	Commerce One, Inc.
20004382	Sapa AB	Anodizing, Inc	Anodizing, Inc.
20004421	Reuters Group PLC	The RiskMetrics Group, Inc	The RiskMetrics Group, Inc.
Transactions Granted Early Termination—08/17/2000			
20002951	Healtheon/WebMD Corporation	Medical Manager Corporation	Medical Manager Corporation
20004169	Hanover Compressor Company	Ingersoll-Rand Company	Dresser-Rand Company
20004279	Warburg, Pincus Ventures, L.P	Scientific Learning Corporation	Scientific Learning Corporation
20004390	Merrill Lynch & Co., Inc	Level 8 Systems, Inc	Level 8 Systems, Inc.
20004397	Pearson plc	National Computer Systems, Inc	National Computer Systems, Inc.
20004423	Marubeni Corporation	David W. Spiegel	Gallery Automotive Group, Inc.
20004427	Internet Capital Group, Inc	BuyMedia, Inc	BuyMedia, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contract Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–26341 Filed 10–12–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION 08/21/2000–09/01/2000

Transaction No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination-08/21/2000			
20004248	E–T–T, Inc	Jackpot Enterprises, Inc	Cardivan Company/Corral Coin Inc. Corral Country Coin, Inc.
20004282	ABS Capital Partners III, L.P	@Road, Inc	@Road, Inc.
20004321	Pfizer Inc	Virbac S.A	Virbac S.A.
20004346	BASF Aktiengesellschaft	Takeda Chemical Industries, Ltd	Takeda Vitamin & Food USA, Inc.
20004348	Skanska AB	Barclay White, Inc	Barclay White, Inc.
20004379	Mary Alice Taylor	Webvan Group, Inc	Webvan Group, Inc.
20004383	Silgan Holdings Inc	OCM Opportunities Fund, L.P	RXI Holdings, Inc.
20004384	Aon Corporation	divine interVentures, Inc	divine interVentures, Inc.
20004385	Apollo Investment Fund IV, L.P	Royal Dutch Petroleum Company	Shell Epoxy Resins Inc.
20004387	Broadcom Corporation	Altima Communications, Inc	Altima Communications, Inc.
20004394	Cisco Systems, Inc	Komodo Technology, Inc	Komodo Technology, Inc.
20004395	Partek Oyj Abp	Terex Corporation	Terex Corporation.
20004396	UtiliCorp United Inc	The Empire District Electric Company.	The Empire District Electric Company.
20004400	The TriZetto Group, Inc	IMS Health Incorporated	ERISCO Managed Care Technologies, Inc.
20004401	IMS Health Incorporated	The TriZetto Group, Inc	The TriZetto Group, Inc.
20004402	Marshall W. Pagon	SRT Communications, Inc	Souris River Television, Inc. SRT Communications, Inc.
20004403	Linc. net, Inc	InterCon Construction, Inc	InterCon Construction, Inc.
20004404	Metacreations Corporation	Computer Associates International, Inc.	Viewpoint Digital, Inc.
20004405	Robert J. McGovern	Tribune Company	Career Holdings, Inc.
20004406	Robert J. McGovern	Knight-Ridder, Inc	Career Holding, Inc.
20004409	Health Management Associates, Inc	Charterhouse Equity Partners II, L.P	NetCare Health Systems, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION 08/21/2000–09/01/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
20004410	ABRY Broadcast Partners II, L.P	Walter E. Hussman Jr. Family Trust	KTAL–TV, Inc.
20004414	Rural Cellular Corporation	Saco River Telegraph and Telephone Company.	Saco River Telegraph and Telephone Company.
20004419	Brockway Moran & Partners Fund, L.P.	DCS Holdings, Inc	Dynamic Cooking Systems, Inc.
20004420	Lucent Technologies, Inc	Spring Tide Networks, Inc	Spring Tide Networks, Inc.
20004426	Safeguard Scientifics, Inc	Kanbay International, Inc	Kanbay International, Inc.
20004430	Wind Point Partners IV, L.P	Twitchell Holding Corporation	Twitchell Holding Corporation.
20004432	UBS AG, a Swiss Banking Corporation.	Xelus, Inc	Xelus, Inc.
20004435	TCV IV, L.P	Microsoft Corporation	Expedia, Inc.
20004436	Arthur J. Gallagher & Co	John P. & Barbara A. Woods	John P. Woods Co., Inc.
20004437	John P. & Barabara A. Woods	Arthur J. Gallagher & Co	Arthur J. Gallagher & Co.
20004438	Berkshire Fund V, Limited Partnership.	U.S. Can Corporation	U.S. Can Corporation.
20004441	The SK Equity Fund, L.P	Roundhouse, Inc	Roundhouse, Inc.
20004442	VNU N.V	United News & Media plc	MFI Holdings, Inc.
20004443	Internet Capital Group, Inc	Robert K. Kraft	PaperExchange.com, Inc.
20004444	Robert K. Kraft	Internet Capital Group, Inc	Internet Capital Group, Inc.
20004446	Long Point Capital Fund, L.P	FCP Investors V, L.P	Colibri Holding Corporation.
20004447	John Wood Group, PLC	Mustang Engineering, Inc	Mustang Engineering, Inc.
20004483	Hattiesburg Clinic Professional Association.	PhyCor, Inc	PhyCor of Hattiesburg, Inc.
Transactions Granted Early Termination—08/22/2000			
20004416	Alaska Power & Telephone Company.	Bell Atlantic Corporation	GTE Alaska Incorporated d/b/a Verizon Alaska.
20004448	Kenneth R. Thomson	WebCT, Inc	WebCT, Inc.
20004460	ENEL S.p.A	Echelon Corporation	Echelon Corporation.
20004467	Zoho Holding Corporation	Starwood Hotels & Resorts Worldwide, Inc.	Starwood Hotels & Resorts Worldwide, Inc.
20004468	Starwood Hotels & Resorts Worldwide, Inc.	Zoho Holding Corporation	Zoho Holding Corporation.
20004484	TPG Partners II, L.P	DoveBid, Inc	DoveBid, Inc.
20004494	ITXC Corp	eFusion, Inc	eFusion, Inc.
Transactions Granted Early Termination—08/23/2000			
20004242	Summit Capital II, L.P	Switch & Data Facilities Company, Inc.	Switch & Data Facilities Comopany, Inc.
20004431	Eaton Corporation	Patrick P. Lee	Air-Dro Cylinders, Inc. Hydro-Line, Inc.
20004449	Conso International Corporation	Charles S. Meyer	Lending Textile Co., Inc. Wm. E. Wright Limited Partnership.
20004453	Health Care Service Corporation, a Mutual Legal Reserve Co.	New Mexico Blue Cross and Blue Shield, Inc.	HMO New Mexico, Inc. New Mexico Blue Cross and Blue Shield, Inc.
20004455	Oak Investment Partners VIII, L.P	Xelus, Inc	Xelus, Inc.
20004461	The Bear Sterns Companies Inc., BSCC Employee Fund III, LP.	Manville Personal Injury Settlement Trust.	Johns Manville Corporation.
20004462	Bear Stearns Merchant Banking Partners II, L.P.	Manville Personal Injury Settlement Trust.	Johns Manville Corporation.
20004463	HMTF Bridge Partners, L.P. or Hicks, Muse, Tate & Furst.	Manville Personal Injury Settlement Trust.	Johns Manville Corporation.
20004465	Riverdeep Group, plc	International Business Machines Corporation.	Edmark Corporation.
20004466	International Business Machines Corporation.	Riverdeep Group, plc	Riverdeep Group, plc
20004469	InfoSpace, Inc	Go2Net, Inc.	Go2Net, Inc.
20004473	ce Consumer Electronic AG	SND Electronics, Inc	SND Electronics, Inc.
20004474	IDX Systems Corporation	Allscripts, Inc.	Allscripts Holding, Inc
20004475	Allscripts, Inc.	IDX Systems Corporation	Channelhealth Incorporated.
20004476	Prudential plc	AmSouth Bancorporation	IFC Holdings, Inc.
20004477	Telelogic A. B	QSS, Inc	QSS, Inc.
20004479	Paul G. Allen	InfoSpace, Inc	InfoSpace, Inc.
20004480	Russell C. Horowitz	InfoSpace, Inc	InfoSpace, Inc.
20004481	Chicago Bridge & Iron Company N.V.	Mr. Issam M. Fares	Howe-Baker International, Inc.
20004482	Issam M. Fares	Chicago Bridge & Iron Company N.V.	Chicago Bridge & Iron Company N.V.
20004490	SCI Systems, Inc	Koor Industries, Ltd	Telrad Networks Ltd.

TRANSACTIONS GRANTED EARLY TERMINATION 08/21/2000–09/01/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
20004491	Grand Pacific Petrochemical Corp	Hyundai Electronics Industries Co., Ltd.	MMC Technology, Inc.
20004493	Donald M. Tribus	First Union Corporation	First Union Corporation.
20004497	Debt Strategies Fund II, Inc	Debt Strategies Fund III, Inc	Debt Strategies Fund III, Inc.
20004499	Debt Strategies Fund II, Inc	Debt Strategies Fund, Inc	Debt Strategies Fund, Inc.
20004524	American International Group, Inc	DQE, Inc	Duquesne Energy, Inc.
20004532	Madison Dearborn Capital Partners III, L.P.	Jeffrey A. Wolfson	Pax Holding Corporation.
20004550	Michael E. Heisley	WordPort Communications, Inc	WorldPort Communications, Inc.
	Transactions Granted Early Termination—08/24/2000		
20004252	Veritas Capital Fund, L.P. (The)	Tech-Sym Corporation	Tech-Sym Corporation.
20004347	Advance Paradigm, Inc	Rite Aid Corporation	PCS Holding Corporation.
20004375	Cephalon, Inc	Anesta Corp	Anesta Corp.
20004381	MediaNews Group, Inc	Kenneth R. Thomson	Thomson Holdings Inc.
20004439	MDU Resources Group, Inc	Stephen J. Loosley	Roseburg Paving Company. Teeco Corporation.
20004440	MDU Resources Group, Inc	Judy Sweeney	Roseburg Paving Company. Teeco Corporation.
20004500	Lincolnshire Equity Fund II, L.P	Lincolnshire Equity Fund I, L.P	Visual Products Corp.
20004501	Regal-Beloit Corporation	Leeson Electric Corporation	Leeson Electric Corporation.
20004502	Prison Realty Trust, Inc	Corrections Corporation of America	Corrections Corporation of America.
20004505	Reed International P.L.C	eCompanies LLC	Business.Com, Inc.
20004506	Elsevier NV	eCompanies LLC	Business.Com, Inc.
20004507	Centennial Communications Corp	Bell Atlantic Corporation d/b/a Verizon communications.	Subsidiary Corporation.
20004508	Hagemeyer N.V	Cameron & Barkley Company	Cameron & Barkley Company
20004510	Pearson plc	eCompanies LLC	Business.Com, Inc.
20004511	Allied Zurich p.l.c	Zurich Allied AG	Zurich Allied AG.
20004513	Forest Oil Corporation	Forcenergy Inc	Forcenergy Inc.
20004517	AXA	Sanford C. Bernstein Inc	Bernstein Technologies, Inc.
20004519	Citigroup Inc	George Karfunkel	AST StockPlan, Inc.
20004520	Citigroup Inc	Michael Karfunkel	AST StockPlan, Inc.
20004521	Hong Kong Electric Holdings Limited.	ScottishPower plc	Eastern Investment Company. Pan Pacific Global Corporation.
20004522	Hutchison Whampoa Limited	ScottishPower plc	Eastern Investment Company. Pan Pacific Global Corporation.
20004525	Overseas Partners Ltd	Reliance Group Holdings, Inc	Reliance Reinsurance Company.
20004528	Illinois Tool Works Inc	Huhtamaki Van Leer Oyj	Van Leer Flexibles (Texas), Inc. Van Leer Flexibles LP. VLF Holding, Inc.
20004535	The Boeing Company	M. Francois Pinault	Continental Graphics Holdings, Inc.
20004537	Bank One Corporation	BISSELL, Inc	AbilityOne Corporation.
20004540	TCV IV, L.P	CosmoCom, Inc	CosmoCom, Inc.
20004542	Universal Compression Holdings, Inc.	Reuben James Helton	Gas Compression Services, Inc.
20004543	Interpool, Inc	Aegon N.V	Transamerica Leasing Inc.
	Transactions Granted Early Termination—08/25/2000		
20003983	BP Amoco p.l.c	Aerie Networks, Inc	Aerie Networks, Inc.
20004147	Richland Ventures II, L.P	Gabriel Communications, Inc	Gabriel Communications, Inc.
20004148	Richland Ventures III, L.P	Gabriel Communications, Inc	Gabriel Communications, Inc.
20004153	Steinway Musical Instruments, Inc	Bernhard Muskantor	United Musical Instruments Holdings, Inc.
20004322	Intel Corporation	Newco	Newco.
20004368	Westgate Equity Partners, L.P	Eagle OPG, Inc	Eagle OPG, Inc.
20004451	MasTec, Inc	Floyd Flaire Ferrell, Jr	Flaire, Inc.
20004457	Syncor International Corporation	US Diagnostic Inc	US Diagnostic, Inc.
20004478	M.D. Sass Corporate Resurgence Partners, L.P.	Seaman Furniture Company, Inc	Seaman Furniture Company, Inc.
20004489	Kurt Abrahamson	Media Metrix, Inc	Media Metrix, Inc.
20004512	Everett R. Dobson Irrevocable Family Trust.	MJ Cellular, Inc	MJ Cellular, Inc.
20004529	DDI Corporation	KDD Corporation	KDD America, Inc.
20004531	Clear Channel Communications, Inc	Stephens Group, Inc	DR Partners.
20004533	Mattson Technology, Inc	CFM Technologies, Inc	CFM Technologies, Inc.
20004536	The Southern Company	The Southern Company	Southern Company Energy Marketing G.P., L.L.C. Southern Company Energy Marketing, L.P.
20004551	Gene DeRose	Media Metrix, Inc	Media Metrix, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION 08/21/2000–09/01/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
20004552	Accel VIII L.P	Comstellar Technologies, Inc	Comstellar Technologies, Inc.
20004553	New Enterprise Associates 9, Limited Partnership.	Comstellar Technologies, Inc	Comstellar Technologies, Inc.
20004558	GTCR Fund VII, L.P	InfoHighway Communications Corporation.	InfoHighway Communications Corporation.
20004560	Eltrax Systems, Inc	Cereus Technology Partners, Inc	Cereus Technology Partners, Inc.
20004564	Marmon Holdings, Inc	Aegon, N.V	Trans Ocean Tank Services Corporation. Transamerica Leasing Inc.
20004570	iBeam Broadcasting Corporation	NextVenue Inc	NextVenue Inc.
20004574	Illinois Tool Works Inc	Hampshire Holographic Manufacturing Corporation.	Hampshire Holographic Manufacturing Corporation.
20004602	SC VIII Management, LLC	Yahoo! Inc	Yahoo! Inc.
Transactions Granted Early Termination—08/28/2000			
20004270	Intuit Inc	Princes Gate Investors II, L.P	Venture Finance Software Corp.
20004373	The Williams Companies, Inc	Stanford N. Phelps	Wyatt Energy, Incorporated. Wyco New Haven, Inc. Wyn Corporation.
20004579	Nortel Networks Corporation	Alteon WebSystems, Inc	Alteon WebSystems, Inc.
20004655	MapleWood Equity Partners LP	HoldCo	HoldCo.
Transactions Granted Early Termination—08/30/2000			
20000801	Clear Channel Communications, Inc	AMFM Inc	AMFM Inc.
20001205	Thomas O. Hicks	Clear Channel Communications, Inc	Clear Channel Communications, Inc.
20001208	Hicks, Muse, Tate & Furst Equity Fund III, L.P.	Clear Channel Communications, Inc	Clear Channel Communications, Inc.
20004297	Colonial Pipe Line Company	BP Amoco p.l.c	BP Exploration & Oil Inc. BP Oil Pipeline Company.
20004447	VantagePoint Venture Partners III (Q), L.P.	Aerie Networks, Inc	Aerie Networks, Inc.
20004509	Liberty Mutual Insurance Company	Wagner Asset Management, L.P	Wagner Asset Management, L.P.
20004514	Martin J. Wygod	Healtheon/WebMD Corporation	Healtheon/WebMD Corporation.
20004515	Michael A. Singer	Healtheon/WebMD Corporation	Healtheon/WebMD Corporation.
20004557	Freedom Communications, Inc	Warburg, Pincus Capital Company, L.P.	Journal Company, Inc., Journal Register Supply, Inc. Journal Company, Inc., Journal Register Supply, Inc.
20004559	Western Wireless Corporation	Hickory Tech Corporation	Hickory Tech Corporation.
20004563	IFCO Systems, N.V	Texas Pallet, L.P	Texas Pallet, L.P.
20004565	Garfield Weston Charitable Foundation.	Procter & Gamble Company, (The)	Procter & Gamble Company, (The).
20004566	Broadcom Corporation	Silicon Spice Inc	Silicon Spice Inc.
20004567	Mr. Vinod Dham	Broadcom Corporation	Broadcom Corporation.
20004573	Cisco Systems, Inc	Cap Gemini, S.A	Cap Gemini, S.A.
20004583	The Emerging Markets Infrastructure Fund, Inc.	The Emerging Markets Telecommunications Fund, Inc.	The Emerging Markets Telecommunications Fund, Inc.
20004584	The Latin America Investment Fund, Inc.	The Latin America Equity Fund, Inc	The Latin America Equity Fund, Inc.
20004590	Citigroup Inc	Titan International, Inc	Titan International, Inc.
20004591	Citigroup Inc	Delco Remy International, Inc	Delco Remy International, Inc.
20004596	Wells Fargo & Company	General Electric Corporation	GE Capital Mortgage Services, Inc.
20004597	Bain Capital Fund VII, L.P	Intira Corporation	Intira Corporation.
20004598	Phone.com, Inc	Software.com, Inc	Software.com, Inc.
20004601	John Menzies plc	Ogden Corporation	Ogden Asia Pacific Services, Inc. Ogden Aviation Service Company of Texas, Inc. Ogden Aviation Service Company of Washington, Inc. Ogden Aviation Services (Chile) Ltda. Ogden Aviation Services (Venezuela), S.A. Ogden Aviation Services Dominicana, S.A. Ogden Cargo Limited. Ogden Central and South America, Inc. Ogden Ground Services (Canada) Ltd. Ogden Ground Services de Mexico, S.A. de C.V. Ogden Ground Services, Inc. Ogden Holdings B.V. Ogden Peru, S.R.L. Ogden-Servicos de Atendimento Aeroterrestre Ltda.

TRANSACTIONS GRANTED EARLY TERMINATION 08/21/2000–09/01/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
			SEITSA Leasing, S.A. de C.V.
20004607	Church & Dwight Co., Inc	USA Detergents, Inc	Armus, LLC. USA Detergents, Inc.
20004620	United Rentals, Inc	Naru Investment Trust	Horizon High Reach, Inc.
20004623	Brian L. Roberts	CAT Partnership	CAT Partnership.
20004625	Time Warner Inc	Time Warner Inc	Time Warner Entertainment Company, L.P. Time Warner Entertainment-Advance/ Newhouse.
20004629	Internet Captial Group, Inc	inOvate Communications Group, Inc	inOvate Communications Group, Inc.
20004630	Apollo Investment Fund IV, LP	Patrick Nolan	GTS Transportation Services, Inc.
20004631	Apollo Investment Fund IV, LP	Jeffrey Roths	GTS Transportation Services, Inc.
20004641	Lehman Brothers Holdings Inc	Societe Generale	SG Cowen Securities Corporation.
20004642	Warburg, Pincus Equity Partners, L.P.	Lucent Technologies Inc	Avaya, Inc.
20004643	Fortis (B)	Service Corporation International	American Memorial Life Insurance Company.
20004644	Fortis (NL) N.V	Service Corporation International	American Memorial Life Insurance Company.
20004651	Zale Corporation	Piercing Pagoda, Inc	Piercing Pagoda, Inc.
20004652	PETsMART, Inc	PETsMART.com, Inc	PETsMART.com, Inc.
20004658	Chrion Corporation	PathoGenesis Corporation	PathoGenesis Corporation.
20004660	JOMED N.V	EndoSonics Corporation	EndoSonics Corporation.
Transactions Granted Early Termination—08/31/2000			
20004621	Lancaster Colony Corporation	Patricia W. Barnes	Sister Schubert's Homemade Rolls, Inc.
Transactions Granted Early Termination—09/01/2000			
20003182	BAE Systems plc	Lockheed Martin Corporation	Lockheed Martin Corporation.
20003972	Winn-Dixie Stores, Inc	Gooding's Supermarkets, Inc	Gooding's Supermarkets, Inc.
20004495	Rentokil Initial plc	The ServiceMaster Company	TruGreen Limited Partnership.
20004562	H.F. Johnson Distributing Trust of the Benefit of Samuel J.	Charles & Jane Butcher	The Butcher Company.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580; (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–26342 Filed 10–12–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the permerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION 09/05/2000–09/15/2000

Transaction No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—09/05/2000			
20004539	Community Newspapers, Inc., a South Carolina corporation.	New York Times Company (The)	NYT Florida Holdings, Inc.
20004576	Private Equity Investors IV, L.P	NT Corporation	NT Corporation.
20004577	The 1818 Fund III, L.P	NT Corporation	NT Corporation.
20004578	Wind Point Partners IV, L.P	NT Corporation	NT Corporation.
20004595	California Physicians' Service	UnitedHealth Group Incorporated	United Healthcare Insurance Company. United Healthcare of California, Inc. UnitedHealth Networks, Inc.
20004600	Siebel Systems, Inc	Sierra Ventures VI, L.P	OnLink Technologies, Inc.
20004604	Rodney L. Grimm Stock Trust	Daniel C. & Susie G. Duncan	Healthy Fresh, Inc./Organic Choice, LLC. Tri-Duncan Farms.
20004605	Robert A. Grimm Stock Trust	Daniel C. & Susie G. Duncan	Healthy Fresh, Inc./Organic Choice, LLC.

TRANSACTIONS GRANTED EARLY TERMINATION 09/05/2000–09/15/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
			Tri-Duncan Farms.
20004609	Rodney L. Grimm Stock Trust	Michael B. & Jennifer D. Duncan	Healthy Fresh, Inc./Organic Choice, LLC.
20004610	Robert A. Grimm Stock Trust	Michael B. & Jennifer D. Duncan	Healthy Fresh, Inc./Organic Choice, LLC. Organic Choice, LLC.
20004649	TSG3 L.P	Buyco, Inc	Mauna Loa Macadamia Nut Corporation.
20004672	Warburg, Pincus Equity Partners, L.P.	Phycom Corporation	Phycom Corporation.
20004704	Bill Gross	Paytru$t, Inc	Paytru$t, Inc.
Transactions Granted Early Termination—09/06/2000			
20004487	VantagePoint Communications Partners, L.P.	Aerie Networks, Inc	Aerie Networks, Inc.
20004582	Aventis	Aventis	Carderm Capital, L.P.
20004592	Voting Trust dated December 4, 1968 of v/s of Hallmark Cards.	Voting Trust dated December 4, 1968 of v/s of Hallmark Cards.	Odyessey Holdings, LLC.
20004611	Deutsche Bank AG	Trust u/w Frederick C. Wappler, dec'd.	Sebec Securities, Inc.
20004615	The Boeing Company	Tribune Company	Jeppesen GmbH. Jeppesen Sanderson, Inc., Jeppesen UK Limited.
20004636	PeopleFirst.com Inc	DaimlerChrysler AG	giggo.com, inc.
20004637	DaimlerChrysler AG	PeopleFirst.com Inc	PeopleFirst.com Inc.
20004638	McDonald's Corporation	eMac Digital Corporation	eMac Digital Corporation.
20004639	Accel-AKI Ivestors, L.L.C	eMac Digital Corporation	eMac Digital Corporation.
20004647	General Motors Corporation	First Citizens BancShares, Inc	First-Citizens Bank & Trust Company.
20004650	American Capital Strategies, Ltd	Intermet Corporation	Iowa Mold Tooling Co., Inc.
20004657	Aya and Ofer Azielant	Colin Horowitz	I. Kurgan & Co., Inc. a California corporation.
20004659	Crescendo IV, L.P	Relera, Inc	Relera, Inc.
20004661	Koch Industries Inc	Gordon-Piatt Energy Group, Inc	Gordon-Piatt Energy Group, Inc.
20004662	Sodexho Alliance, S.A	Prison Realty Trust, Inc	Prison Realty Trust, Inc.
20004665	M. Francois Pinault	Westburne Inc	Westburne Inc.
20004666	Uproar Inc	iwin.com, Inc	iwin.com,Inc.
20004667	Frederick R. Krueger	Uproar Inc	Uproar Inc.
20004670	Kuoni Reisen Holding AG	Mr. Kerrin M. Behrend	T PRO, Inc.
20004673	Bank Of America Corporation	RELERA, Inc	RELERA, Inc.
20004676	Station Casinos, Inc	Trust # 1 of George J. Maloof, Sept. 1, 1978.	Fiesta Hotel & Casino.
20004679	Hanny Holdings Limited	Scott A. Blum Separate Property Trust U/D/T 8/2/95.	eDevelopments.com Inc.
20004684	The Lamson & Sessions Co	Pyramid Industries, Inc	Pyramid Industries, Inc.
20004685	Human Genome Sciences, Inc	HealthCare Ventures V, L.P	Principia Pharmaceutical Corporation.
20004688	Bank of New York Company, Inc., (The).	Howard Wohl	Ivy Asset Management Corp.
20004690	Larry Van Tuyl	Frank M. Late	Midway Chevrolet Company. Midway Holdings, Inc. Midwest Unlimited, Inc.
20004691	Grover C. Coors Trust	Graphic Packaging International Corporation.	Graphic Packaging International Corporation.
20004696	Littlejohn Fund II, L.P	Pameco Corporation	Pameco Corporation.
20004701	Sun Microsystems, Inc	Resonate Inc	Resonate Inc.
20004707	Sanmina Corporation	Lucent Technologies, Inc	Octel Communications Corporation.
20004709	Penton Media, Inc	Duke Communications International, L.L.L.P.	Duke Communications International, L.L.L.P.
20004746	Intertape Polymer Group Inc	A. Dennis Murphy	Olympian Tape Sales, Inc.
Transactions Granted Early Termination—09/07/2000			
20004712	Critical Path, Inc	PeerLogic, Inc	PeerLogic, Inc.
Transactions Granted Early Termination—09/08/2000			
20004099	Kenneth R. Thomson	David Geliebter	The Carson Group, Inc.
20004332	Castle Harlan Partners II, L.P	David Dunn	Advance Tool, Inc.
20004408	ALLTEL Corporation	SBC Communications Inc	Radiofone, Inc.
20004411	Triad Hospitals, Inc	Charterhouse Equity Partners II, L.P	NetCare Health Systems, Inc.
20004612	WPS Resources Corporation	Wisconsin Fuel & Light Company	Wisconsin Fuel & Light Company.
20004616	Navidec, Inc	CarPoint, Inc	CarPoint, Inc.
20004617	Wells Fargo & Company	CarPoint, Inc	CarPoint, Inc.
20004618	Microsoft Corporation	CarPoint, Inc	CarPoint, Inc.
20004626	Dynegy Inc	Extant, Inc	Extant, Inc.
20004627	Lawrence A. McLernon	Dynegy Inc	Dynegy Inc.

TRANSACTIONS GRANTED EARLY TERMINATION 09/05/2000–09/15/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
20004640	KKR–AKI Investors, L.L.C	eMac Digital Corporation	eMac Digital Corporation.
20004646	Aether Systems, Inc	Cerulean Technology, Inc	Cerulean Technology, Inc.
20004648	Hologic, Inc	Thermo Electron Corporation	Trex Medical Corporation.
20004653	Bouygues S.A	Gordon P. Hayes, Jr	Aggregate Products, Inc., aan Alaska corporation. Hayden & Hayes Company, an Alaska General Partnership. Quality Asphalt Paving, Inc., an Alaska corporation.
20004664	New Enterprise Associates VIII, L.P	Intira Corporation	Intira Corporation.
20004668	Crosspoint Venture Partner 2000 Q LP.	Petrocosm Corporation	Petrocosm Corporation.
20004680	Northern Border Partners, L.P	Enron Corp.	Enron North America Corp.
20004702	Toshiba Corporation	General Electric Company	General Electric Company.
20004703	AXA	InFlow, Inc	InFlow, Inc.
20004708	Sinclair Broadcast Group, Inc	Milton Grant	Grant Television Inc., Grant Television II LLC.
20004713	Berwind Group Partners	Bruce Garland	Priority Air Express, Inc., PAX Network Inc.
20004723	CVS Corporation	Hubert G. Phipps	Fedco Drugs, Inc.
20004724	Kellwood Company	Richard L. Golden	Dorby Frocks, Ltd.
20004725	Coca-Cola Enterprises Inc	J. Frank Harrison, Jr	Coca-Cola Bottling Co. of Roanoke, Inc. ROBC, Inc., WVBC, Inc. The Coca-Cola Bottling Co. of West Virginia, Inc.
20004726	MBNA Corporation	First Union Corporation	First Union Direct Bank, N.A. First Union National Bank.
20004728	William Blair Capital Partners V, L.P	Wyndham Travel Holding, Inc	Wyndham Travel Holding, Inc.
20004729	U.S. Bancorp	Marvin M. Schwan Great Grandchildren's Trust.	Lyon Financial Services, Inc.
20004737	Koninklijke Philips Electronics N.V	Optiva Corporation	Optiva Corporation.
20004739	TransCanada PipeLines Limited	TransCanada PipeLines Limited	Ocean State Power. Ocean State Power II.
20004740	Linc.net, Inc	Telpro Technologies, Inc	Telpro Technologies, Inc.
20004742	Penn National Gaming, Inc	CRC Holdings, Inc	CRC Holdings, Inc.
20004744	Corning Incorporated	James F. Moore	Champion Products, Inc.
20004747	The Home Depot, Inc	NCH Corporation	N–E Thing Supply Company, Inc.
Transactions Granted Early Termination—09/11/2000			
20003681	Ford Motor Company	Covisint	Covisint.
20003682	General Motors Corporation	Covisint	Covisint.
20003683	Daimler-Chrysler AG	Covisint	Covisint.
20003684	Renault SA	Covisint	Covisint.
20003685	Nissan Motor Co., Ltd	Covisint	Covisint.
20003686	Oracle Corporation	Covisint	Covisint.
20003687	Commerce One, Inc	Covisint	Covisint.
20004663	Chase Manhattan Corporation, (The).	Intira Corporation	Intira Corporation.
20004678	Zurich Allied AG	GE—Zurich Warranty Management, Inc.	GE–Zurich Warranty Management, Inc.
20004697	medibuy.com, Inc	HCA—The Healthcare Company	BNA Associates, Inc.
20004714	Royal Dutch Petroleum Company	InterGen N.V	InterGen N.V.
20004715	Bechtel Group, Inc	InterGen N.V	InterGen N.V.
20004760	Stonington Capital Appreciation 1994 Fund, L.P.	GSI Lumonics, Inc	GSI Lumonics Life Science Trust.
Transactions Granted Early Termination—09/12/2000			
20004516	Marshall W. Pagon	Northeast Oklahoma Electric Cooperative.	Northeast Rural Services, Inc.
20004698	HCA—The Healthcare Company	medibuy.com, Inc	medibuy.com, Inc.
20004710	HCA—The Healthcare Company	BNA Associates, Inc	BNA Associates, Inc.
20004720	Hellman & Friedman Capital Partners III, L.P.	Heath Thompson	ThoughtMill Corporation.
20004721	Heath Thompson	Hellman & Friedman Capital Partners III, L.P.	Digitas, Inc.
20004731	Crescendo III, L.P	Innuity, Inc	Innuity, Inc.
20004732	Marathon Fund Limited Partnership IV.	Thermo Electron Corporation	Thermo Analytical Inc.
20004738	Hanover Compressor Company	OEC Compression Company	OEC Compression Company.
20004750	Consolidated Engineering Services Partnership.	Alan L. Barnes, Sr	Aircond Corporation.
20004762	Mitsui Mining & Smelting Co., Ltd	Honeywell International Inc	Oak-Mitsui.

TRANSACTIONS GRANTED EARLY TERMINATION 09/05/2000–09/15/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
			Oak-Mitsui, Inc.
20004763	Ontario Municipal Employees Retirement Board.	Gerald W. Schwartz	ClientLogic Corporation.
20004765	Ubi Soft Entertainment S.A	Thomas L. Clancy, Jr	Red Storm Entertainment, Inc.
20004767	Barlow Limited	Barton Freightliner, Inc	Barton Freightliner, Inc.
20004768	Celanese AG	Air Products and Chemicals, Inc	Air Products and Chemicals, Inc.
20004771	Foster's Brewing Group Limited	TPG Partners, L.P	Beringer Wine Estates Holdings, Inc.
20004773	Reed International P.L.C	SRI International	SRI Consulting, Inc.
20004774	Elsevier NV	SRI International	SRI Consulting, Inc.
20004779	Lions Gate Entertainment Corp	Trimark Holdings, Inc	Trimark Holdings, Inc.
20004780	NCR Corporation	4Front Technologies, Inc	4Front Technologies, Inc.
20004781	Quanta Services, Inc.	Randall E. Soule	Network Electric Company.
20004784	Vincor International Inc	R.H. Phillips, Inc	R.H. Phillips, Inc.
20004820	Duke Energy Corporation	NiSource Inc	Market Hub Partners, Inc., Energy USA–TCP Corp.
20004823	The Noorda Family Trust	Caldera Holding, Inc	Caldera Holding, Inc.
20004824	The Santa Cruz Operation, Inc	Caldera Holding, Inc	Caldera Holding, Inc.
20004825	Thomas H. Sullivan	Alfred A. Angelo	Beta Communications, L.L.C.
20004826	Gerald T. Vento	Alfred A. Angelo	Beta Communications, L.L.C.
20004828	Motorola, Inc	Lineo, Inc	The Canopy Group, Inc., Caldera Systems, Inc.
20004830	Telephone and Data Systems, Inc. Voting Trust.	Telephone and Data Systems, Inc. Voting Trust.	Oregon RSA No. 2 Limited Partnership.
20004831	O. Bruton Smith	Timothy Cashman	Cashman Cadillac, Inc.
20004833	FleetBoston Financial Corporation	M.J. Meehan & Co., LLC	M.J. Meehan & Co., LLC.
20004834	Boston Ventures Limited Partnership VI.	Macromedia, Incorporated	Gateway Communications, Inc.
20004836	JMW Holding LLC	Bcom3 Group, Inc	Giant Step Productions, L.L.C.
20004837	Cisco Systems, Inc	Oplink Communications, Inc	Oplink Communications, Inc.
20004839	Kelmscott Communications, L.L.C	PrintSource USA, Inc	PrintSource USA, Inc.
20004841	Hicks, Muse, Tate & Furst Equity Fund V, L.P.	RealPulse.com, Inc	RealPulse.com, Inc.
20004842	Accrue Software, Inc	Tom T. Gores	Aviator Holding Corporation.
20004845	Amazon.com, Inc	wine.com, Inc	wine.com, Inc.
20004846	Dominic P. Orr	Nortel Networks Corporation	Nortel Networks Corporation.
20004849	Cendant Corporation	Amerihost Properties, Inc	Amerihost Properties, Inc.
20004852	Keppel Corporation	Philip Friedman	Computer Generated Solutions, Inc.
20004854	W.M. Hawkins, III	The 3DD Company	The 3DD Company.
20004855	Thomas Jefferson University	Will of James Wills	Wills Eye Hospital.
20004856	Sabre Holdings Corporation	GetThere Inc	GetThere Inc.
20004857	Rocco B. Commisso	Satelite Cable Services, Inc	Satelite Cable Services, Inc.
20004861	AutoNation, Inc	James B. Bryan, III	JBH of Longwood, Inc. d/b/a Jimmy Bryan Honda. Jimmy Bryan Toyota, Inc. d/b/a Jimmy Bryan Toyota.
20004874	Internet Capital Group, Inc	CommerceQuest, Inc	CommerceQuest, Inc.
20004876	Internet Capital Group, Inc	Newco	Newco.
Transactions Granted Early Termination—09/13/2000			
20004700	Wind Point Partners IV, L.P	J.F. Lehman Equity Investors, I, L.P	McCormick Selph Holdings, Inc. Scot Incorporated.
Transactions Granted Early Termination—09/14/2000			
20004456	Haemonetics Corporation	Transfusion Technologies Corporation.	Transfusion Technologies Corporation.
20004711	Western Wireless Corporation	Centennial Communications Corp	Centennial Communications Corp.
20004776	Wolverine Tube, Inc	Engelhard Corporation	Engelhard Corporation.
20004786	Royal Bank of Canada	AMRESCO, INC.	AMRESCO Builders Group, Inc. AMRESCO Commercial Finance, Inc.
20004787	Toshiba Corporation	Harison Electric Company, Ltd	Harison Electric Company, Ltd.
20004789	Lou L. Pai	TNPC, Inc	TNPC, Inc., a Delaware corporation.
20004790	Wind Point Partners III, L.P	SPX Corporation	Metal Forge Company, Inc. MF Development Corporation.
20004791	American Manufacturing Corporation.	Samuel J. Heyman	LL Building Products Inc.
20004804	Nortel Networks Corporation	Sonoma Systems	Sonoma Systems.
20004807	Aon Corporation	ASA Acquisition Corp.	ASA Acquisition Corp.
20004809	Asbury Automotive Group, L.L.C	Charles D. Troncalli	Troncalli Jaguar, Inc.
20004811	West Florida Medical Center Clinic, a Florida prof assoc.	PhyCor, Inc., a Tennessee corporation.	PhyCor of Pensacola, Inc.
20004814	AAR Corp	Honeywell International Inc	Hermetic Aircraft International Corp.

TRANSACTIONS GRANTED EARLY TERMINATION 09/05/2000–09/15/2000—Continued

Transaction No.	Acquiring	Acquired	Entities
20004815	Spectrum Equity Investors III, L.P	Intira Corporation	Intira Corporation.
20004816	Mayfield X, L.P	Intira Corporation	Intira Corporation.
20004817	SPX Corporation	CVI Holding Corporation	Copes-Vulcan, Inc., Copes-Vulcan, Limited.
Transactions Granted Early Termination—09/15/2000			
20003123	SBC Communications Inc	BellSouth Corporation	BellSouth Corporation.
20004541	First Reserve Fund VIII, L.P	Chicago Bridge & Iron Company N.V.	Chicago Bridge & Iron Company N.V.
2004587	Pikington plc	Newco	Newco.
20004622	Bell Atlantic Corporation d/b/a Verizon Communications.	James A. Otterbeck	OnePoint Communications Corp.
20004687	Bank of New York Company, Inc., (The).	Lawrence Simon	Ivy Asset Management Corp.
20004692	General Motors Corporation	HomeAdvisor Technologies, Inc	HomeAdvisor Technologies, Inc.
20004693	The Chase Manhattan Corporation	HomeAdvisor Technologies, Inc	HomeAdvisor Technologies, Inc.
20004694	Microsoft Corporation	HomeAdvisor Technologies, Inc	HomeAdvisor Technologies, Inc.
20004788	DLJ Merchant Banking Partners, II, L.P.	TNPC, Inc	TNPC, Inc., a Delaware corporation.
20004793	PG&E Corporation	Duke Energy Corporation	Duke Energy Corporation.
20004799	Edward M. Philip	Telefonica S.A	Terra Networks, S.A.
20004800	Robert J. Davis	Telefonica S.A	Terra Networks, S.A.
20004812	Telephone and Data System, Inc. Voting Trust.	Telephone and Data Systems, Inc. Voting Trust.	Oregon RSA No. 3 Limited Partnership.
20004877	Edward L. Maletis Childrens Trust	Gary P. Raden, SR	G. Raden & Sons, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580; (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–26343 Filed 10–12–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91F–0170]

W.R. Grace & Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4257) proposing that the food additive regulations be amended to provide for the safe use of styrene-*n*-butyl acrylate-acrylic acid terpolymer, 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt as components in can end cements in contact with food.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3095.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 16, 1991 (56 FR 32435), FDA announced that a food additive petition (FAP 1B4257) had been filed by W.R. Grace, Ltd., Cromwell Rd., St. Neots, Huntingdon, Cambridgeshire PE 19 1QL, England (now W.R. Grace & Co., Darex Container Products, 62 Whittemore Ave., Cambridge, MA 02140). The petition proposed to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of styrene-*n*-butyl acrylate-acrylic acid terpolymer, 1,2-benzisothiazolin-3-one, and sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether, disodium salt as components in can end cements in contact with food. W.R. Grace & Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: September 26, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–26250 Filed 10–12–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94G–0267]

Fuji Oil Co., Ltd.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 4G0407) proposing to affirm that the use of a triglyceride containing behenic and oleic acids is generally recognized as safe (GRAS) as a tempering aid and as an antibloom agent in chocolate and chocolate coatings.

FOR FURTHER INFORMATION CONTACT: Parvin M. Yasaei, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3023.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 17, 1994 (59 FR 42278), FDA announced that a petition (GRASP 4G0407) had been filed by Fuji Oil Co., Ltd., Osaka, Japan. This petition proposed that the use of a triglyceride containing behenic and oleic acids as a tempering aid and as an antibloom agent in chocolate and chocolate coatings be affirmed as GRAS. Fuji Oil Co., Ltd., has now withdrawn the petition without

prejudice to a future filing (21 CFR 171.7).

Dated: September 27, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–26252 Filed 10–12–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10006]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* TWWIIA Demonstration to Maintain Independence and Employment Grants; *Form No.:* HCFA–10006 (OMB# 0938–0799); *Use:* Section 204 of the Ticket to Work and Work Incentives Act provides for the establishment of grants for States that develop and implement demonstration programs designed to support working people with physical or mental impairments that without medical assistance will result in disability. State agencies will be applying for these grants; *Frequency:* Annually; *Affected Public:* State, local, or tribal gov't; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 5,600.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: October 4, 2000.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–26273 Filed 10–12–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10012]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 C.F.R., Part 1320. This collection of information will be used to test the effectiveness of three possible Medicare smoking cessation benefits and to make inferences that are generalizable to the Medicare program. Using a comparison trial with restricted randomization of study locales, this study will compare three variations in a potential Medicare smoking cessation benefit on smoking cessation and abstinence rates. Smoking cessation for seniors is currently receiving attention from Congress and the White House. Senator Graham (D–FL) has proposed a smoking cessation Medicare benefit, while the White House provides for a smoking cessation demonstration in the President's Plan to Modernize and Strengthen Medicare for the 21st Century. In response to this White House initiative, HCFA is launching this demonstration to test smoking cessation as a possible covered benefit under the Medicare program. If this information is not collected, public harm is likely to occur. Considerable evidence indicates that much greater improvement in health status could be accomplished if currently existing, effective and commonly available preventative practices and services were implemented more widely; therefore, this demonstration could help improve the health of the Medicare population.

HCFA is requesting OMB review and approval of this collection by October 31, 2000, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by October 27, 2000. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: New Collection;

Title of Information Collection: Healthy Aging Smoking Cessation Demonstration;

Form No.: HCFA–10012 (OMB# 0938–NEW);

Use: The goals of the Healthy Aging Project are to test the effectiveness of three possible Medicare smoking cessation benefits and to make inferences that are generalizable to the Medicare program. Using a comparison trial with restricted randomization of study locales, this study will compare three variations in a potential Medicare smoking cessation benefit on smoking cessation and abstinence rates;

Frequency: Semi-annually;

Affected Public: Individuals or Households;

Number of Respondents: 43,500;

Total Annual Responses: 130,500;

Total Annual Hours: 58,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by October 27, 2000: Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, HCFA–10012, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Fax Number: (202) 395–6974 or (202) 395–5167, Attn: Allison Herron Eydt, HCFA Desk Officer.

Dated: September 29, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–26274 Filed 10–12–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: The Ricky Ray Hemophilia Relief Fund Program (OMB No. 0915–0244)—Revision

The Ricky Ray Hemophilia Relief Fund Act of 1998 (Pub. L. 105–369) established a trust fund to provide for compassionate payments with regard to certain individuals with blood-clotting disorders, such as hemophilia, who contracted HIV due to contaminated antihemophilic factor within specified time periods. The statute mandated payments to any individual with HIV who has any blood-clotting disorder and was treated with antihemophilic factor any time between July 1, 1982, and December 31, 1987. The Act also provides for payments to certain persons who contracted HIV from the foregoing individuals. Specified survivors of these categories of individuals may also receive payments. In order to receive a payment, either the individual who is eligible for payment, or his or her personal representative, must file a petition for payment with sufficient documentation to prove that he or she meets the requirements of the statute. This data collection is required to provide the necessary medical and legal documentation that establishes eligibility for payment.

The estimated annual response burden is as follows:

Form	Number of respondents	Responses per respondent	House per response	Total hour burden
Petition form and Supporting Documentation	1,350	1	3	4,050
Physician Documentation	675	1	1	675
Total	2,025	.....	.....	4,725

Send comments to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC, 20503. Written comments should be received within 30 days of this notice.

Dated: October 6, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–26330 Filed 10–12–00; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–41]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 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 the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis,

identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 5, 2000.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 00–26104 Filed 10–12–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Richard P. Rechter, Bloomington, IN, PRT–034428.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Chicago Zoological Park, Brookfield Zoo, Brookfield, IL PRT–805165.

The applicant requests a permit to import blood and fecal samples from the following animals: Black rhinoceros (*Diceros bicornis*), African wild dog (*Lycaon pictus*), and cheetah (*Acinonyx jabatus*). Samples are being collected by the Ministry of Environment and Tourism, Windhoek, Namibia and will be imported for the purpose of scientific research. This notice covers activities under this permit for a period of five years. Permit subject to annual renewal.

Applicant: Samuel F. La Porte, Glendora, CA, PRT–034374.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Coronas Entertainment, Bradenton, FL, PRT–023228.

The applicant requests an amendment to their initial request published April 25, 2000, in Vol. 65, No. 80 to export and re-import African leopard, and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. The applicant would like to amend the permit to include captive born tigers (*Panthera tigris*).

Applicant: Betty Young dba Riverglen Feline Conservation Park, West Fork, AK, PRT–824228.

On October 6, 2000, the U.S. Fish and Wildlife Service (Service) re-issued PRT–824228 to Betty J. Young dba Riverglen Feline Conservation Park, Mountainburg, Arkansas for the re-import of their tiger (*Panthera tigris*) ''Adonis'' from Aruba. The 30-day public comment period required by section 10(c) of the Endangered Species Act was waived. The Service determined that an emergency affecting the care and health of the tiger existed and that no reasonable alternative was available to the applicant.

Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

Applicant: Monterey Bay Aquarium, Monterey, California, PRT–032027.

Permit Type: Take for scientific research and enhancement.

Name and Number of Animals: Southern Sea Otter (*Enhydra lutris nereis*), up to 50 animals per year.

Summary of Activity To Be Authorized: The applicant requests a permit to rescue, provide medical treatment, instrument with telemetry equipment, release, relocate, re-capture for the purposes of rehabilitation, and conduct post-release monitoring and long-term health assessment of Southern sea otters to further the knowledge of the ecology, biology, and movements of these animals and enhance the survival of this species.

Source of Marine Mammals: The natural range of Southern sea otters.

Period of Activity: Up to 5 years, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: October 6, 2000.

Charlie Chandler,

Chief, Branch of Permits, Division of Management Authority.

[FR Doc. 00–26355 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Ballast Water and Shipping Committee of the Aquatic Nuisance Species Task Force. The meeting topics are identified in the **SUPPLEMENTARY INFORMATION**.

DATES: The Committee will meet from 10:00 a.m. to 4:00 p.m., Monday, October 30, 2000 and from 9:00 a.m. to 3:00 p.m., Tuesday, October 31, 2000.

ADDRESSES: The meeting will be held at the Coast Guard Headquarters, Room

2415, 2100 Second Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: LT Mary Pat McKeown, U.S. Coast Guard, Chair, Ballast Water and Shipping Committee, at 202–267–0500 or by e-mail at mmckeown@comdt.uscg.mil or Sharon Gross, Executive Secretary, Aquatic Nuisance Species Task Force at 703–358–2308 or by e-mail at: sharon_gross@fws.gov

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Ballast Water and Shipping Committee. The Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4741). Topics to be addressed at this meeting include: updates from the AD–Hoc Environmental Soundness Working Group and the Ad-Hoc Workgroup on Ballast Water Treatment Standards; and the present and future role and purpose of the committee.

Minutes of the meeting will be maintained by the Executive Secretary, Aquatic Nuisance Species Task Force, Suite 851, 4401 North Fairfax Drive, Arlington, Virginia 22203–1622, and the Chair of the Ballast Water and Shipping Committee at the Environmental Standards Division, Office of Operations and Environmental Standards, U.S. Coast Guard (G–MSO–4), 2100 Second Street, SW, room 1309, Washington, DC 20593–0001. Minutes for the meetings will be available at these locations for public inspection during regular business hours, Monday through Friday.

Dated: October 6, 2000.

Cathleen I. Short,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries.

[FR Doc. 00–26348 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–2810–HT; GP1–0004]

Fire Closure Regulated and Public Lands Restrictions Lifted: Washington

AGENCY: Bureau of Land Management, Spokane District.

NOTICE: Notice of Regulated Fire Closure and Restrictions For Bureau of Land Management Public Lands in the State of Washington are Lifted.

SUMMARY: Pursuant to 43 CFR 9212 and the **Federal Register** Notice dated July 28, 2000 (FR–0307), fire restrictions are lifted on public lands within the Spokane District, Bureau of Land Management (BLM) including Juniper Forest/Juniper Dunes Recreation Area, and areas surrounding Hog Canyon, Miller Ranch/Fishtrap, Pacific Lake, Twin Lakes, Coffeepot, Yakima River Canyon, Douglas Creek, Chopaka/Palmer Mountain, Split Rock, Liberty, Saddle Mountains, Lakeview Ranch/Lake Creek, Boundary Dam, and Escure Ranch/Rock Creek recreation sites.

FOR FURTHER INFORMATION CONTACT: Scott Boyd, Fire Management Officer, Bureau of Land Management, Spokane District Officer, 1103 N. Fancher Road, Spokane Washington, 99212; or call (509) 536–1200.

Dated: October 6, 2000.

Joseph K. Buesing,

District Manager.

[FR Doc. 00–26306 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–1430–DB–24–1A]

Notice of Availability

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for a Proposed Plan Amendment to the Mountain Valley Management Framework Plan (MFP).

SUMMARY: The Utah BLM Richfield Field Office has completed a Proposed Plan Amendment/EA/FONSI for the Mountain Valley MFP. All public lands and the mineral estate have been analyzed. The Environmental Assessment (EA) revealed no significant impact from the proposed action. The Mountain Valley MFP would be amended to identify the following public lands suitable for direct sale to Mr. Earl Sudweeks: T. 30 S., R. 3 W., Section 21, Lots 2 and 5, Salt Lake Meridian, Utah, containing a total of 23.09 acres. All minerals in the lands would be reserved to the United States.

DATES: The 30 day protest period for the proposed plan amendment will commence with the publication of this notice. Protests must be received on or before November 13, 2000.

ADDRESSES: Protests on the planning decision must be received by the Director (W–210), Bureau of Land Management, Attn: Brenda Williams, 1849 C Street, NW., Washington, DC 20240 within 30 days after the date of publication of this Notice of Availability.

FOR FURTHER INFORMATION CONTACT: Jerry Goodman, Richfield Field Office Manager, 150 East 900 North, Richfield, Utah 84701 or telephone (435) 896–1500. Copies of the proposed plan amendment/EA/FONSI are available at the Utah BLM Richfield Field Office and at the BLM Utah State Office, 324 South State Street, P.O. Box 45155, Salt Lake City, Utah 84145–0155 (telephone: 801–539–4001).

SUPPLEMENTARY INFORMATION: A Notice of Intent proposing to amend the MFP was published in the **Federal Register** on February 1, 2000. This plan amendment would allow the Richfield Field Office to sell the identified public land, at fair market value, pursuant to Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 stat. 2750, 43 U.S.C. 1713), and Title 43 CFR Part 2710.

The plan amendment is subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with provisions of 43 CFR 1610.5–2, as follows:

—The name, mailing address, phone number, and interest of the person filing the protest.
—A statement of the issue(s) being protested.
—A statement of the part(s) of the proposed amendment being protested and citing pages, paragraphs, maps, etc., of the proposed plan amendment.
—A copy of all documents addressing the issue(s) submitted by the protestor during the planning process or a reference to the date when the protester discussed the issue(s) for the record.
—A concise statement as to why the protester believes the proposed decision of the BLM State Director is incorrect.

Linda S. Colville,

Acting State Director.

[FR Doc. 00–26304 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–XU; GP1–0008]

Notice of Meeting; Resource Advisory Councils; Eastern Washington

AGENCY: Bureau of Land Management, Spokane District, Interior.

NOTICE: Notice of the Meeting of the Eastern Washington Advisory Council;

November 2, 2000, in Spokane, Washington.

SUMMARY: A meeting of the Eastern Washington Resource Advisory Council will be held on November 2, 2000. The meeting will convene at 9 a.m., at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington, 99212–1275. The meeting will adjourn upon conclusion of business, but no later than 4 p.m. Public comments will be heard from 10 a.m. until 10:30 a.m. If necessary, to accommodate all wishing to make public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. Topics to be discussed include welcome of new members, FY2000 accomplishments, FY2001 work priorities, and development of the FY2001 meeting schedule.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509–536–1200.

Dated: October 6, 2000.

Joseph K. Buesing,

District Manager.

[FR Doc. 00–26307 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–ET; HAG01–0003; OR–55645]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In the Notice of Proposed Withdrawal, published August 10, 2000, as FR Doc. 00–20235, the following corrections are made:

On page 49010, ''(insert date signed)'', is hereby corrected to read, ''July 14, 2000''. In addition, ''For a period of 2 years from the date of publication of the original notice (May 14, 1998), '', is hereby corrected to read, ''For a period of 2 years from the date of publication of this notice,'.

Dated: October 4, 2000.

Sherrie L. Reid,

Acting, Chief Branch of Realty and Records Services, Oregon/Washington.

[FR Doc. 00–26275 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Funding Assistance for Non-Federal Acquisition of Civil War Battlefield Land

AGENCY: National Park Service, Interior.

ACTION: Availability of Funding for Acquisition of Civil War Battlefield Land.

SUMMARY: The National Park Service (NPS) announces the availability of funds to assist States and local communities in acquiring for permanent protection lands, or interests in lands, at significant Civil War battlefield sites.

ADDRESSES: Funding proposals should be mailed to: Hampton Tucker, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC 20240, telephone (202) 343–3580.

FOR FURTHER INFORMATION CONTACT: Hampton Tucker, National Park Service, Heritage Preservation Services, 1849 C Street, NW., NC 200, Washington, DC 20240, telephone (202) 343–3580.

SUPPLEMENTARY INFORMATION: Under the 1999 Interior Appropriations Act (Public Law 105–83), Congress appropriated $8 million from the Land & Water Conservation Fund to assist non-Federal efforts to acquire and preserve Civil War battlefield lands. The Congress assigned most of these funds to specific projects. At this time, a portion of these funds will be left unspent and will be reassigned to other worthy projects. NPS seeks proposals from State and local governments—or from qualified non-profit historic preservation organizations acting through an agency of State or local government—for the non-federal acquisition of significant Civil War battlefield land.

Project proposals are subject to the following requirements.

1. The 1999 Appropriations Act requires that these funds be matched on a two-for-one basis with non-federal dollars. That is, the federal dollars can pay for no more that one-third of the acquisition cost.

2. The purchase price must be supported by a qualified appraisal that has been approved by NPS as meeting the Uniform Appraisal Standards for Federal Land Acquisitions.

3. The battlefield land acquired with the assistance of these funds must be permanently protected from inappropriate development either through public ownership or through conveyance of a perpetual easement to a public historic preservation agency.

NPS will give priority to acquisition of land, or interests in land, within the ''core'' areas of Priority I and Priority II battlefields, as identified by the Congressionally-chartered Civil War Sites Advisory Commission (see list below). Among potential projects NPS will give highest priority to acquisition projects that can be completed within the immediate future.

Proposals should be submitted by November 15, 2000, and must include:

1. A carefully drawn map (preferably on a U.S.G.S. Quadrangle Map) that sets out the boundaries of the battlefield and identifies within those boundaries the specific lands to be acquired.

2. The number of acres of land to be acquired.

3. A description of the battle-related events that occurred on the land.

4. A statement of whether the owner of the land to be acquired has indicated a willingness to sell the land.

5. A statement of the owner's asking price and/or the estimated fair market value of the land to be acquired.

6. A statement of how much federal assistance from this program the applicant is requesting.

7. A statement of how much matching share is already on hand or firmly pledged.

Priority I Civil War Battlefields:

Alabama Mobile Bay (Ft Morgan & Blakeley); *Arkansas* Prairie Grove; *Georgia* Allatoona, Chickamauga Kennesaw Mountain, Ringgold Gap; *Kentucky* Mill Springs, Perryville; *Louisiana* Port Hudson; *Maryland* Antietam, Monocacy, South Mountain; *Mississippi* Brices Cross Roads, Chickasaw Bayou, Corinth, Port Gibson, Raymond, Vicksburg; *Missouri* Byram's Ford, Fort Davidson, Newtonia; *New Mexico* Glorieta Pass; *North Carolina* Bentonville, Fort Fisher; *Oklahoma* Honey Springs; *Pennsylvania* Gettysburg; *South Carolina* Secessionville; *Tennessee* Chattanooga, Fort Donelson, Spring Hill; *Virginia* Boydton Plank Road, Brandy Station, Bristoe Station, Cedar Creek, Chaffin's Farm/New Market Heights, Chancellorsville, Cold Harbor, Deep Bottom II, Fisher's Hill, Gaines' Mill, Glendale, Kernstown I, Malvern Hill, Manassas, Second Mine Run, North Anna, Petersburg, Richmond, Spotsylvania Court House, White Oak Road, Wilderness; *West Virginia* Harpers Ferry, Rich Mountain.

Priority II Civil War Battlefields

Arkansas Chalk Bluff, Devil's Backbone, Elkin's Ferry, Marks' Mills, Prairie D'an; *Colorado* Sand Creek; *Georgia* Dalton I, Davis' Cross Road,

Griswoldville, Kolb's Farm, Lovejoy's Station, New Hope Church, Resaca, Rocky Face Ridge; *Kentucky* Cynthiana, Munfordville, Richmond; *Louisiana* Fort De Russy, Irish Bend, LaFourche Crossing, Mansfield, Mansura; *Maryland* Boonsborough; *Mississippi* Big Black River Bridge, Champion Hill, Grand Gulf, Okolona, Snyder's Bluff; *Missouri* Carthage, Fredericktown, Lexington, Lone Jack, Newtonia; *New Mexico* Valverde; *North Carolina* Monroe's Cross Roads, Roanoke Island, Wyse Fork; *Oklahoma* Chustenahlah; *South Carolina* Grimball's Landing, Honey Hill; *Tennessee* Brentwood, Fair Garden, Murfreesborough, Parker's Cross Roads, Thompson's Station; *Texas* Sabine Pass II; *Virginia* Aquia Creek, Berryville, Buckland Mills, Cedar Mountain, Cool Springs, Cross Keys, Cumberland Church, Dinwiddie Courthouse, 1st Deep Bottom, Hampton Roads, Hatcher's Run, Haw's Shop, Lewis' Farm, Peebles' Farm, Piedmont, Port Republic, Port Walthall Junction, Ream's Station, Rice's Station, Sailor's Creek, Saltville, Suffolk (Hill's Point), Sutherland's Station, Swift Creek, Tom's Brook, Trevilian Station, Ware Bottom Church, White Oak Swamp; *West Virginia* Hoke's Run, Smithfield Crossing, Summit Point .

Dated: October 10, 2000.

Paul Hawke,

Chief, American Battlefield Protection Program.

[FR Doc. 00–26347 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Buffalo Bill Historical Center, Cody, WY

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Buffalo Bill Historical Center, Cody, WY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Buffalo Bill Historical Center professional staff in consultation with representatives of the Northern Cheyenne Tribe of the Northern Cheyenne Indian and the Cheyenne-Arapaho Tribes of Oklahoma.

In 1876, human remains representing one individual were removed by ''Buffalo Bill'' Cody during the Battle of Hat Creek, near present-day Montrose, NE. In 1957, the grandchildren of Mr. Cody, Fred H. Garlow, William Joseph Garlow, and Mrs. Jane Cody Garlow Mallehan, sold the remains to the Buffalo Bill Historical Center. The remains, a scalp, were identified by Mr. Cody as belonging to Yellow Hair, a Cheyenne Indian. The remains are tied with two leather strips. No associated funerary objects are present.

Based on the above-mentioned information, officials of the Buffalo Bill Historical Center have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains described above represent the physical remains of one individual of Native American ancestry. While the likely identity of the individual reported in this notice has been determined, officials of the Buffalo Bill Historical Center have not been able to trace a direct and unbroken line of descent to a particular individual, pursuant to 43 CFR 10.2 (b)(1). However, officials of the Buffalo Bill Historical Center have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Northern Cheyenne Tribe of the Northern Cheyenne Indian and the Cheyenne-Arapaho Tribes of Oklahoma. Officials of the Buffalo Bill Historical Center also have determined that the two leather strips holding the braids of the hair, though not considered funerary objects, sacred objects, or objects of cultural patrimony, should be repatriated with the remains.

This notice has been sent to officials of the Northern Cheyenne Tribe of the Northern Cheyenne Indian, and the Cheyenne-Arapaho Tribes of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Emma I. Hansen, Buffalo Bill Historical Center, 720 Sheridan Avenue, Cody, WY 82414, telephone (307) 587–4771, before November 13, 2000. Repatriation of the human remains to the Northern Cheyenne Tribe of the Northern Cheyenne Indian and the Cheyenne-Arapaho Tribes of Oklahoma may begin after that date if no additional claimants come forward.

Dated: September 26, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–26345 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of Mendocino National Forest, USDA-Forest Service, Willows, CA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of Mendocino National Forest, USDA-Forest Service, Willows, CA

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Mendocino National Forest professional staff in consultation with representatives of Berry Creek Rancheria of Maidu Indians of California; Enterprise Rancheria of Maidu Indians of California; Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and Round Valley Indian Tribes of the Round Valley Reservation, California.

Between 1976 and 1977, human remains representing four individuals were excavated from site CA–BUT–296 in Butte County, CA by field crews from California State University, Chico. The university was contracted by the Mendocino National Forest in 1976 after accidentally discovering the remains during mechanical trenching for an irrigation pipeline at a tree nursery. No

known individuals were identified. The 66 associated funerary objects include a stone bead, bear claws, bone awls or hairpins, a bone tube fragment, a perforated bone artifact fragment, a quartz crystal, and flaked stone artifacts.

Based on the condition of the remains and material culture found with the burials, these individuals have been identified as Native American. The remains were determined to date to the late prehistoric period. Ethnographic, historical, and geographic information establishes that the Konkow Maidu people were occupants of the region at the time of contact and European colonization. Oral history of the Maidu Indians also indicates they were in the region prior to contact and European colonization.

Based on the above-mentioned information, officials of the Mendocino National Forest, USDA-Forest Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. Officials of the Mendocino National Forest, USDA-Forest Service also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 66 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Mendocino National Forest, USDA-Forest Service have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Berry Creek Rancheria of Maidu Indians of California; Enterprise Rancheria of Maidu Indians of California; Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and Round Valley Indian Tribe of the Round Valley Reservation, California.

This notice has been sent to officials of the Berry Creek Rancheria of Maidu Indians of California; Enterprise Rancheria of Maidu Indians of California; Mechoopda Indian Tribe of Chico Rancheria, California; Mooretown Rancheria of Maidu Indians of California; and Round Valley Indian Tribe of the Round Valley Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact James D. Fenwood, Forest Supervisor, Mendocino National Forest, 825 North Humboldt Avenue, Willows, CA, telephone (530) 934–3316, before November 13, 2000. Repatriation of the human remains and associated funerary objects to the Mechoopda Indian Tribe of Chico Rancheria, California may begin after that date if no additional claimants come forward.

Dated: October 5, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–26346 Filed 10–12–00; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–556 (Review)]

Dynamic Random Access Memory Semiconductors of One Megabit and Above From Korea

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year review.

SUMMARY: The subject five-year review was initiated in November 1999 to determine whether revocation of the antidumping duty order on dynamic random access memory semiconductors of one megabit and above from Korea would be likely to lead to continuation or recurrence of dumping and of material injury to a domestic industry. On October 5, 2000, the Department of Commerce published notice that it was revoking the order ''[b]ecause no domestic interested party is now participating in this sunset review'' (65 FR 59391). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), the subject review is terminated.

EFFECTIVE DATE: October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Bonnie Noreen (202–205–3167), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained 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).

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

Dated: October 6, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–26277 Filed 10–12–00; 8:45 am]

BILLING CODE 7010–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–438]

In the Matter of Certain Plastic Molding Machines With Control Systems Having Programmable Operator Interfaces Incorporating General Purpose Computers, and Components Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 8, 2000, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Milacron Inc. of Cincinnati, Ohio. Supplements to the complaint were filed on September 25 and 27, 2000. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain plastic molding machines with control systems having programmable operator interfaces incorporating general purpose computers, and components thereof, by reason of infringement of claims 1–4 and 9–13 of U.S. Letters Patent 5,062,052, as amended by Reexamination Certificate B1 5,062,052. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are 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, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained 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 be obtained by accessing its internet server (http://www.usitc.gov).

FOR FURTHER INFORMATION CONTACT: Steven A. Glazer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2577.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on October 6, 2000, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain plastic molding machines with control systems having programmable operator interfaces incorporating general purpose computers, or components thereof, by reason of infringement of claims 1, 2, 3, 4, 9, 10, 11, 12, or 13 of U.S. Letters Patent 5,062,052, as amended by Reexamination Certificate B1 5,062,052, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Milacron Inc., 2090 Florence Avenue, Cincinnati, Ohio 45206.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ube Industries, Ltd., Tokyo Head Office, Seavans North Bldg., 1–2–1, Shibaura, Minato-Ku, Tokyo, Japan 140–8449

Ube Machinery, Inc., 5700 S. State Street, Ann Arbor, Michigan 48108

(c) Steven A. Glazer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401–K, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: October 6, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–26278 Filed 10–12–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 11, 2000, B.I. Chemical, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Levo-alphacetylmethadol (LAAM) (9648).	II

The firm plans to bulk manufacture the listed controlled substances for formulation into finished pharmaceuticals.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 12, 2000.

Dated: September 28, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26370 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(I)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance and opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on August 11, 2000, B.I. Chemical, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone for the bulk manufacture of amphetamine.

Any manufacturer holding, or applying for, registration as a bulk

manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register representative (CCR), and must be filed no later than November 13, 2000.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: September 26, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26372 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 19, 2000, and published in the **Federal Register** on May 30, 2000, (65 FR 34498), Chemic Laboratories, Inc., 480 Neponset Street, Building 7C, Canton, Massachusetts 02021, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of cocaine (9041), a basic class of controlled substance listed in Schedule II.

The firm plans to bulk manufacture small quantities of cocaine derivative for a customer.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Chemic Laboratories, Inc. to manufacture is consistent with the public interest at this time. DEA has investigated Chemic Laboratories, Inc. to ensure that the company's registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26366 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated July 11, 2000, and published in the **Federal Register** on August 1, 2000, (65 FR 46951), Chiragene, Inc., 7 Powder Horn Drive, Warren, New Jersey 07059, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone to manufacture amphetamine.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Chiragene, Inc. to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Chiragene, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: October 4, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26368 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Withdrawal

As set forth in the **Federal Register** (FR Doc. 00–7870) Vol. 65, No. 62 at page 16963, dated March 30, 2000, Chirex Technology Center, Inc., DBA Chirex Cauldron, 383 Phoenixville Pike, Malvern, Pennsylvania 19355, made application to the Drug Enforcement Administration to be registered as an importer of amphetamine (1100).

Two registered bulk manufacturers of amphetamine requested a hearing to deny the proposed registration of Chirex Technology Center, Inc. Chirex Technology Center, Inc. requested by letter that its application be withdrawn. Therefore, Chirex Technology Center, Inc,'s application to import amphetamine is hereby with drawn.

Dated: September 26, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26374 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 1, 2000, and published in the **Federal Register** on May 12, 2000, (65 FR 30614), Dupont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of

the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

The firm plans to manufacture the listed controlled substances to make finished products.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Dupont Pharmaceuticals to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Dupont Pharmaceuticals on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 18, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26367 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 3, 2000, Guilford Pharmaceuticals, Inc., 6611 Tributary Street, Baltimore, Maryland 21224, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of cocaine (9041) a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture methyl-3-beta-(4-trimethylstannylphenyl)-tropane-2-carboxylate as a final intermediate for the production of dopascan injection.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 12, 2000.

Dated: September 26, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26373 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 4, 2000, Irix Pharmaceuticals, Inc., 101 Technology Place, Florence, South Carolina 29501, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture methylphenidate for demonstration purposes and for dosage form development and stability studies.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 12, 2000.

Dated: September 28, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26371 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated June 21, 2000, and published in the **Federal Register** on July 3, 2000 (65 FR 41093), ISP Freetown Chemicals, Inc., 2328 South Main Street, Assonet, Massachusetts 02702, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Phenylacetone (8501)	II

The firm plans to bulk manufacture amphetamine for a customer and to bulk manufacture the phenylacetone for the manufacture of the amphetamine.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of ISP Freetown Chemicals, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated ISP Freetown Chemicals, Inc. to ensure that the company's registration is consistent with the public interest.

This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the a basic classes of controlled substances listed above is granted.

Dated: October 4, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–26369 Filed 10–12–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Public Meeting; Federal Committee on Registered Apprenticeship

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. APP.1), notice is hereby given of a meeting of the Federal Committee on Registered Apprenticeship (FCRA).

Time and Date: The meeting will begin at 9:00 a.m. Thursday, October 26, 2000, and will continue until approximately 5:00 p.m. The meeting will reconvene at 9:00 a.m. on Friday, October 27, 2000, and will continue until approximately 12 noon.

Place: The Capital Hilton, 1001–16th Street NW, Washington, D.C. (202) 393–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, Employment and Training Administration, U.S. Department of Labor, Room N–4649, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 693–2796, (this is not a toll-free number).

Matters To Be Considered

The agenda will focus on the following topics:

(1) Reports on the FCRA Work Groups:
- Marketing
- Quality
- Diversity
- Resources/Data
- Legislative

(2) School to Work Technical Assistance Providers Bank

(3) Discuss FCRA Recommendations for submission to the Secretary of Labor

(4) Progress Report on OATELS/BAT activities

(5) Next Meeting Dates and Location

(6) Public Comment

Status

Members of the public are invited to attend the proceedings. Individuals with disabilities should contact Marion Winters at (202) 219–5921 no later than October 16, 2000, if special accommodations are needed.

Any member of the public who wishes to file written data or comments pertaining to the agenda may do so by sending it to Mr. Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, Employment and Training Administration, U.S. Department of Labor, Room N–4649, 200 Constitution Avenue, NW, Washington, DC 20210. Such submissions should be sent by October 16, 2000, to be included in the record for the meeting.

Any member of the public who wishes to speak at the meeting should indicate the nature of the intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Official by October 16, 2000. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such request.

Signed at Washington, DC, this 10th day of October 2000.

Raymond L. Bramucci,

Assistant Secretary of Employment and Training.

[FR Doc. 00–26430 Filed 10–12–00; 8:45 am]

BILLING CODE 4510–30–P

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.

New General Wage Determination Decision

The number of the decision added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-

Bacon And Related Acts'' are listed by Volume and States:

Volume V

Nebraska
NE000058 (Oct. 13, 2000)

Withdrawal General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. PA000017, dated February 11, 2000. See PA000002.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

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

New York
NY000002 (Feb. 11, 2000)
NY000003 (Feb. 11, 2000)
NY000004 (Feb. 11, 2000)
NY000005 (Feb. 11, 2000)
NY000006 (Feb. 11, 2000)
NY000007 (Feb. 11, 2000)
NY000008 (Feb. 11, 2000)
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Volume II

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PA000010 (Feb. 11, 2000)
PA000020 (Feb. 11, 2000)

Volume III

Georgia
GA000003 (Feb. 11, 2000)
GA000004 (Feb. 11, 2000)
GA000006 (Feb. 11, 2000)
GA000031 (Feb. 11, 2000)
GA000032 (Feb. 11, 2000)
GA000033 (Feb. 11, 2000)
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GA000036 (Feb. 11, 2000)
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GA000062 (Feb. 11, 2000)
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GA000088 (Feb. 11, 2000)
GA000089 (Feb. 11, 2000)
GA000093 (Feb. 11, 2000)
GA000094 (Feb. 11, 2000)

Volume IV

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MI000030 (Feb. 11, 2000)
MI000031 (Feb. 11, 2000)
MI000034 (Feb. 11, 2000)
MI000035 (Feb. 11, 2000)
MI000047 (Feb. 11, 2000)
MI000049 (Feb. 11, 2000)
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Minnesota
MN000005 (Feb. 11, 2000)
MN000007 (Feb. 11, 2000)
MN000008 (Feb. 11, 2000)
MN000058 (Feb. 11, 2000)
MN000061 (Feb. 11, 2000)
Wisconsin
WI000052 (Feb. 11, 2000)

Volume V

Kansas
KS000006 (Feb. 11, 2000)
KS000008 (Feb. 11, 2000)
KS000012 (Feb. 11, 2000)
KS000016 (Feb. 11, 2000)
KS000022 (Feb. 11, 2000)
KS000069 (Feb. 11, 2000)
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Nebraska
NE000011 (Feb. 11, 2000)
Texas
TX000003 (Feb. 11, 2000)
TX000096 (Feb. 11, 2000)

Volume VI

Alaska
AK000001 (Feb. 11, 2000)
Colorado
CO000002 (Feb. 11, 2000)
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CO000008 (Feb. 11, 2000)
CO000009 (Feb. 11, 2000)
CO000016 (Feb. 11, 2000)
CO000024 (Feb. 11, 2000)
CO000025 (Feb. 11, 2000)
Wyoming
WY000009 (Feb. 11, 2000)

Volume VII

None

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, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of the 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, DC this fifth day of October, 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–26164 Filed 10–12–00; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00–125]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, November 10, 2000, 10 a.m. to 12:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 5W40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Notify Ms. Suzanne E. Hilding, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1455, if you plan to attend.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will meet to deliberate topics for inclusion in its Annual Report for 1999. This is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The Aerospace Safety Advisory Panel is currently chaired by Richard D. Blomberg and is composed of 9 members and 8 consultants. The meeting will be open to the public up to the capacity of the room (approximately 40 persons including members of the Panel).

Dated: October 5, 2000.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–26301 Filed 10–12–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (1189).

Date and Time: October 31, 2000; 8:00 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd., Room 370, Arlington, VA.

Type of Meeting: Closed.

Contact Person: A. Frederick Thompson and Nicholas L. Clesceri, Program Directors, Division of Bioengineering and Environmental Systems, National Science Foundation; 4201 Wilson Boulevard; Arlington, Virginia 22230; Telephone: (703) 292–8320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Environmental Engineering Unsolicited proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26316 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (1189).

Date and Time: November 30–December 1, 2000; 8:00 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd, Room 580, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Fred G. Heineken and Dewey Ryu, Program Directors, Division of Bioengineering and Environmental Systems, National Science Foundation; 4201 Wilson Boulevard; Arlington, Virginia 22230; Telephone: (703) 292–8320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Biochemical Engineering/Biotechnology CAREER proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26317 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: October 30, 2000; 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 310, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. M. C. Roco, Program Director, Division of Chemical and Transport Systems (CTS), Room 525, (703) 292–8370.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY 2000 Career Panel of proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26323 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cognitive, Psychological and Language Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings of the Advisory Panel for Cognitive, Psychological and Language Sciences (#1758);

Date & Time: November 9–10, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 880, Arlington, VA.

Contact Person: Dr. Rodney R. Cocking, Program Director for Child Learning and Development, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–8732.

Agenda: To review and evaluate child learning and development proposals as part of the selection process for awards.

Date & Time: November 29–December 01, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 770, Arlington, VA.

Contact Person: Dr. Joseph L. Young, Program Director for Human Cognition and Perception, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–8732.

Agenda: To review and evaluate human cognition and perception proposals as part of the selection process for awards.

Date & Time: November 30–December 01, 2000; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, Room 880, Arlington, VA.

Contact Person: Dr. Steven J. Breckler, Program Director for Social Psychology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292–8728.

Agenda: To review and evaluate social psychology proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26314 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation (1194).

Date and Time: November 3, 2000, 8:00 am–5:30 pm.

Place: National Science Foundation, 4201 Wilson Blvd, Room 340, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Ronald Rardin, Program Directors, DMII, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8330.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CAREER proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters that are exempt under 5 U.S.C. 522b(c), (4) and (6) of the Government in the Sunshine Act.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26322 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub.L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Education and Human Resources (#1119).

Date & Time: November 8—8:30 am–6:30 pm; November 9—8:30 am–3:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Part Open; Closed November 9—12:00 Noon–12:30 pm; Discussion of Personnel Issues.

Contact Person: John B. Hunt, Senior Liaison, ACEHR, Directorate for Education and Human Resources, National Science Foundation, 4201 Wilson Boulevard, Room 805, Arlington, VA 22230, 703–292–8602.

Summary Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning NSF support for Education and Human Resources.

Agenda: Review of FY2000 Programs and discussion of National Science Foundation niche in science, mathematics, and engineering technology education.

Reason for Closing: The information being discussed includes personnel issues involving specific individuals. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer, HRM.

[FR Doc. 00–26318 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences (1755).

Dates/Times: November 6, 2000; 8:30 a.m.–5:30 p.m.; November 7, 2000; 8 a.m.–4 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 375, Arlington, VA.

Type of Meeting: Open.

Contact Person: Dr. Thomas Spence, Directorate for Geosciences, National Science Foundation, Suite 705, 4201 Wilson Boulevard, Arlington, Virginia 22230, Phone 703–292–8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

Agenda

Day 1: Report from Advisory Committee Chairs meeting, Mathematical Sciences Initiative, Nanotechnology Initiative.

Day 2: GEO Education, Human Resources and Diversity, Divisional Subcommittee Meetings, GPRA.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26325 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Methods, Cross-Directorate, and Science and Society Programs; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings of the COV Advisory Panel for Infrastructure, Methods & Science Studies (#1760):

Date and Time: November 13–14, 2000.

Rooms: 309/209 Maingate Building-Tucson, Arizona.

Place: University of Arizona.

Contact Person: Dr. Rachelle Hollander, Program Director for SDEST, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–8763.

Agenda: To review and evaluate SDEST proposals as part of the selection process for awards.

Date & Time: October 27–28, 2000.

Place: National Science Foundation, 4201 Wilson Blvd, Room 310, Arlington, VA.

Contact Person: Dr. Bruce Seely, Program Director for Science & Technology Studies,

National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–8763.

Agenda: To review and evaluate STS proposals as part of the selection process for awards.

Date & Time: December 1, 2000.

Place: National Science Foundation, 4201 Wilson Blvd, Room 370, Arlington, VA.

Contact Person: Dr. Cheryl L. Eavey, Program Director for Methods, Measurement & Statistics, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–8763.

Agenda: To review and evaluate MMS proposals as part of the selection process for awards.

Types of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26320 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Physics (1208).

Date and Time: November 1–3, 2000 at 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 1020, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. John Lightbody, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–4628.

Purpose of Meeting: To provide advice and recommendations concerning pre-proposals submitted in response to the Physics Centers proposal solicitation (NSF 00–108).

Agenda: To review and evaluate pre-proposals as part of the selection process for awards.

Reason for Closing: The pre-proposals being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary date for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26321 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Office of Polar Programs' Office Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Office of Polar Programs' Office Advisory Committee (1130).

Date and Time: November 6–7, 2000; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 1235, Arlington, VA.

Type of Meeting: Open, with the exception of discussions about any parts of the Committee of Visitors meeting which could include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. Specific times of closed sessions may be obtained from the contact person listed below prior to meeting date.

Contact Person: Brenda Williams, Office of Polar Programs, National Science Foundation, 4201 Wilson Blvd., Suite 775, Arlington, VA 22230. Telephone: (703) 306–1030.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the polar research community; to provide advice to the Director of OPP on issues related to long range planning, and to form *ad hoc* subcommittees to carry out needed studies and tasks.

Agenda: Discussion of NSF-wide initiatives, long-range planning, Committee of Visitors Report, and GPRA.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26315 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research Evaluation and Communication; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Research Evaluation and Communication (1210).

Date/Time: October 23, 2000—Room 310 & 360; 8:30 a.m.–5 p.m.; October 24, 2000—Room 310 & 360; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Elizabeth VanderPutten, Program Director, Research Evaluation and Communication Division, National Science Foundation, Room 855, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–8650.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CAREER Proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26327 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel on Research, Evaluation and Communication; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel on Research, Evaluation and Communication (1210).

Date and Time:

January 25, 2001 (8 a.m.–7 p.m.) Room 310 and 365

January 26, 2001 (8 a.m.–7 p.m.) Room 310 and 365

January 29, 2001 (7:30 a.m.–6 p.m.) Room 310, 340, and 360

January 30, 2001 (7:30 a.m.–6 p.m.) Room 310, 340, and 360

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Kenneth Whang, Program Director; Research on Learning and Education (ROLE) Program, Division of Research, Evaluation and Communication (REC), Room 855, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: 703/292–8650.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the ROLE Program as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a propriety or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 522b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26319 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: November 2, 3, 14, 15, and 16, 2000, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 130, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Joseph Hennessey, Acting Director, Small Business Innovation Research and Small Business Technology Transfer Programs, Room 590, Division of Design, Manufacturing, and Industrial Innovation, National Science Foundation, 4201 Wilson Boulevard, VA 22230. Telephone (703) 292–7069.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 522b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26324 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meetings of the Advisory Panel for Social and Political Sciences (1761).

Date and Time: November 15–16; 9 am to 5 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 920, Arlington, VA.

Contact Person: Dr. Frank Scioli and Dr. Marianne Stewart, Program Directors for Political Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the political science proposals as a part of the selection process for awards.

Date and Time: November 5–6; 9 am to 5 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington, VA.

Contact Person: Dr. Marie Provine, Program Director, Law and Social Science, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the Law and Science Proposals as a part of the selection process for awards.

Date and Time: December 11–12; 9 am to 5 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington, VA.

Contact Person: Dr. Patricia White and Dr. Fred Pampel, Department of Sociology, National Science Foundation. Telephone: (703) 292–8762.

Agenda: To review and evaluate the Sociology proposals as a part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 10, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–26326 Filed 10–12–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company; San Onofre Nuclear Generating Station, Units 2 and 3; 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 amendments to Facility Operating License No. NPF–10 and Facility Operating License No. NPF–15 for San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, respectively.

The proposed amendments would revise the SONGS Units 2 and 3 technical specifications (TSs) applicable in shutdown MODES relating to positive reactivity additions. For a summary of specific proposed TS changes, see Tables 1 and 2 of the licensee's application dated September 22, 2000 (PCN–520). The licensee's proposal generally conforms to industry Technical Specification Task Force (TSTF), TSTF–286, Revision 2.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments 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 amendments 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:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change would revise 14 specific Limiting Conditions For Operation (LCOs) of the Technical Specifications (TS) for San Onofre Nuclear Generating Station Units 2 and 3 (SONGS 2 & 3) as itemized in Table 1 [See application dated September 22,

2000]. The intent is to clarify those specifications involving positive reactivity additions to the shutdown reactor so that small, controlled, safe insertions of positive reactivity will be allowed where they are now categorically prohibited, posing operational difficulties. This amendment application conforms to TSTF–286 Revision 2 of the industry Technical Specification Task Force, with the exception of the plant-specific differences identified in Table 2. The proposed change does not permit the shutdown margin required by the TS to be reduced. While the proposed change will permit reductions in the discretionary shutdown margin above the TS requirements, this excess margin is not credited in the safety analyses. Therefore, the probability or consequences of any accident previously evaluated will not be significantly increased by the proposed change.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This amendment request allows for minor plant operational perturbations without adversely impacting the safety analysis required shutdown margin. It does not involve any change to plant equipment or the shutdown margin requirements in the TS. Therefore, it will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

This amendment request does not change the manner in which safety limits or limiting safety settings are determined.

The proposed change will permit reductions in discretionary shutdown margin, above the TS requirements, that are now prohibited. However, the reductions are not deemed significant because the shutdown margin required by the TS will be preserved.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

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 amendments 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 amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below. By November 13, 2000, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 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 amendments 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 amendments request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 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 Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770, 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 amendments dated September 22, 2000 (ADAMS Accession No. ML003753695), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 6th day of October 2000.

For the Nuclear Regulatory Commission.

L. Raghavan,

Senior Project Manager, Section 2, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–26340 Filed 10–12–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 and 50–374]

Commonwealth Edison Company; LaSalle County Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of 10 CFR 50.60(a) for Facility Operating Licenses Nos. NPF–11 and NPF–18, issued to Commonwealth Edison Company (ComEd, or the licensee) for operation of LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois.

Environmental Assessment

Identification of the Proposed Action

10 CFR Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

To address provisions of amendments to the technical specifications (TS) P–T limits, the licensee requested in its submittal dated February 29, 2000, that the staff exempt ComEd from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Cases N–588 and N–640. Code Case N–588 permits the postulation of a circumferentially-oriented flaw (in lieu of an axially-oriented flaw) for the evaluation of the circumferential welds in RPV P–T limit curves. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{IC} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the pressure stresses on a circumferentially-oriented flaw are lower than the pressure stresses on an axially-oriented flaw by a factor of two, using Code Case N–588 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an exemption to apply the Code Case would be required by 10 CFR 50.60(b). Likewise, since the K_{IC} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{IC} fracture toughness curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), using Code Case N–640 for establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60(b).

The proposed action is in accordance with the licensee's application for exemption dated February 29, 2000.

The Need for the Proposed Action

The proposed exemption is needed to allow the licensee to implement ASME Code Case N–588 and Code Case N–640 in order to revise the method used to determine the reactor coolant system (RCS) P–T limits, because continued use of the present curves unnecessarily restricts the P–T operating window. Since the RCS P–T operating window is defined by the P–T operating and test limit curves developed in accordance with the ASME Section XI, Appendix G procedure, continued operation of LaSalle with these P–T curves without the relief provided by ASME Code Case N–640 would unnecessarily require the RPV to maintain a temperature exceeding 212 degrees Fahrenheit in a limited operating window during the pressure test. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P–T curves, as allowed by ASME Code Cases N–588 and N–640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at a lower coolant temperature.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be

served by the implementation of these Code Cases.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there are no significant adverse environmental impacts associated with the proposed action.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for LaSalle County Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on July 19, 2000, the staff consulted with the Illinois State official, Frank Niziolek of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 29, 2000, which is available for public inspection at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http:\\www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–26339 Filed 10–12–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

Consolidated Edison Company of New York, Inc.; Indian Point Nuclear Generating Unit No. 2; Issuance of Director's Decision Under 10 CFR 2.206

By letter dated March 14, 2000, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists, the Nuclear Information & Resource Service, the PACE Law School Energy Project, and Public Citizen's Critical Mass Energy Project (Petitioners), pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), requested that the U.S. Nuclear Regulatory Commission (Commission or NRC) take action with regard to the Indian Point Nuclear Generating Unit No. 2, (IP2), owned and operated by the Consolidated Edison Company of New York, Inc. (Con Ed). The Petitioners requested that the NRC issue an order to the licensee preventing the restart of IP2, or modifying the license for IP2 to limit it to zero power, until (1) all four steam generators are replaced, (2) the steam generator tube integrity concerns identified in Dr. Joram Hopenfeld's differing professional opinion (DPO) and in Generic Safety Issue 163 (GSI–163) are resolved, and (3) potassium iodide tablets are distributed to residents and businesses within the 10-mile emergency planning zone (EPZ) or stockpiled in the vicinity of IP2. (The DPO process provides for the review of concerns raised by individual NRC employees who disagree with a position adopted by the NRC staff.)

In a letter dated April 5, 2000, the Acting Director of the Office of Nuclear Reactor Regulation acknowledged receipt of the Petition of March 14, 2000. In the April 5, 2000, letter, the Petitioners were informed that the request concerning replacement of the IP2 steam generators met the criteria for review under 10 CFR 2.206, but the staff had determined that the request relating to the resolution of the concerns raised in Dr. Hopenfeld's DPO and GSI–163 and distribution or stockpiling of potassium iodide tablets did not meet the criteria for review under 10 CFR 2.206. The basis for this determination was that they raise generic issues for which the Petitioners had not provided sufficient facts specific to IP2 restart to support their request. However, as a result of information provided at an April 7, 2000, meeting, and a supplement to their Petition dated April 12, 2000, the staff determined that the request that the NRC issue an order to prevent Con Ed from restarting IP2, or modify the license for IP2 to limit it to zero power, until potassium iodide tablets are distributed to people and businesses within the 10-mile EPZ or stockpiled in the vicinity of IP2 met the criteria of 10 CFR 2.206. However, the additional information provided in a supplement dated April 14, 2000, still did not provide plant-specific information necessary to consider Dr. Hopenfeld's DPO under the 2.206 process. The Petitioners were informed of these determinations in a letter dated June 26, 2000. In letters dated June 12, June 29, and July 13, 2000, the Petitioners further supplemented the Petition. In the June 12, 2000, supplement, it was requested that IP2 not be allowed to restart until concerns identified in an internal Federal Emergency Management Agency (FEMA) memorandum dated May 12, 2000, were addressed. In the July 13, 2000, supplement, the Petitioners requested reinstatement of their request that Dr. Hopenfeld's DPO be resolved prior to allowing IP2 to restart. In a letter dated August 31, 2000, the Petitioners were informed that neither of these issues met the criteria for review under 10 CFR 2.206, and indicated the basis for that determination.

In the June 29, 2000, letter, the Petitioners stated that 10 CFR Part 50, Appendix E requires each licensee at each site to conduct a full participation biennial exercise. Since the two nuclear units at the Indian Point site are owned by different licensees, the Petitioners stated that the regulations would require

each licensee to conduct a full-participation exercise every 2 years. This issue was accepted for review under 10 CFR 2.206, as stated in a letter dated August 31, 2000.

The Director of the Office of Nuclear Reactor Regulation has addressed the technical concerns provided by the Petitioner. The licensee prepared and submitted to the NRC for staff review an extensive operational assessment. However, since the licensee voluntarily made the decision to replace the IP2 steam generators prior to plant restart, there was no need to complete a review of the ConEd report for the purpose of determining whether the plant could restart and operate with the existing steam generators. Therefore, the intent of this part of the Petition was, in effect, granted. The NRC and Federal Emergency Management Agency have concluded that the onsite and offsite emergency plans for IP2, including the provisions for potassium iodide, provide reasonable assurance that appropriate protective measures can be taken to protect the health and safety of the public in the event of a radiological emergency at the site. Therefore, there is no basis to order the licensee to take additional measures to distribute or stockpile potassium iodide tablets in the vicinity of IP2. Finally, the NRC staff has determined that the full-participation exercise conducted by IP2 on June 24, 1998, met the biennial requirement for both onsite and offsite participation. Therefore, these two requests are not granted. The complete explanation of the staff's conclusions is contained in the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD–00–04).

The complete text of the Director's Decision is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically from the agencywide documents access and management system (ADAMS) public library component on the NRC web site, *http://www.nrc.gov* (the electronic reading room).

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 6th day of October 2000.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00–26338 Filed 10–12–00; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in October 2000. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in November 2000. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the fourth quarter (October through December) of 2000.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in October 2000 is 4.96 percent (*i.e.,* 85 percent of the 5.83 percent yield figure for September 2000).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between November 1999 and October 2000.

For premium payment years beginning in:	The assumed interest rate is:
November 1999	5.32
December 1999	5.23
January 2000	5.40
February 2000	5.64
March 2000	5.30
April 2000	5.14
May 2000	4.97
June 2000	5.23
July 2000	5.04
August 2000	4.97
September 2000	4.86
October 2000	4.96

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-Employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the fourth quarter (October through

December) 2000, as announced by the IRS, is 9 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From—	Through—	Interest rate (percent)
10/1/94	3/31/95	9
4/1/95	6/30/95	10
7/1/95	3/31/96	9
4/1/96	6/30/96	8
7/1/96	3/31/98	9
4/1/98	12/31/98	8
1/1/99	3/31/99	7
4/1/99	3/31/00	8
4/1/00	12/31/00	9

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the fourth quarter (October through December) of 2000 (*i.e.*, the rate reported for September 15, 2000) is 9.50 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From—	Through—	Interest rate (percent)
10/1/94	12/31/94	7.75
1/1/95	3/31/95	8.50
4/1/95	9/30/95	9.00
10/1/95	3/31/96	8.75
4/1/96	6/30/97	8.25
7/1/97	12/31/98	8.50
1/1/99	9/30/99	7.75
10/1/99	12/31/99	8.25
1/1/00	3/31/00	8.50
4/1/00	6/30/00	8.75
7/1/00	12/31/00	9.50

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in November 2000 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 6th day of October 2000.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 00–26329 Filed 10–12–00; 8:45 am]

BILLING CODE 7708–01–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 30d–2, SEC File No. 270–437, OMB Control No. 3235–0494.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''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.

Section 30(e) of the Investment Company Act of 1940 [15 U.S.C. 80a–29(e)] (the ''Investment Company Act'' or ''Act'') and rule 30d–2 [1] thereunder [17 CFR 270.30d–2] require unit investment trusts (''UITs'') that invest substantially all of their assets in securities of a management investment company (''fund'') to send a report to shareholders at least semi-annually containing financial information on the underlying fund.[2] Rule 30d–2 requires that the reports contain the financial statements that are required by rule 30d–1 [17 CFR 270.30d–1] to be included in the report of the underlying fund for the same fiscal period. Rule 30d–1 requires that the reports contain the financial statements required by a fund's registration form. Rule 30d–2, however, permits, under certain conditions, delivery of a single shareholder report to investors who share an address (''householding'') to satisfy the delivery requirements of the rule. The purpose of the householding provisions of the rule is to reduce the amount of duplicative reports delivered to investors sharing the same address.

Rule 30d–2 permits householding of annual and semi-annual reports by UITs to satisfy the delivery requirements of rule 30d–2 if, in addition to the other conditions set forth in the rule, the UIT has obtained from each investor written or implied consent to the householding of shareholder reports. The rule requires UITs that wish to household shareholder reports with implied consent to send a notice to each investor stating that the investors in the household will receive one report in the future unless the investors provide contrary instructions. In addition, at least once a year, UITs relying on the rule for householding must explain to investors who have provided written or implied consent how they can revoke their consent. Preparing and sending the initial notice and the annual explanation of the right to revoke are collections of information.

The rule requires UITs that invest substantially all of their assets in securities of a fund to transmit to shareholders at least semi-annually reports containing financial statements and certain other information in order to apprise current shareholders of the operational and financial condition of the UIT. Absent the requirement to disclose all material information in reports, investors would be unable to obtain accurate information upon which to base investment decisions and consumer confidence in the securities industry might be adversely affected. Requiring the submission of these reports to the Commission permits us to verify compliance with securities law requirements.

Rule 30d–2 allows UITs to household shareholder reports if certain conditions

[1] The Commission has proposed that rule 30d–2 be redesignated as rule 30e–2. See Role of Independent Directors of Investment Companies, Securities Act Rel. No. 7754; Exchange Act Rel. No. 42007; Investment Company Act Rel. No. 24082 (Oct. 14, 1999) [64 FR 59826 (Nov. 3, 1999)]. The proposal has not been adopted as of the date of this notice.

[2] Management investment companies are defined in section 4(3) of the Investment Company Act as any investment company other than a face-amount certificate company or a unit investment trust, as those terms, are defined in sections 4(1) and 4(2) of the Investment Company Act. See 15 U.S.C. 80a–4.

are met. Among the conditions with which a UIT must comply are providing notice to each investor that only one report will be sent to the household and providing to each investor that consents to householding an annual explanation of the right to revoke consent to the delivery of a single shareholder report to multiple investors sharing an address. The purpose of the notice and annual explanation requirements associated with the householding provisions of the rule is to ensure that investors who wish to receive individual copies of shareholder reports are able to do so.

The Commission estimates that as of December 1999, approximately 655 UITs were subject to the provisions of rule 30d–2. The Commission further estimates that the annual burden associated with rule 30d–2 is 121 hours for each UIT, including an estimated 20 hours associated with the notice requirement for householding and an estimated 1 hour associated with the explanation of the right to revoke consent to householding, for a total of 79,255 burden hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

In addition to the burden hours, the Commission estimates that the cost of contracting for outside services associated with complying with rule 30d–2 is $12,000 per respondent (80 hours times $150 per hour for independent auditor services), for a total of $7,860,000 ($12,000 per respondent times 655 respondents).

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility, (b) the accuracy of the Commission's estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. The Commission will consider comments and suggestions submitted in writing within 60 days after this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: October 4, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26376 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 154, SEC File No. 270–438, OMB Control No. 3235–0495.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''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.

The federal securities laws generally prohibit an issuer, underwriter, or dealer from delivering a security for sale unless a prospectus meeting certain requirements accompanies or precedes the security. Rule 154 [17 CFR 230.154] under the Securities Act of 1933 [15 U.S.C. 77a] (the ''Securities Act'') permits, under certain circumstances, delivery of a single prospectus to investors who purchase securities from the same issuer and share the same address (''householding'') to satisfy the applicable prospectus delivery requirements.[1] The purpose of rule 154 is to reduce the amount of duplicative prospectuses delivered to investors sharing the same address.

Under rule 154, a prospectus is considered delivered to all investors at a shared address, for purposes of the federal securities laws, if the person relying on the rule delivers the prospectus to the share address and the investors consent to the delivery of a single prospectus. The rule applies to prospectuses and prospectus supplements. Currently, the rule permits householding of all prospectuses except those required to be delivered for business combinations, exchange offers, or reclassifications of securities.[2] Rule 154 permits householding of prospectuses by an issuer, underwriter, or dealer relying on the rule if, in addition to the other conditions set forth in the rule, the issuer, underwriter, or dealer has obtained from each investor written or implied consent to householding.[3] The rule requires issuers, underwriters, or dealers that wish to household prospectuses with implied consent to send a notice to each investor stating that the investors in the household will receive one prospectus in the future unless the investors provide contrary instructions. In addition, at least once a year, issuers, underwriters, or dealers, relying on rule 154 for the householding of prospectuses, must explain to investors who have provided written or implied consent how they can revoke their consent. Preparing and sending the initial notice and the annual explanation of the right to revoke are collections of information.

The rule allows issuers, underwriters, or dealers to household prospectuses and prospectus supplements if certain conditions are met. Among the conditions with which a person relying on the rule must comply are providing notice to each investor that only one prospectus will be sent to the household and providing to each investor who consents to householding an annual explanation of the right to revoke consent to the delivery of a single prospectus to multiple investors sharing an address. The purpose of the notice and annual explanation requirements of the rule is to ensure that investors who wish to receive individual copies of shareholder reports are able to do so.

Although rule 154 is not limited to investment companies, the Commission believes that it is used mainly by mutual funds and by broker-dealers that deliver mutual fund prospectuses. The Commission is unable to estimate the number of issuers other than mutual funds that rely on the rule.

[1] The Securities Act requires the delivery of prospectuses to investors who buy securities from an issuer or from underwriters or dealers who participate in a registered distribution of securities. See Securities Act sections 2(a)(10), 4(1), 4(3), 5(b), [15 U.S.C. 77b(a)(10), 77d(1), 77d(3), 77e(b); see also rule 174 under the Securities Act [17 CFR 230.174] (regarding the prospectus delivery obligation of dealers); rule 15c2–8 under the Securities and Exchange Act of 1934 [17 CFR 240.15c2–8] (prospectus delivery obligations of brokers and dealers).

[2] The Commission has proposed an amendment to rule 154 that would permit the householding of prospectuses required to be delivered for business combinations, exchange offers, or reclassifications of securities. See Delivery of Proxy and Information Statements to Households, Securities Act Rel. No. 7767; Securities Exchange Act Rel. No. 42102; Investment Company Act Rel. No. 24124 (Nov. 4, 1999) [64 FR 62548 (Nov. 16, 1999)]. The proposed amendment has not been adopted as of the date of this notice.

[3] Rule 154 permits the householding of prospectuses that are delivered electronically to investors only if delivery is made to a shared electronic address and the investors give written consent to householding. Implied consent is not permitted in such a situation. See rule 154(b)(4).

The Commission estimates that there are approximately 3,000 mutual funds, approximately 545 of which engage in direct marketing and therefore deliver their own prospectuses. The Commission estimates that each direct-marketed mutual fund will spend an average of 20 hours per year complying with the notice requirement of the rule, for a total of 10,900 hours. The Commission estimates that each direct-marketed fund will spend 1 hour complying with the explanation of the right to revoke requirement of the rule, for a total of 545 hours. The Commission estimates that as of year-end 1998, there were approximately 300 broker-dealers that carry customer accounts and, therefore, may be required to deliver mutual fund prospectuses. The Commission estimates that each affected broker-dealer will spend, on average, approximately 20 hours complying with the notice requirement of the rule, for a total of 6,000 hours. Each broker-dealer will also spend 1 hour complying with the annual explanation of the right to revoke requirement, for a total of 300 hours. Therefore, the total number of respondents for rule 154 is 845 (5454 mutual funds plus 300 broker-dealers), and the estimated total hour burden is 17,745 hours (11,445 hours for mutual funds plus 6,300 hours for broker-dealers).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. The Commission will consider comments and suggestions submitted in writing within 60 days after this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: October 5, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26377 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 206(4)–2, SEC File No. 270–217, OMB Control No. 3235–0241.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 206(4)–2 governs the custody or possession of funds or securities by Commission-registered investment advisers. Rule 206(4)–2 makes it a fraudulent, deceptive or manipulative act, practice or course of business for any investment adviser who has custody or possession of funds or securities of its clients to do any act or take any action with respect to any such funds or securities unless (1) the securities are properly segregated and safely kept; (2) the funds are held in one or more specially designated client accounts with the adviser named as trustee; (3) the adviser promptly notifies the client as to the place and manner of safekeeping; (4) the adviser sends a detailed written statement to each client at least once every three months; and (5) at least once each year, on an unannounced basis, an independent public accountant verifies by actual examination the clients' funds and securities and files a certificate with the Commission describing the examination. The rule does not apply to an investment adviser that is also registered as a broker-dealer under the Securities Exchange Act of 1934, provided the adviser is in compliance with Rule 15c3–1 under the Exchange Act, or, if a member of an exchange, in compliance with exchange requirements with respect to financial responsibility and the segregation of funds or securities carried for the account of customers.

The Commission uses the information required by Rule 206(4)–2 in connection with its investment adviser examination program to ensure that advisers are in compliance with the rule. Clients also use the information required by paragraphs (3) and (4) of the rule. Without the information collected under the rule, the Commission would be less efficient and effective in its inspection program and clients would not have information valuable for monitoring an adviser's handling of their accounts.

The respondents to this information collection are investment advisers registered with the Commission (except those that are also registered as broker-dealers) and that have custody of clients' funds or securities. The Commission estimates that 173 advisers would be subject to Rule 206(4)–2.

The number of responses under Rule 206(4)–2 will vary considerably depending on the number of clients for which an adviser has custody or possession of funds or securities. It is estimated that the average number of responses annually, 250, and the average time of .5 hours per response, would remain the same. The total time burden for each respondent is estimated to be the same—125 hours. The annual aggregate burden for all respondents to the requirements of Rule 206(4)–2 is estimated to be 21,625 hours.

This collection of information is found at 17 CFR 275.206(4)–2 and is mandatory Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(4)–2 for five year. The long-term retention of these records is necessary for the Commission's examination program to ascertain compliance with the Investment Advisers Act.

The estimated average burden hours are made solely for the purposes of Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 5, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26375 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 23c–1, SEC File No. 270–253, OMB Control No. 3235–0260.

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 (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 23c–1 under the Investment Company Act of 1940, among other things, permits a closed-end fund to repurchase its securities for cash if in addition to the other requirements set forth in the rule: (i) payment of the purchase price is accompanied or preceded by a written confirmation of the purchase; (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent; and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock. The Commission staff estimates that approximately 19 closed-end funds rely on Rule 23c–1 annually to undertake approximately 115 repurchases of their securities. The Commission staff estimates that, on average, a fund spends approximately 2.5 hours on complying with the paperwork requirements listed above each time it undertakes a security repurchase under the rule. The total annual burden of the rule's paperwork requirements thus is estimated to be 287.5 hours.

In addition, the fund must file with the Commission, during the first ten days of the calendar month following any month in which a purchase permitted by Rule 23c–1 occurs, two copies of a report of purchases made during the month, together with a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The burden associated with filing Form N–23C–1, the form for this report, has been addressed in the submission for that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Complying with the collection of information requirements of the rule is mandatory. The filings that the rule requires to be made with the Commission are available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: October 6, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26378 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24679; File No. 812–12026]

WM Variable Trust, et al., Notice of Application

October 5, 2000.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an order of exemption under Section 6(c) of the Investment Company Act of 1940 (''the Act'') for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

Summary of Application: WM Variable Trust (the ''Trust'') and WM Advisors, Inc. (the ''Adviser'') (collectively, ''Applicants'') seek an Order exempting them from Sections 9(a), 13(a), 15(a), and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder to permit shares of the Trust and any other investment company that is designed for fund insurance products and for which the Adviser or its affiliates many serve as investment manager, investment adviser, investment sub-adviser, administrator, manager, principal underwriter or sponsor (''Future Trusts'') to be sold to and held by (1) variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated life insurance companies; (2) qualified pension and retirement plans outside of the separate account context; and (3) the Trust's or Future Trust's investment adviser (representing seed money investments in the Trust or Future Trust).

Applicants: WM Variable Trust (the ''Trust'') and WM Advisors, Inc. (the ''Adviser'') are, collectively, referred to herein as the ''Applicants.''

Filing Date: The Application was filed on March 15, 2000, and amended on July 26, 2000 and September 27, 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 on the application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, in person or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on October 30, 2000, and accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the interest, the reason for the request, and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o John T. West, WM Advisors, Inc., 1201 Third Avenue, 22nd Floor, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Marquigny, Senior Counsel, or Keith Carpenter, Branch Chief, Office of Insurance Products, Divison of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is a business trust organized under the laws of Massachusetts on January 29, 1993. On March 20, 1998, the Trust's name was changed from Sierra Variable Trust to WM Variable Trust. The Trust filed its registration under the Act as an open-

end management investment company on February 2, 1993. The Trust is currently comprised of fifteen investment portfolios (the ''Funds''), although the Trust may create additional investment portfolios and issue shares representing beneficial interests therein from time to time.[1] On February 2, 1993, the Trust filed a Registration Statement on Form N–1A under the Act and the Securities Act of 1933, as amended (the ''1933 Act''), to register the sale of the Funds' shares. At the current time, the Trust has issued only one class of shares of the Funds, but may in the future offer two or more classes of shares of the Funds. The Trust may offer each series of its shares to separate accounts, including Separate Account D of American General Life Insurance Company (the ''Separate Account''), the sole separate account currently investing in the Funds (''Participating Separate Accounts''), of various other life insurance companies (''Participating Insurance Companies'') and to pension and retirement plans qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended (the ''Code'') (''Qualified Plans''). Such Participating Insurance Companies and Qualified Plans are described below. The Trust many also offer each series of its shares to the Adviser pursuant to Treasury Regulations §1.817(f)(3)(ii).

2. Each variable life insurance account (''VLI Account'') and variable annuity account (''VA Account'') has been or will be established as a segregated asset account by a Participating Insurance Company pursuant to the insurance law of such insurance company's state of domicile. As such, the assets of each are or will be the property of the Participating Insurance Company and the portion of the assets of such an account equal to the reserves and other contract liabilities with respect to the account are not and/or will not be chargeable with liabilities arising out of any other business that the insurance company may conduct. The income, gains and losses, realized or unrealized, from such an account's assets are and/or will be credited to or charged against the account without regard to other income, gains or losses of the insurance company. If, like the Separate Account, a VA Account of a life insurance company is registered as an investment company, it will be a ''separate account'' as defined by Rule 0-1(e) (or any successor rule) under the Act and will be registered as a unit investment trust (''UIT''). If a VLI Account is registered as an investment company, it will be a separate account as described in Rule 6e-2(a) or Rule 6e-3(T)(a) and will be registered as a UIT. For purposes of the Act, the life insurance company that establishes such a registered VLI Account or VA Account, like American General Life Insurance Company (''AGL''), is the depositor and sponsor of the account as those terms have been interpreted by the Commission with respect to variable life insurance and variable annuity separate accounts.

3. The Qualified Plans will be pension or retirement plans intended to qualify under Sections 401(a) and 501(a) of the 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 will also be subject to, and will be designed to comply with, the provisions of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''). The Qualified Plans therefore will be subject to regulatory provisions under the Code and ERISA regarding, for example, reporting and disclosure, participation and vesting, funding, fiduciary responsibility, and enforcement.

4. The Adviser, which is registered as an investment adviser under the Investment Advisers Act of 1940, is the investment adviser of the Fund. As investment adviser to the Fund, the Adviser has been engaged to continuously furnish an investment program for the Fund and to make or cause to be made investment decisions on behalf of the Fund and place or cause to be placed all others for the purchase and sale of portfolio securities.

5. The Trust proposes to offer and sell shares of the Fund to Participating Insurance Companies as an investment vehicle for their VLI Accounts and VA Accounts (collectively, ''Variable Accounts'')(hereinafter, the term ''Trust'' refers to the Trust and/or any Future Trust, as applicable). As described more fully below, the Trust will only sell its shares to registered VLI Accounts and registered VA Accounts if each Participating Insurance Company sponsoring such a VLI Account or VA Account enters into a participation agreement with the Trust. The participation agreements will define the relationship between the Trust and each Participating Insurance Company and will memorialize, among other matters, the fact that, except where the agreement specifically provides otherwise, the Participating Insurance Company will remain responsible for establishing and maintaining any VLI Account or VA Account covered by the agreement and for complying with all applicable requirements of state and federal law pertaining to such accounts and to the sale and distribution of variable life insurance contracts (''VLI Contracts'') and variable annuity contracts (''VA Contracts,'' and together with VLI Contracts, ''Variable Contracts'') issued through such accounts. The participation agreements also will memorialize, among other matters, the fact that, with regard to compliance with federal securities laws, unless the agreement specifically states otherwise, the Trust's obligations relate solely to offering and selling its shares to VLI Accounts and VA Accounts covered by the agreement and to compliance with the conditions states in this application.

6. The use of a common management investment company (or investment portfolio thereof) as an investment medium for both VLI Accounts and VA Accounts of the same insurance company, or of two or more insurance companies that are affiliated persons of each other, is referred to herein as ''mixed funding.'' The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts and/or VA Accounts of two or more insurance companies that are not affiliated persons of each other, is referred to herein as ''shared funding.''

7. The Trust may sell its shares directly to Qualified Plans. Changes in the federal tax law several years ago made it possible for investment companies such as the Trust to sell shares to Qualified Plans to addition to VLI Accounts and VA Accounts. Section 817(h) of the Code imposes certain diversification standards on the assets underlying Variable Contracts, such as those in the Trust. The Code provides that Variable Contracts will not be treated as annuity contracts or life insurance contracts, as the case may be, for any period (or any subsequent period) for which the underlying assets are not adequately diversified in accordance with regulations issued by the Treasury Department. On March 1, 1989, the Treasury Department adopted regulations (Treas. Reg. 1.817–5) (the ''Regulations'') which established specific diversification requirements for investment portfolios underlying Variable Contracts. The Regulations generally provide that, in order to meet these diversification requirements, all of the beneficial interests in the investment company must be held by the segregated asset accounts of one or more life insurance companies.

[1] Hereinafter, the term ''Funds'' means the Funds and/or any future series of the Trust or a Future Trust, as applicable.

Notwithstanding this, the Regulations contain an exception to this requirement that permits trustees of a qualified pension or retirement plan to hold shares of an investment company, the shares of which are also held by insurance company segregated asset accounts, without adversely affecting the status of the investment company as an adequately diversified underlying investment for Variable Contracts issued through such segregated asset accounts (Treas. Reg. 1.817–5(f)(3)(iii)).

8. As a result, Qualified Plans may select the Trust as an investment option without endangering the tax status of Variable Contracts as life insurance or annuities. Trust shares sold to the Qualified Plans would be held by the Trustees of the Qualified Plans as required by Section 403(a) of ERISA. The Trustees or other fiduciaries of the Qualified Plans may vote Trust shares held by their 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. The use of a common management investment company (or investment portfolio thereof) as an investment medium for VLI Accounts, VA Accounts and Qualified Plans is referred to herein as ''extended mixed funding.''

Applicants' Legal Analysis

1. Rule 6e–2(b)(15) under the Act provides partial exemptions for (1) Section 9(a), which makes it unlawful for certain individuals and companies to act in certain capacities with respect to registered investment companies, and (2) Section 13(a), 15(a), and 15(b) of the Act to the extent that those sections might be deemed to require ''pass-through'' voting with respect to the shares of a registered management investment company underlying a UIT (an ''underlying fund'') to VLI Accounts supporting scheduled premium VLI Contracts and to their life insurance company depositors, investment advisers, and principal underwriters. The exemptions granted by the Rule are available, however, only where the Trust offers its shares exclusively to VLI Accounts of a single Participating Insurance Company or an affiliated insurance company, and then, only where scheduled premium VLI Contracts are issued through such VLI Accounts. Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium VLI Account that owns shares of an underlying fund that engages in mixed funding by also offering its shares to a VA Account or to a flexible premium VLI Account of the same company or of an affiliated life insurance company. In addition, the relief granted by Rule 6e–2(b)(15) is not available if the underlying fund engages in shared funding by offering its shares to VA Accounts of VLI Accounts of unaffiliated life insurance companies. Furthermore, Rule 6e–2(b)(15) does not contemplate that shares of the underlying fund might also be sold to Qualified Plans, that is, that the underlying fund will engage in extended mixed funding.

2. Rule 6e–3(T)(b)(15) under the Act provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the Act to VLI Accounts supporting flexible premium variable life insurance contracts and their life insurance company depositors, investment advisers and principal underwriters. The exemptions granted by the Rule are available, however, only where the Trust offers its shares exclusively to separate accounts of the Participating Insurance Company, or of any affiliated insurance company, offering either scheduled premium contracts or flexible premium contracts, or both, or which also offer their shares to VA Accounts of the Participating Insurance Company or of an affiliated life insurance company. Therefore, Rule 6e–3(T)(b)(15) permits mixed funding with respect to a flexible premium VLI Account, subject to certain conditions. However, Rule 6e–3(T)(b)(15) does not permit shared funding because the relief granted is not available with respect to a VLI Account that owns shares of an underlying fund that also offers its shares to separate accounts (including VA Accounts and flexible premium and scheduled premium VLI Accounts) of unaffiliated Participating Insurance Companies. Also, Rule 6e–3(T)(b)(15) does not contemplate extended mixed funding.

3. In general, Section 9(a) of the Act disqualifies any person convicted of certain offenses and any person enjoined from engaging in certain activities because of misconduct, and any company affiliated with any such person, from acting or serving in various capacities with respect to a registered investment company. More specifically, Section 9(a)(3) provides that it is unlawful for any company to serve as investment adviser 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 (2).

4. Rule 6e–2(b)(15) and Rule 6e–3(T)(b)(15) limit the application of the eligibility restrictions of Section 9(a) to affiliated persons of a life insurer who directly participate in the management of the underlying registered management investment company under certain circumstances, subject to limitations on mixed and shared funding. The relief provided by Rule 6e–2(b)(15)(i) and Rule 6e–3(T)(b)(15)(i) permits persons who are affiliated persons of a life insurer or its affiliates who otherwise would be disqualified under Section 9(a) to serve as an officer, director, or employee of an underlying fund, so long as any such person does not participate directly in the management or administration of such underlying fund. In addition, Rule 6e–2(b)(15)(ii) and Rule 6e–3(T)(b)(15)(ii) permit a Participating Insurance Company to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurance company's personnel who are ineligible pursuant to Section 9(a) of the Act participate in the management or administration of the underlying fund.

5. In effect, the partial relief provided by Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of Section 9 limits the amount of monitoring of a Participating Insurance Company's personnel that is necessary to ensure compliance with Section 9 to that which is appropriate in light of the policy and purposes of Section 9. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) recognize that applying the provisions of Section 9 to the many individuals 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 Act. In addition, if the eligibility restrictions of Section 9(a) were to apply to the Participating Insurance Companies, the increased costs of ensuring compliance with Section 9 would reduce the net rates of return realized by contract owners. Thus, the cost of compliance with Section 9 would exceed the benefits, if any, provided by compliance with such eligibility restrictions. Moreover, disallowing the relief permitted by Rules 6e–2(b)(15) and Rule 6e–3(T)(b)(15) because the underlying fund engages in extended mixed funding would serve no regulatory purpose. The sale of shares of an underlying fund to Qualified Plans does not change the fact that the purposes of the Act are not advanced by applying the prohibitions of Section 9(a) to individuals who may be involved in a life insurance complex

but have no involvement in the underlying fund.

6. Rule 6e–2(b)(15)(iii) and Rule 6e–3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a), and 15(b) of the Act to the extent that those sections might be 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 subclassification 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).

7. 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).

8. 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.

9. If the Trust serves as an investment vehicle for mixed funding, extended mixed funding or shared funding, the exemptions otherwise provided by Rule 6e–2(b)(15) would not be available to VLI Accounts and their Participating Insurance Company depositors and principal underwriters. Likewise, if the Trust serves as an investment vehicle for extended mixed funding or shared funding, the exemptions otherwise provided by Rule 6e–3(T)(b)(15) would not be available to VLI Accounts and their Participating Insurance Companies and principal underwriters. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction or any class of persons, securities or transactions from any provision or provisions of the Act and/or any rule under it if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

10. Applicants submit that the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

11. Applicants submit 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. Similarly, 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 sells contracts in several states.

12. 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. Each type of insurance product is designed as a long-term investment program. There is not 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. To the extent that the degree of risk may differ as between VA Contracts and VLI Contracts, the differing insurance charges imposed, in effect, adjust any such differences and equalize the insurers' exposure in either case.

13. In addition, 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. No one investment strategy can be identified as appropriate to a particular insurance product. Each pool of VA and VLI Contract owners is composed of individuals of diverse financial status, age, and insurance and investment goals. An underlying fund supporting even one type of insurance product must accommodate those differences to attract and retain purchasers.

14. Regardless of the type of shareholder in the Trust, the investment manager is or would be contractually and otherwise obligated to manage the 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 Trustees responsible for such Fund (the ''Board''). Thus, the Fund will be managed in the same manner as any other mutual funds and there is not incentive for the Fund's investment manager to invest to benefit a particular class of shareholders. In addition, the Board has a fiduciary duty to oversee the Fund's investment adviser and ensure that the Fund is managed in a way that does not discriminate against any of the Fund's shareholders.

15. Applicants maintain that qualified retirement plan investors in the Trust would have substantially the same interests as do VLI Contract owners and VA Contract owners. Like VLI and VA Contract owners, qualified retirement plan investors are long-term investors. Therefore, most can be expected not to withdraw their assets from the Qualified Plans. Indeed, while they may utilize more than one investment option under a Variable Contract or the Qualified Plans, both Variable Contract owners and participants would make certain sacrifices and face certain hurdles in surrendering a contract or withdrawing assets from a Qualified Plan. Variable Contract owners in many circumstances would sacrifice tax benefits, pay a penalty tax under Section 72(q) of the Code, and/or pay a surrender charge if they surrender their contracts. Similarly, participants may be permitted to withdraw Qualified Plan assets only in limited circumstances, would sacrifice tax benefits on such withdrawals, and may incur other economic penalties under the terms of the Qualified Plan. In addition, Section 72(t) of the Code may impose a tax penalty on certain withdrawals from a Qualified Plan even where permitted. Of course, Variable Contract owners may exchange one VLI Contract or VA Contract for another without losing possible tax benefits and participants may generally transfer or roll over vested Qualified Plan assets with the same result, but both types of transactions require significant contract owner or Qualified Plan investor initiative and can only be accomplished in certain circumstances pursuant to specific procedures.

16. In addition, neither VLI and VA Contract owners on the one hand nor Qualified Plan investors on the other would be taxed on the investment return of their respective investments in the Trust. Therefore, they would share a strong interest in the Trust operating in a manner that preserves this tax status. For example, material conflicts between these two groups of investors regarding capital transactions would be unlikely to occur. In this regard, ERISA imposes general diversification requirements on qualified pension or retirement plan investments that are wholly consistent with those required of each Fund of the Trust under Section 817(h) of the Code.

17. VLI Accounts, VA Accounts and the Qualified Plans are governed in similar ways. Qualified Plan committees (and other Qualified Plan fiduciaries) have a fiduciary duty to participants that is similar to the obligations that a Participating Insurance Company has to look after the interests of its VLI Contract owners and VA Contract owners. In this respect, applicants note that Participating Insurance Companies and their VLI Accounts would not require any exemptions from the Act other than those necessary for mixed funding and shared funding if participants in certain qualified pension and retirement plans invest indirectly in the Trust when their Qualified Plan purchases a variable annuity contract offered by a Participating Insurance Company in the Qualified Plan market. The various Qualified Plans may or may not offer an annuity option.

18. In light of the fact that Qualified Plan investors would have beneficial interests in the Trust very similar to those of VLI Contract owners and VA Contract owners, applicants assert that, provided that they (and VLI Accounts and Participating Insurance Companies) comply with the conditions explained below, the addition of the Qualified Plans as shareholders of the Trust and the addition of participants as persons having beneficial interests in the Trust should not increase the risk of material irreconcilable conflicts among and between investors. Applicants further assert that even if a material irreconcilable conflict involving the Qualified Plans or participants arose, the trustees (or other fiduciaries) of the Qualified Plans, unlike Participating Insurance Companies, can, if their fiduciary duty to the participants requires it, redeem the shares of the Trust held by the Qualified Plans and make alternative investments without obtaining prior regulatory approval. Similarly, most, if not all, of the Qualified Plans, unlike the VLI Accounts or the VA Accounts, may hold cash or other liquid assets pending their reinvestment in a suitable alternative investment.

19. Applicants maintain that VLI Contract owners and VA Contract owners would benefit from the expected increase in net assets of the Funds of the Trust occasioned by participant investments. Not only should such additional investments not increase the likelihood of material irreconcilable conflicts of interest between or among different types of investors, but such additional investments should reduce some of the costs of investing for Variable Contract owners. In particular, additional investments would promote economies of scale, permit increased safety through greater portfolio diversification, provide each Fund's investment adviser with greater flexibility due to a larger portfolio and make the addition of future new Funds more feasible.

20. When the Commission last revised Rule 6e–3(T) in 1987, the Treasury Department had not issued the current regulations (Treas. Reg. 1.817–5) which make it possible for the Trust to sell shares to qualified pension or retirement plans without adversely affecting the tax status of VLI Contracts and VA Contracts. Applicants submit that, although proposed regulations had been published, the Commission did not envision this possibility when it last examined paragraph (b)(15) of the Rule and might well have broadened the exclusivity provision of that paragraph at that time to include plans such as the Qualified Plans had this possibility been apparent. In this regard, the Commission has recently issued several orders under Section 6(c) granting the same exemptions requested herein to other applicants in very similar circumstances.

21. In light of the fact that the proposed Qualified Plan investments in the Trust should not increase the likelihood of material irreconcilable conflicts and would otherwise benefit VA Contract owners and VLI Contract owners, and in light of the recent supporting precedent, applicants believe that the Commission should grant the requested exemptions.

22. Applicants submit that the sale of the shares of the Trust to Qualified Plans will not increase the potential for material irreconcilable conflicts of interest between or among different types of investors. Moreover, in considering the appropriateness of the requested relief, an analysis of the following issues leads to the conclusion that there are either no conflicts of interest or that there exists the ability by the affected parties to resolve the issues without harm to the contract owners in the Participating Separate Accounts or to the participants under the Qualified Plans.

23. Section 817(h) 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, 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.

24. 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 Fund 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, distributions and dividends will be declared and paid by the Fund without regard to the character of the shareholder.

25. The ability of the Trust to sell its shares directly to Qualified Plans does not create a ''senior security'' as such terms is defined under Section 18(g) of the Act, with respect to any contract owner as opposed to a participant under a Qualified Plan. As noted above, regardless of the rights and benefits of participants under the Qualified Plans, or Variable Contract owners, the Qualified Plans and the Participating Separate Accounts have rights only with respect to their respective shares of the Trust. They can only redeem such shares at their net assets value. No shareholder of the Trust will have any preference over any other shareholder with respect to distribution of assets or payment of dividends.

26. With respect to voting rights, 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 Fund 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 Fund. 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 Trust 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.

27. In addition, 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 contract, 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, even if there should arise issues where the interests 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 Plan can, on their own, redeem their shares from the Trust.

28. The holding of Trust shares by separate accounts of unaffiliated insurance companies would not entail greater potential for material irreconcilable conflicts arising between or among the interests of VLI Contact owners and VA Contract owners than would mixed funding. Likewise, the holding of Trust shares by separate accounts of unaffiliated insurance companies would not entail greater potential for material irreconcilable conflicts arising between or among the interests of VLI Contract owners, VA Contract owners and Qualified Plan investors than would extended mixed funding where only separate accounts of affiliated Participating Insurance Companies held such shares.

29. Historically, concern existed that greater potential existed for material irreconcilable conflicts between or among the interests of VLI Contract owners or VA Contract owners of unaffiliated insurance companies because such companies were more likely than affiliated companies to be domiciled in different states and the different state insurance regulators could impose divergent requirements on such insurers with regard to investments supporting Variable Contracts. It was also believed by some that unaffiliated insurance companies were less likely than affiliated companies to find ways to reconcile material conflicts of interest that might arise from conflicting state regulation. In fact, shared funding by unaffiliated companies does not increase the potential for such material conflicts of interest beyond that which would otherwise exist for a single insurance company that is licensed in many states and therefore subject to the insurance regulations of such jurisdictions. A particular state insurance regulator could require action of an insurer domiciled or licensed in its jurisdiction that conflicts with or is inconsistent with the regulatory requirements of or actions required by the regulator of another state where that insurer is domiciled or licensed. The fact that different insurance companies are domiciled in different states does not enlarge or create significantly different issues in connection with conflicting state regulatory requirements. Affiliation among or between such insurance companies does not diminish the potential for such issues to arise nor, in light of the source of such issues, does it dramatically increase the likelihood of their being resolved.

30. Historically, concern also existed that material irreconcilable conflicts between or among the interests of VLI Contract owners and/or VA Contract owners of unaffiliated insurance companies were more likely to arise in the event that such companies exercised their limited right to disregard VLI owner voting instructions than would be the case between or among affiliated companies. In fact, the right of an insurance company to disregard VLI owner voting instructions does not raise any issues different from those raised by the authority of different state insurance regulators over separate accounts. Similarly, affiliation between or among insurance companies does not diminish or eliminate the potential for divergent judgments by such companies as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser of a mutual fund in which their separate account invests. Applicants believe that the potential for disagreement between or among insurance companies is limited by requirements in Rule 6e–2 and Rule 6e–3(T) that a company's disregard of voting instructions be reasonable and based on specific good faith determinations. Moreover, in the event that a decision by a participating life insurance company to disregard VLI Contract owners' voting instructions represents a minority position or would preclude a majority vote at a Trust shareholder's meeting, the company could be required by the Trust's Board of Trustees to withdraw from the Trust.

31. 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. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the Variable Contract business on their own. Use of the Funds of the Trust as a mixed funding and shared funding vehicle for Variable Contracts would reduce or eliminate such concerns for small life insurance companies.

32. Applicants submit that use of the Trust as a common investment vehicle for Variable Contracts would reduce or alleviate the above-mentioned concerns and that mixed and shared funding will provide several benefits. Participating Insurance Companies will benefit not only from the investment and administrative expertise of the Trust's investment adviser, but also from the cost efficiencies and investment flexibility afforded by a larger pool of funds. Therefore, making the Trust 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. In addition, Variable Contract owners would benefit from the reduced costs to Participating Insurance Companies of establishing and administering separate accounts.

33. Regardless of the type of shareholder in the Trust, the investment manager is or would be contractually and otherwise obligated to manage the 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 Trustees responsible for such Fund (the ''Board''). Thus, the Fund will be managed in the same manner as any other mutual fund, and there is no incentive for the Fund's investment manager to invest to benefit a particular class of shareholders. In addition, the Board has a fiduciary duty to oversee the Fund's investment adviser and ensure that the Fund is managed in a way that does not discriminate against any of the Fund's shareholders.

34. Applicants see no legal impediment to permitting the Trust to serve as a vehicle for mixed funding, extended mixed funding and shared funding. The Commission has issued numerous orders permitting mixed funding, extended mixed funding and shared funding. Therefore, applicants believe that granting the exemptions requested herein is in the public interest and will not compromise the regulatory purposes of Section 9(a), 13(a), 15(a) or 15(b) of the Act or of Rules 6e–2 and 6e–3(T) thereunder.

35. The Commission's authority under Section 6(c) of the Act to grant exemptions from various provisions of the Act and rules thereunder is broad enough to permit orders of exemption that cover classes of unidentified parties. Applicants request an order of the Commission that would exempt VLI Accounts and their Participating Insurance Companies and principal underwriters as a class from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rule 6e–2 or Rule 6e–3(T)(b)(15) thereunder. The exemption of these classes of parties is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because all of the potential members of the class could obtain the foregoing exemptions for themselves on the same basis as the applicants, but only at a cost to each of them that is not justified by any public policy purpose. As discussed below, the requested exemptions would only extend to VLI Accounts whose Participating Insurance Companies enter into participation agreements with the Trust; which agreements would subject such VLI Accounts to the conditions discussed below. The Commission staff also would have the opportunity to review compliance with these conditions by Participating Insurance Companies when it reviews the 1933 Act registration statements filed by each VLI Account and VA Account before the account could issue any Variable Contracts. The Commission has previously granted exemptions to classes of similarly situated parties in various contexts and from a wide variety of circumstances, including class exemptions in the context of mixed funding, extended mixed funding and shared funding.

Applicant's Conditions

1. Applicants have consented to the following conditions:

a. A majority of the Board of Trustees of the Trust shall consist of persons who are not ''interested persons'' of such Trust, as defined by Section 2(a)(19) of the Act, and rules thereunder, 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 Trustee, then the operation of this condition shall be suspended for: (a) A period of 45 days if the vacancy or vacancies may be filled by the Board, (b) a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies, or (c) such longer period as the Commission may prescribe by order upon application.

b. The Board of Trustees will monitor the Funds for the existence of any material irreconcilable conflict among the interests of the contract holders of all Participating Separate Accounts and of participants of Qualified Plans investing in such Fund(s) and determine what action, if any, should be taken in response to those 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 any Fund are being managed, (e) a difference in voting instructions given by VLI Contract owners, VA Contract owners and Qualified Plan investors or the Trustees of Qualified Plans that do not provide voting rights to their investors, (f) a decision by a Participating Insurance Company to disregard VLI Contractor or VA Contract owner voting instructions and (g) a decision by a Plan trustee (or other plan fiduciary) to disregard voting instructions of Plan participants.

c. The Funds' prospectus shall disclose that (1) its shares are offered in connection with mixed funding, extended mixed funding and shared funding, (2) due to differences in tax treatment and other considerations mixed funding, extended mixed funding and shared funding may present certain conflicts of interest between VA Contract owners, VLI Contract owners and Qualified Plan investors and (3) the Trust's Board of Trustees will monitor the Funds for the existence of any material irreconcilable conflict of interest and determine what action, if any, should be taken in response to such a conflict. The Trust shall also notify the Qualified Plan trustees and Participating Insurance Companies that similar prospectus disclosure may be appropriate in Participating Separate Account prospectuses or any Plan prospectuses or other Plan disclosure documents.

d. The Trust will comply with all of the provisions of the Act relating to security holder (*i.e.,* persons such as VLI Contract owners and VA Contract owners or participants in Plans that provide participants with voting rights) voting including Section 16(a), 16(b) (when applicable) and 16(c) (even though the Trust is not a trust of the type described therein).

e. The Adviser will report any material irreconcilable conflicts or any potential material irreconcilable conflicts between or among the interests of VLI Contract owners, VA Contract owners and Plan participants to the Trust's Board of Trustees and will assist the Board in carrying out the Board's responsibilities under these conditions. Such assistance will include, but not be limited to, providing the Board, at least annually, with all information reasonably necessary for the Board to consider any issues raised by such existing or potential conflicts. Any shares of a Fund purchased by the Adviser or its affiliates will be automatically redeemed if and when the Adviser's investment advisory agreement terminates, to the extent required by applicable Treasury regulations.

f. For so long as the Commission interprets the Act to require ''pass-through'' voting privileges for Contract owners whose Contracts are funded through a separate account, the Adviser,

or if applicable any of its affiliates, will vote its shares of any Fund in the same proportion as all Contract owners having voting rights with respect to the Fund; provided, however, that the Adviser or any such affiliate shall vote its shares in such other manner as may be required by the Commission staff.

g. The Trust shall promptly notify the Adviser, each Participating Insurance Company and Qualified Plan in writing of any determination of a material irreconcilable conflict and its implications. All reports sent by Participating Insurance Companies or Qualified Plans to the Board of Trustees of the Trust or notices sent by the Board of Trustees to Participating Insurance Companies or Qualified Plans notifying the recipient of the existence of or potential for a material irreconcilable conflict between the interests of VA Contract owners, VLI Contract owners and Plan participants as well as Board deliberations regarding such conflicts or such potential conflicts shall be recorded in the board meeting minutes of the Trust or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

h. The Adviser, each Participating Insurance Company and each Qualified Plan owning more than 10% of the outstanding shares of a Fund shall have a contractual obligation, under the agreements governing their participation in the Funds, to provide at least annually such reports and other information relating to potential conflicts as the Board may reasonably request.

2. In addition to the foregoing conditions, applicants consent to the following conditions and represent and agree that if the exemptions requested herein are granted, the Trust will not sell shares to any VLI Account unless the account's Participating Insurance Company enters into a participation agreement with the Trust containing provisions that require the following:

a. A majority vote of the disinterested trustees of the Trust shall represent a conclusive determination as to the existence of a material irreconcilable conflict between or among the interests of VLI Contract owners, VA Contract owners and Qualified Plan investors. For the purpose of number 5 below, a majority vote of the disinterested trustees of the Trust shall represent a conclusive determination as to whether any proposed action adequately remedies any material irreconcilable conflict between or among the interests of VLI Contract owners, VA Contract owners and Qualified Plan investors.

b. Each Participating Insurance Company will monitor its operations and those of the Trust for the purpose of identifying any material irreconcilable conflicts or potential material irreconcilable conflicts between or among the interests of Qualified Plan investors, VA Contract owners and VLI Contract owners.

c. Each Participating Insurance Company will report any such conflicts or potential conflicts to the Trust's Board of Trustees and will provide the Board, at least annually, with all information reasonably necessary for the Board to consider any issues raised by such existing or potential conflicts or by these conditions. Each Participating Insurance Company will also assist the Board in carrying out its responsibilities under these conditions including, but not limited to: (a) Informing the Board whenever it disregards VLI Contract owner or VA Contract owner voting instructions, and (b) providing, at least annually, such other information and reports as the Board may reasonably request. Each Participating Insurance Company will carry out these obligations with a view only to the interests of owners of its VLI Contracts and VA Contracts.

d. Each Participating Insurance Company will provide ''pass-through'' voting privileges to owners of registered VA Contracts and registered VLI Contracts as long as the Act requires such privileges in such cases. Accordingly, such Participating Insurance Companies, where applicable, will vote Trust shares held in their Participating Separate Accounts in a manner consistent with voting instructions timely received from owners of such VLI and VA Contracts. Each Participating Insurance Company will vote Trust shares owned by itself (*i.e.,* that are not attributable to VA Contract or VLI Contract reserves) in the same proportion as instructions received in a timely fashion from VA Contract owners and VLI Contract owners and shall be responsible for ensuring that it and other Participating Insurance Companies calculate ''pass-through'' votes for VLI Accounts and VA Accounts in a consistent manner. Each participating Issurance Company also will vote Trust shares held in any registered VLI Account or registered VA account for which it has not received timely voting instructions in the same proportion as instructions received in a timely fashion from VA Contract owners and VLI Contract owners.

e. In the event that a material irreconcilable conflict of interest arises between VA Contract owners or VLI Contract owners and Qualified Plan participants, each Participating Insurance Company will, at its own expense, take whatever action is necessary to remedy such conflict as it adversely affects owners of its VA Contracts or VLI Contracts up to and including, (1) establishing a new registered management investment company, and (2) withdrawing assets attributable to reserves for the VA contracts or VLI Contracts subject to the conflict from the Trust and reinvesting such assets in a different investment medium (including another Fund of the Trust) or submitting the question of whether such withdrawal should be implemented to a vote of all affected VA Contract owners or VLI Contract owners, and, as appropriate, segregating the assets supporting the contracts of any group of such owners that votes in favor of such withdrawal, or offering to such owners the option of making such a change. Each Participating Insurance Company will carry out the responsibility to take the foregoing action with a view only to the interests of owners of its VA Contracts and VLI Contracts. Notwithstanding the foregoing, each Participating Insurance Company will not be obligated to establish a new funding medium for any group of VA Contracts or VLI Contracts if an offer to do so has been declined by a vote of a majority of the VA Contract owners or VLI Contract owners adversely affected by the conflict.

f. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard the voting instructions of VLI Contract owners or VA Contract owners and that decision represents a minority position or would preclude a majority vote at any Fund shareholding meeting, then, at the request of the Trust's Board of Trustees, the Participating Insurance Company will redeem the shares of the Trust to which the disregarded voting instructions relate. No charge or penalty, however, will be imposed in connection with such a redemption.

g. Each Participating Insurance Company and VLI Account will continue to rely on Rule 6e–2(b)(15) and/or Rule 6e–3(T)(b)(15), as appropriate, and to comply with all of the appropriate Rule's conditions. In the event that Rule 6e–2 and/or Rule 6e–3(T) is amended, or any successor rule is adopted, each Participating Insurance Company and VLI Account will instead comply with such amended or successor rule.

h. Each participating insurance company will maintain at its home office available to the Commission a list of its officers, directors and employees who participate directly in the

management and administration of any separate account organized as a UIT or of any Fund. These individuals will continue to be subject to the automatic disqualification provisions of Section 9(a).

3. In addition to the foregoing conditions, applicants consent to the following conditions and represent and agree that if the exemptions requested herein are granted, the Trust will not sell shares of any Fund to a Qualified Plan if such sale would result in the Qualified Plan owning 10% or more of that Fund's outstanding shares unless the Qualified Plan first enters into a participation agreement with the Trust containing provisions that require the following:

a. The trustees or plan committees of the Qualified Plan will: (a) Monitor the Qualified Plan's operations and those of the Trust for the purpose of identifying any material irreconcilable conflicts or potential material irreconcilable conflicts between or among the interests of Qualified Plan participants, VA Contract owners and VLI Contract owners, (b) report any such conflicts or potential conflicts to the Trust's Board of Trustees, (c) provide the Board, at least annually, with all information reasonably necessary for the Board to consider any issues raised by such existing or potential conflicts and any other information and reports that the Board may reasonably request, (d) inform the Board whenever it (or another fiduciary) disregards the voting instructions of Qualified Plan participants (of a Qualified Plan that provides voting rights to its participants), and (e) ensure that the Qualified Plan votes Trust shares as required by applicable law and governing Qualified Plan documents. The trustees or plan committees of the Qualified Plan will carry out these obligations with a view only to the interests of Qualified Plan participants in its Qualified Plan.

b. In the event that a material irreconcilable conflict of interest arises between Qualified Plan investors and VA Contract owners, VLI Contract owners or other investors in the Trust, each Qualified Plan will, at its own expense, take whatever action is necessary to remedy such conflict as it adversely affects that Qualified Plan or participants in that Qualified Plan up to and including (1) establishing a new registered management investment company, and (2) withdrawing Qualified Plan assets subject to the conflict from the Trust and reinvesting such assets in a different investment medium (including another Fund of the Trust) or submitting the question of whether such withdrawal should be implemented to a vote of all affected Quality Plan investors, and, as appropriate, segregating the assets of any group of such participants that votes in favor of such withdrawal, or offering to such participants the option of making such a change. Each Qualified Plan will carry out the responsibility to take the foregoing action with a view only to the interests of Qualified Plan investors in its Qualified Plan. Notwithstanding the foregoing, no Qualified Plan will be obligated to establish a new funding medium for any group of participants or Qualified Plan investors if an offer to do so has been declined by a vote of a majority of the Qualified Plan's participants or Qualified Plan investors adversely affected by the conflict.

c. If a material irreconcilable conflict arises because of a Qualified Plan trustee's (or other fiduciary's) decision to disregard the voting instructions of Qualified Plan participants (of a Qualified Plan that provides voting rights to its participants) and that decision represents a minority position or would preclude a majority vote at any shareholder meeting, then, at the request of the Trust's Board of Trustees, the Qualified Plan will redeem the shares of the Trust to which the disregarded voting instructions relate. No charge or penalty, however, will be imposed in connection with such a redemption.

4. Applicants also represent and agree that if the exemptions requested herein are granted, the Trust will not sell shares of any Fund to a Qualified Plan until the Qualified Plan executes an application containing an acknowledgment of the condition that the Trust cannot sell shares of any Fund to such Qualified Plan if such sale would result in that Qualified Plan owning 10% or more of that Fund's outstanding shares unless that Qualified Plan first enters into a participation agreement as described above.

Conclusion

For the reasons and upon the facts stated 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 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26279 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27244]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

October 6, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 31, 2000, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant application(s) and/or declaration(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 31, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Scottish Power plc, et al. (70–9669)

Scottish Power plc (''Scottish Power''), a foreign registered public utility holding company; Scottish Power UK plc, a first-tier utility subsidiary of Scottish Power (''SPUK''); [1] Scottish Power NA 1 Limited, Scottish Power NA 2 Limited, and NA General Partnership (together, ''Intermediate Companies''), each of which is a subsidiary of Scottish Power, all located at 1 Atlantic Quay, Glasgow G2 8SP, Scotland, United Kingdom; PacifiCorp, an electric utility subsidiary of Scottish Power; and PacifiCorp's nonutility subsidiaries (''PacifiCorp Subsidiaries''), Centralia Mining Company, Energy

[1] Scottish Power's other operations have been segregated under SPUK, which is a foreign utility company within the meaning of section 33 of the Act.

West Mining Company, Glenrock Coal Company, Interwest Mining Company, Pacific Minerals, Inc., PacifiCorp Environmental Remediation Company, PacifiCorp Investment Management, Inc., PacifiCorp Group Holdings Company (''PGHC''), New Energy Holdings Inc., PACE Group, PacifiCorp Energy, Inc., PacifiCorp Energy Services, Inc., PacifiCorp Energy Ventures, Inc., PacifiCorp International Group Holdings Company, PacifiCorp Power Marketing, Inc., PacifiCorp Trans, Inc., PacifiCorp Financial Services, Inc., Eastern Investment Company, and Pan Pacific Global Corporation, all located at Suite 2000, 825 N.E. Multnomah Street, Portland, OR 97232 (collectively, ''Applicants''), have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12, 13(b) and 33 of the Act and rules 42, 43, 45, 53, 54, 83, 87, 90, and 91 under the Act.

I. Introduction, Background and Summary

Scottish Power registered as a holding company under the Act following its acquisition of PacifiCorp on November 29, 1999 (''Merger'').[2] As discussed more fully below, Scottish Power and PacifiCorp, together with the Intermediate Companies and the PacifiCorp Subsidiaries, now request authority to engage in a variety of financing transactions. In summary, Applicants seek authority to engage in the following transactions through March 31, 2004 (''Authorization Period''): (1) External financings by Scottish Power; (2) certain external financings by PacifiCorp and the PacifiCorp Subsidiaries (''PacifiCorp Group''); (3) certain intrasystem financings, including the creation of two new PacifiCorp money pools (''Money Pools''), and guarantees of the obligations of the PacifiCorp Subsidiaries and of the subsidiaries of Scottish Power's foreign utility subsidiary, Scottish Power UK plc (''SPUK'' and, together with its subsidiaries, the ''SPUK Group''); (4) the payment by the PacifiCorp Subsidiaries and, in certain circumstances, by PacifiCorp, of dividends out of capital or unearned surplus; (5) increases in the number of shares authorized by PacifiCorp or by any of the PacifiCorp Subsidiaries with respect to any capital security [3] of the company, as well as alteration of the terms of any capital security, without further Commission authorization; (6) the formation of financing entities and the issuance by such entities of securities otherwise authorized to be issued and sold under the authority requested in this filing; (7) the formation of a holding company (''Nevada Holdco'') to act as a pass through entity regarding the shares of both PacifiCorp and PGHC;[4] and (8) the execution of a system tax allocation agreement. In addition, Applicants propose to engage in various intrasystem transactions. Applicants further request that the Commission reserve jurisdiction over certain transactions, as described below.

Applicants state that the proceeds from the sale of securities in external financing transactions will be used for the acquisition, retirement or redemption of securities issued by Scottish Power and its subsidiaries (''Scottish Power System''), without the need for prior Commission approval and for necessary general corporate purposes including: (a) The financing, in part, of the capital expenditures of the Scottish Power System; (b) the financing of working capital requirements of the Scottish Power System; and (iii) other lawful general purposes. The proceeds of external financings will be allocated to companies in the Scottish Power System in various ways through the proposed intrasystem financing discussed below.

In addition, Scottish Power seeks authority to invest in exempt wholesale generators (''EWGs'') and foreign utility companies (''FUCOs''), as those terms are defined in sections 32 and 33 of the Act, respectively, up to an aggregate outstanding amount equal to 154% of its consolidated retained earnings at any one time during the Authorization Period. Further, Scottish Power seeks authority to use its ordinary shares (or associated American Depository Shares (''ADSs'') or American Depositary receipts (''ADRs'')) as consideration for acquisitions that are otherwise authorized under the Act or exempt under the Act, and to provide shares for various award and shareholder investment programs.

II. General Terms and Conditions of Financing

Financings by each Applicant will be subject to the following general terms and conditions (''Financing Conditions''): (1) During the Authorization Period, Scottish Power's total common equity (''Total Common Equity'')[5] will be at least 30% of its total capitalization (''Total Capitalization''),[6] and PacifiCorp's total Common Equity will be at least 30% of its Total Capitalization; (2) Scottish Power will maintain its and PacifiCorp's long-term debt ratings at an investment grade level through the Authorization Period; (3) the cost of money on debt financings of Scottish Power at the date of issuance will not exceed 300 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency concerned; (4) the cost of money on preferred securities of Scottish Power at the date of issuance will not exceed 500 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency concerned; (5) the aggregate amount of external debt and equity issued by Scottish Power under the authority requested in this application-declaration will not exceed $6 billion at any one time outstanding; (6) Scottish Power's aggregate investment in EWGs and FUCOs, as defined in rule 53 under the Act, will not exceed, without prior Commission approval, 154% of the consolidated retained earnings of the Scottish Power System; and (7) the proceeds from the sale of securities in external financing transactions will be used for the acquisition, retirement or redemption of securities issued by the Scottish Power System, without the need for prior Commission approval and for necessary general corporate purposes including (i) the financing, in part, of the capital expenditures of the Scottish Power System, (ii) the financing of working capital requirements of the Scottish Power System, and (iii) other lawful general purposes.

Specifically, Applicants seek authority for the following:

III. Existing Financing Arrangements

Applicants request Commission authorization to maintain in effect through the Authorization Period all existing financing arrangements of

[2] Scottish Power field with the Commission a Notification of Registration on Form U5A on November 30, 1999, and a Registration Statement on Form U5B on March 7, 2000.

[3] Capital stock includes common stock, preferred stock, other preferred securities, options and/or warrants convertible into common or preferred stock, rights, and similar securities.

[4] PGHC is the holding company for PacifiCorp's principal subsidiaries. Through its subsidiary companies, PGHC is engaged in the acquisition or development of electrical power projects or systems internationally, and leveraged lease tax-advantages investments. Nevada Holdco will be authorized to issue 1000 shares of common stock, par value $.01 per share. Nevada Holdco proposes to issue its common shares to NA General Partnership and, accordingly, NA General Partnership proposes to acquire all of the outstanding common shares of Nevada Holdco.

[5] Total Common Equity includes common stock, retained earnings, and accumulated other comprehensive income, presented in accordance with U.S. generally accepted accounting practices (''U.S. GAAP'').

[6] Total Capitalization means the sum of Total Common Equity, preferred stock, short-term debt, and long-term debt, including current maturities.

Scottish Power, the Intermediate Companies and the PacifiCorp Group, to the extent the Commission has jurisdiction over these existing arrangements.[7] Applicants represent that all existing PacifiCorp Group financings qualify for exemptions from the Act under rules 45(b) and 52.[8]

IV. Scottish Power External Financing

A. Introduction

Scottish Power proposes to issue equity and debt securities, in amounts that would not aggregate more than $6 billion at any one time outstanding during the Authorization Period (''Aggregate Limitation''). [9] These shares could include, but would not necessarily be limited to, ordinary shares, preferred shares, options, warrants, long- and short-term debt (including commercial paper), convertible securities, subordinated debt, bank borrowings and securities with call or put options. In addition, Scottish Power may enter into currency and interest rate swaps as described below.

Scottish Power proposes that the various securities to be issued would fall within the following limits, but would not in the aggregate exceed the Aggregate Limitation stated above:

Type of debt	Amount (In billions)
Equity, including options and warrants	$3.0
Preferred Stock	1.0
Bank Debt	1.0
Commercial Paper	1.0
Bond Issues—Straight	3.0
Bond Issues—Convertible	3.0

B. Ordinary Shares

1. General

Scottish Power's common equity consists of ordinary shares, with a par value of 50 pence each, that are listed on the London Stock Exchange. Scottish Power currently has a small number of ADs in the U.S. that trade as ADRs, and represent four ordinary shares each. Scottish Power has established a sponsored ADR program in the U.S. and has its ADRs listed on the New York Stock Exchange and registered under the Securities Act of 1933, as amended. As a result, Scottish Power has registered under the Securities Exchange Act of 1934, as amended, and files the periodic disclosure reports required of a foreign issuer with the Commission. The request contained in this application-declaration with respect to ordinary shares refers to the issuance of ordinary shares directly or through the ADR program and, for purposes of this request, the ADSs and ADRs are not considered separate securities from the underlying ordinary shares. Scottish Power requests authority to issue up to $3 billion in equity [10] through the Authorization Period (''Equity Limitation'').

Scottish Power seeks authority to use its ordinary shares (or associated ADSs or ADRs) as consideration for acquisitions that are otherwise authorized under the Act. Among other things, transactions may involve the exchange of parent company equity securities for securities of the company being acquired in order to provide the seller with certain tax advantages. The Scottish Power ordinary shares to be exchanged may, among other things, be purchased on the open market under rule 42 or may be original issue. For purposes of the Aggregate Limitation, Scottish Power ordinary shares used to fund an acquisition of a company through the exchange of Scottish Power equity for securities being acquired would be valued at market value based upon the closing price of the ordinary shares on the London Stock Exchange on the day before closing of the sale or issuance.

2. Employee Benefit Plans

In addition to other general corporate purposes, the ordinary shares will be used to fund employee benefit plans. More particularly, Scottish Power intends to issue ADRs to U.S. employees through PacifiCorp's Stock Incentive Plan, Compensation Reduction Plan and K Plus Employee Savings and Stock Ownership Plan (''U.S. Plans''). Scottish Power states that it may develop other share-based plans to motivate and retain key executives. Scottish Power also intends to issue ordinary shares, or certain conditional rights relating to ordinary shares, to its U.K. personnel through its Long Term Incentive Plan [11] and Scottish Power Sharesave Scheme (''U.K. Plans'').[12] Scottish Power requests authority to issue approximately 39.1 million ordinary shares to employees under the U.S. Plans, the U.K. Plans, and those additional plans (''Additional Plans'', and, together with the U.S. Plans and the U.K. Plans, ''Plans'') that may be developed for the purposes stated above. All shares issued under the Plans will be subject to the Aggregate Limitation. Securities issued under the Plans will be valued, if ordinary shares, at market value based on the closing price on the London Stock Exchange on the day before the award. Securities issued by Scottish Power that are not ordinary shares will be valued based on a reasonable and consistent method applied at the time of the award. Scottish Power requests that the Commission reserve jurisdiction over the Additional Plans, pending completion of the record.

C. Preferred Stock

Scottish Power proposes to issue preferred stock from time to time during the Authorization Period. The aggregate outstanding amount of preferred stock would not exceed $1 billion. Any issuance of preferred stock would have dividend rates or methods of determining dividend rates, redemption provisions, conversion or put terms and other terms and conditions as Scottish Power may determine at the time of issuance; provided, however, that the cost of money on preferred stock of Scottish Power, when issued, will not exceed 500 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency concerned.

D. Debt

Scottish Power proposes to issue debt securities from time to time during the Authorization Period. Subject to the following conditions, any issuance of debt securities would have the designation, aggregate principal amount, interest rate(s) or method of determining

[7] As of March 31, 2000, Scottish Power has approximately $6.9 billion of long-term debt, $1.1 billion of short-term debt, and $11.2 billion in common equity outstanding, calculated in accordance with U.S. GAAP.

[8] PacifiCorp's presently outstanding securities include preferred stock, first mortgage bonds, subordinated debt, pollution control revenue bond financings, and short-term debt, including commercial paper. Members of the PacifiCorp Group also participate in a variety of interest rate and currency exchange swap agreements.

[9] The Aggregate Limitation is in addition to Scottish Power's current outstanding equity and debt securities, described above.

[10] This would include stock options or warrants that Scottish Power may issue from time to time.

[11] Scottish Power also operates the Scottish Power Executive Share Option Scheme which applies to executive directors and certain senior managers. All future grants under this plan have been replaced by the company's Long Term Incentive Plan. Existing options remain exercisable.

[12] In order for Scottish Power to provide ordinary shares to participants in the U.K. Plans when they are entitled to exercise their share options, Scottish Power states that it must provide a loan to the trustee, or equivalent (''Trustee''), of the employee share plans to allow the Trustee to acquire Scottish Power's ordinary shares on the open market on behalf of the eligible participants. On exercise of the share options by the eligible participants, the option price money payable by the share option holder is applied by the Trustee to reduce the loan amount from Scottish Power. Scottish Power proposes to engage in these transactions, in order to provide ordinary shares to its employees under the U.K. Plans.

interest rate(s), terms of payment of interest, redemption provisions, non-refunding provisions, sinking fund terms, conversion or put terms and other terms and conditions as are deemed appropriate at the time of issuance.

The cost of money on debt financings of Scottish Power will not exceed 300 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency concerned. The maturity of any debt security will not exceed 50 years.

Parent-level debt may be issued for the acquisition, retirement or redemption of securities issued by a Scottish Power System company, and for necessary and urgent general and corporate purposes, including the financing of capital expenditures, the financing of working capital requirements, and other lawful general corporate purposes.

E. Interest Rate and Currency Risk Management Devices

In order to protect the Scottish Power System from adverse interest rate movements, the interest rate on the debt portfolio is managed through the use of fixed-rate debt, combined with interest rate and cross currency swaps, options and option-related instruments with a view to maintaining a significant proportion of fixed rates over the medium term. Scottish Power seeks authority to continue to engage in interest rate and cross currency swaps, options, option-related instruments, forward exchange contracts, and similar instruments through the Authorization Period. Scottish Power states that these transactions will meet the criteria established by the Financial Accounting Standards Board in order to qualify for hedge-accounting treatment or will so qualify under generally accepted accounting principles in the United Kingdom (''U.K. GAAP''). In the event transactions in financial instruments or products are qualified for hedge accounting treatment under U.K. GAAP, but not under U.S. GAAP, Scottish Power's financial statements filed in accordance with Form 20–F will contain a reconciliation of the difference between the two methods of accounting treatment.

F. Guarantees and Loans

Applicants request authorization to enter into guarantees, obtain letters of credit, enter into guaranty-type agreements or otherwise provide credit support with respect to the obligations of the PacifiCorp Group, and of SPUK and the SPUK Subsidiaries (''SPUK Group''), as may be appropriate to enable these system companies to carry on their respective authorized or permitted businesses. This credit support may be in the form of committed bank lines of credit. Guarantees entered into by Scottish Power would not be subject to the Aggregate Limitation, but instead would be subject to a separate $6 billion limit (''Scottish Power Guarantee Limitation''), based on the amount at risk.[13] Any guarantees and credit support entered into by Scottish Power that support obligations of the SPUK Group will be included as part of Scottish Power's aggregate investment in FUCOs and EWGs for purposes of rule 53 under the Act.

Scottish Power also proposes to make loans or capital contributions to the SPUK Group from time to time up to an aggregate principal amount of $3 billion through the Authorization Period. Loans made to the SPUK Group will be of a short-term nature, payable on demand and will carry an interest rate of Royal Bank of Scotland Base plus one percent. These loans and capital contributions will be included as part of Scottish Power's aggregate investment in FUCOs and EWGs, as that term is defined in rule 53 under the Act.

V. PacifiCorp Group Financings

A. Existing Intercompany Loans

PacifiCorp and the PacifiCorp subsidiaries currently participate in an intercompany loan agreement (''PacifiCorp Loan Agreement'') allowing PacifiCorp to loan up to $200 million to certain of its subsidiaries, and allowing these subsidiaries to loan unlimited amounts to PacifiCorp.[14] Loans made under the PacifiCorp Loan Agreement are payable on demand, are evidenced by notes and bear interest at PacifiCorp's short-term borrowing rate whether the loan is to or from PacifiCorp. PGHC also participates in an intercompany borrowing agreement (''PGHC Loan Agreement'', and, collectively, ''Loan Agreements'') allowing up to $350 million in loans to be made among PGHC and its subsidiaries, and among PGHC and certain other direct subsidiaries of PacifiCorp, including PacifiCorp Environmental Remediation Company, PacifiCorp Minerals, Inc., and PacifiCorp Investment Management, Inc. Loans made under the PGHC Loan Agreement are payable on demand and, if from PGHC, bear interest at a negotiated rate[15] or at PGHC's short-term borrowing rate if the borrower is PGHC. Since completion of the Merger, all loans under both the PacifiCorp Loan Agreement and the PGHC Loan Agreement have been made on an interest-free basis. Applicants request authorization to maintain these Loan Agreements through the Authorization Period, to the extent the Loan Agreements are not exempt under rule 52.

B. Intrasystem Non-Money Pool Financing

Each of the Intermediate Companies is seeking authorization to issue and sell securities to, and acquire securities from, its immediate parent, subsidiary companies, and other Intermediate Companies, respectively. Each of the Intermediate companies and Scottish Power is also seeking authorization to issue guarantees and other forms of credit support to direct and indirect subsidiaries. In no case would the Intermediate Companies or Scottish Power borrow, or receive any extension of credit indemnity from any of their respective direct or indirect subsidiaries.

C. Subsidiary Money Pools

In addition to the above-described intercompany arrangements, Applicants request authority to create two new money pools that will be administered by PacifiCorp. One money pool will be exclusively for certain of the nonutility subsidiaries of PGHC (''Nonutility Money Pool''),[16] and the second money pool will be for PacifiCorp and certain of the PacifiCorp Subsidiaries (''Utility Money Pool'', and, together with the Nonutility Money Pool, ''Money Pools'').[17] The funds available to the Utility Money Pool will be loaned on a short-term basis and will come from the Utility Money Pool participants

[13] Scottish Power currently has approximately $568 million in Guarantees outstanding. Applicants state that the Scottish Power Guarantee Limitation is in addition to these existing guarantees.

[14] The PacifiCorp Loan Agreement was approved by the Oregon Public Utility Commission.

[15] Borrowings from PGHC will bear interest on the outstanding principal amount thereof, for each day from the date such borrowing is made until it becomes due, at a rate per annum equal to the prime rate for such day plus a margin (depending on the ratings of the borrower) as agreed to from time to time by PGHC and the borrower and set forth in the ledger maintained by PGHC. However, in no event will the borrower's rate exceed PGHC's cost of short-term funds for such day plus ⅜%.

[16] Foreign EWGs, exempt telecommunications companies (''ETCs''), as that term is defined in section 34 of the Act, and FUCOs will not be participants in the Utility Money Pool, and ETCs and FUCOs will not participate in the Nonutility Money Pool.

[17] The names of the PacifiCorp Subsidiaries participating in each of the Money Pools are set forth in Scottish Power's application-declaration.

themselves.[18] Scottish Power and/or PacifiCorp will make available short-term funds from time to time to the Utility Money Pool in amounts up to $800 million. Scottish Power also will make available short-term funds from time to time for the Nonutility Money Pool in amounts not to exceed $800 million. Applicants state that Scottish Power will participate in the Money Pools only to the extent that it has funds available for lending. Under no circumstances will Scottish Power borrow from either of the Money Pools. Funds will be made available from such sources in such order as PacifiCorp, as administrator of the Money Pools, may determine will result in a lower cost of borrowing, consistent with the individual borrowing needs and financial standing of the participating Subsidiaries.

If at any time there are funds remaining in the Money Pools after satisfaction of the borrowing needs of the participating Subsidiaries, PacifiCorp, as the agent of the Money Pools, will invest these funds appropriately and consistent with applicable state and federal regulations and allocate the earnings on any of these investments between or among those participants within each respective Money Pool according to the amount of excess funds provided by each respective participant. PacifiCorp will administer the Money Pools on an ''at cost'' basis. PacifiCorp will maintain separate records for each Money Pool and funds in each Money Pool will be separately invested. Applicants request that the Commission reserve jurisdiction over the participation by future companies formed or acquired by Scottish Power in the relevant Money Pool, until a specific post-effective amendment is filed that seeks authority to add any specific Subsidiary as a participant in that Money Pool.

D. Short-term Debt

PacifiCorp requests authority to issue commercial paper and promissory notes in an aggregate amount not to exceed $1.5 billion to be outstanding at any one time during the Authorization Period. Applicants state that this commercial paper will be sold to or through dealers at discount rates or bearing interest rates per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity.

[18] PacifiCorp proposes to borrow up to $800 million under the Utility Money Pool.

VI. Payment of Dividends Out of Capital or Unearned Surplus

Applicants state that there may be situations in which one or more PacifiCorp Subsidiaries will have unrestricted cash available for distribution in excess of current and retained earnings. Accordingly, Applicants propose that current and future PacifiCorp Subsidiaries be permitted to pay dividends out of capital and unearned surplus through the Authorization Period. Without further approval of the Commission, no PacifiCorp Subsidiary will declare or pay any dividend out of capital or unearned surplus if that PacifiCorp Subsidiary derives any material part of its revenues from the sale of goods, services or electricity to PacifiCorp (''Non-Exempt PacifiCorp Subsidiaries''). Scottish Power requests that the Commission reserve jurisdiction over dividends paid by any Non-Exempt PacifiCorp Subsidiary.

Applicants also request authority for PacifiCorp to pay dividends out of capital and unearned surplus up to the lesser of $900 million or to the extent of the proceeds it receives from the sale of assets outside of its regulated utility business.[19]

VII. Approval of Amended Tax Allocation Agreement

Applicants request approval of an amended agreement for the allocation of consolidated tax among the Intermediate Companies and the PacifiCorp Group (''Tax Allocation Agreement''). Applicants state that the Tax Allocation Agreement will enable Scottish Power to receive payment for certain tax losses of subsidiary companies in order to obtain appropriate tax credits under United Kingdom law for non-United Kingdom taxes paid on subsidiary operations. Accordingly, Applicants seeks an exemption from the provisions of rule 45(c)(5) under the Act, which would otherwise require that these losses be retained by the subsidiary companies without payment.

VIII. Changes in Capital Stock of Subsidiaries

Applicants state that the portion of an individual PacifiCorp Subsidiary's aggregate financing to be effected through the sale of equity securities to its immediate parent company during the Authorization Period may in some cases exceed the then authorized capital stock of that PacifiCorp Subsidiary. In addition, that PacifiCorp Subsidiary may choose to use other forms of capital securities.[20] Each PacifiCorp Subsidiary requests authority to increase the amount or change the terms of any of its authorized capital securities, without additional Commission approval, as needed to accommodate the sale of additional equity.[21] The terms that may be changed include dividend rates, conversion rates and dates, and expiration dates. These proposed changes to the terms of and increases in the amounts of capital securities affect only the manner in which financing is conducted by the PacifiCorp Subsidiaries and will not alter the terms or limits proposed in the application.

[19] PacifiCorp recently completed the sale of its FUCO investments in Australia. The requested authority would allow the proceeds from any such sale to be distributed by PacifiCorp to its shareholders.

IX. Financing Entities

Applicants seek authority, through the Authorization Period, for Scottish Power and the PacifiCorp Group to organize new corporations, trusts, partnerships or other entities (''Financing Entities'') created for the purpose of facilitating financings through their issuance to third parties of income preferred securities or other securities authorized under this filing or issued under an applicable exemption. Applicants also seek authority for the Financing Entities to issue these securities to third parties in the event these issuances are not exempt under rule 52. In addition, authority is requested for: (1) The issuance of debentures or other evidences of indebtedness by any of Scottish Power or the PacifiCorp Group to a Financing Entity in return for the proceeds of the financing; (2) the acquisition by any of Scottish Power or the PacifiCorp Group of voting interests or equity securities issued by the Financing Entity to establish ownership of that Financing Entity; and (3) the guaranty by the Applicants of that Financing Entity's obligations in connection with its voting interests or equity securities. Each of Scottish Power and the PacifiCorp Group also may enter into expense agreements with its respective Financing Entity, under which it would agree to pay all expenses of that Financing Entity.

Any amounts issued by a Financing Entity to third parties under this authorization will be included in the

[20] As noted above, these securities include common stock, preferred stock, other preferred securities, options and/or warrants convertible into common or preferred stock, rights, and similar securities.

[21] Applicants request that the Commission reserve jurisdiction over changes to the capital stock of PacifiCorp.

proposed external financing limits applicable to the immediate parent of that Financing Entity. However, Applicants request that the underlying intrasystem mirror debt and parent guaranty not be included in that limitation or the separate Scottish Power Guarantee Limitation.

X. Proposed Corporate Restructuring

Scottish Power proposes to engage in corporate restructuring or reorganization of the SPUK Group without prior Commission approval.[22] Scottish Power further states that, as it continues to review the combined operations of the Scottish Power System, it may prove prudent to reorganize its nonutility companies to merge current FUCO investments held in the PacifiCorp Group with those of SPUK. Scottish Power also requests authorization to consolidate or otherwise reorganize a nonutility subsidiary if the acquisition of the securities of that nonutility subsidiary is exempt from prior Commission approval. Scottish Power requests that the Commission reserve jurisdiction, pending completion of the record, over any other consolidation or reorganization of its direct or indirect ownership interests in any nonutility company.

XI. EWG/FUCO-related Financings

As a general matter, Scottish Power intends to fund its FUCO activities at the level of its first-tier subsidiary, SPUK, or at the level of the Intermediate Companies. However, it may be desirable from time to time for Scottish Power to provide some investment capital or credit support for FUCO acquisitions or operations. To that end, Scottish Power is seeking authority to finance EWG and FUCO investments and operations up to an amount equal to 154% of its consolidated retained earnings (''CRE'') at any one time outstanding during the Authorization Period.[23] Applicants state that, as of March 31, 2000, Scottish Power's CRE on a U.S. GAAP basis was $3,116 million. Applicants further state that, as of March 31, 2000, the Scottish Power System had an existing ''aggregate investment,'' as that term is defined in rule 53 under the Act, in EWGs and FUCOs of an amount equal to 104% of Scottish Power's CRE, subject to an adjustment based on the sale of PacifiCorp's Australian FUCO assets.[24] Therefore, Scottish Power's request for an additional investment authorization would result in an aggregate investment of approximately 154% of Scottish Power's CRE, or approximately $4,797 million.

XII. Affiliate Transactions

A. Existing Intrasystem Arrangements

PacifiCorp has been providing administrative, management, technical, legal and other support services to its subsidiaries for many years.[25] In addition, there have been occasions when subsidiaries of PacifiCorp have provided services to PacifiCorp or to other PacifiCorp Subsidiaries. Accordingly, PacifiCorp now proposes to continue these arrangements, with PacifiCorp providing services to the PacifiCorp Subsidiaries and on occasion the PacifiCorp Subsidiaries providing services to PacifiCorp and other associate companies in the Scottish Power System. All service transactions will be priced at cost in accordance with section 13(b) of the Act and the rules under the Act.[26]

In addition, SPUK, or another member of the SPUK Group, proposes to perform, on a limited basis, services for the PacifiCorp Group. These services may include: (1) Transition plan preparation and implementation; (2) network performance and customer service improvements; and (3) corporate services. These service transactions also will be priced at cost in accordance with section 13(b) of the Act and the rules under the Act.[27] Applicants state that the costs of services provided by SPUK, or a SPUK, Subsidiary, to the PacifiCorp Group will be directly attributed to PacifiCorp. In the alternative, whenever it is possible to do so accurately, these costs will be attributed to a specific PacifiCorp Subsidiary.

Scottish Power further states that a PacifiCorp Group member may provide incidental services to SPUK or a SPUK Subsidiary at other than cost in compliance with rule 90(d)(1) under the Act. The PacifiCorp Subsidiaries also request authority to provide services and sell goods to SPUK and the SPUK Subsidiaries at fair market prices, under certain circumstances, to any nonutility associates company in the Scottish Power System.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26379 Filed 10–12–00; 8:45 am]

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[22] Scottish Power has given commitments to regulators in the U.K. regarding the reorganization of SPUK and its subsidiaries, including the incorporation of divisions of SPUK's business.

[23] Applicants state that Scottish Power's status as a foreign company makes it commercially impossible for it to comply fully with some of the technical requirements of rule 53. In particular, since Scottish Power has pre-existing foreign utility operations, Applicants states that it would be unreasonable to require that Scottish Power maintain the books and records of its FUCOs in accordance with U.S. GAAP, although it will provide reconciliation as required in Form 20–F.

[24] As of March 31, 2000, the Scottish Power System had an aggregate investment of $3,239 million in EWGs and FUCOs.

[25] All affiliate transactions among Scottish Power, PacifiCorp, and the PacifiCorp Subsidiaries are subject to review by all of the state utility commissions that regulate PacifiCorp, including the Idaho Public Utilities Commission, the Public Service Commission of Utah, the Washington Utilities and Transportation Commission, the Public Service Commission of Wyoming, the Oregon Public Utility Commission, and the California Public Utilities Commission.

[26] In the event that the market rate for these service transactions is less than the cost of these services, neither PacifiCorp nor the PacifiCorp Subsidiaries will provide these services.

[27] Scottish Power estimates that the total charges by SPUK to PacifiCorp for the provision of anticipated services will be approximately $12 million annually.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24680; 812–12094]

Vanguard Index Funds, et al.; Notice of Application

October 6, 2000.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for exemption from sections 2(a)(32), 18(f)(1), 18(i), 22(d), and 24(d) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for exemption from sections 17(a)(1) and (a)(2) of the Act.

Summary of Application: Applicants request an order that would permit each of certain registered open-end management investment companies whose portfolios consist of the component securities of certain indices to issue a new class of shares with limited redeemability. The requested order would permit transactions in the shares of the new classes at negotiated prices in the secondary market and would allow dealers to sell the shares to secondary market purchasers unaccompanied by a prospectus, when prospectus delivery is not required by the Securities Act of 1933. The requested order also would permit certain affiliated persons of the investment companies to deposit securities into, and receive securities from, the investment companies in connection with the purchase and redemption of aggregations of shares of the new classes.

Applicants: Vanguard Index Funds (''Index Trust''), The Vanguard Group, Inc. (''VGI''), and Vanguard Marketing Corporation (''VMC'').

Filing Dates: The application was filed on May 12, 2000 and was amended on July 12, 2000.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 31, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, P.O. Box 2600, Valley Forge, PA 19482.

FOR FURTHER INFORMATION CONTACT: Rachel H. Graham, Senior Counsel, or Michael W. Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. Index Trust is an open-end management investment company registered under the Act and organized as a Delaware business trust. Index Trust offers nine investment portfolios (each a ''Fund'' and, collectively, the ''Funds''). Currently, eight of the Funds offer separate classes of shares for retail and institutional investors, and the remaining Fund offers retail shares only (shares of the retail and institutional classes of the Funds collectively are referred to as ''Conventional Shares'').

2. VGI is a Pennsylvania corporation that is wholly and jointly owned by the Vanguard family of mutual funds (''Vanguard Fund Complex''). VGI is registered as an investment adviser under the Investment Advisers Act of 1940 and as a transfer agent under the Securities Exchange Act of 1934 (''Exchange Act''). VGI provides each Vanguard fund (including the Funds) with corporate management, administrative, and transfer agency services at cost. VGI also provides advisory services at cost to certain Vanguard funds, including each Fund. VMC is a wholly owned subsidiary of VGI and is registered as a broker-dealer under the Exchange Act. VMC provides all distribution and marketing services at cost to the Vanguard funds including each Fund.

3. Each Fund seeks to tract, as closely as possible, the performance of a specified domestic securities index (each an ''Index'' and, collectively, the ''Indices'').[1] A Fund will utilize as an investment approach either a replication strategy or a representative sampling strategy. A Fund using a replication strategy will hold each of the component securities in its Index in about the same proportion as represented in the Index itself. A Fund using a representative sampling strategy will hold a representative sample of the component securities of its Index that resembles the entire Index in terms of industry weightings, market capitalization, price/earnings ratio, dividend yield, and other characteristics. Applicants state that the difference between the performance of a Fund and that of its Index generally has been significantly less than one percentage point. Applicants expect that the Funds will continue to track the Indices with the same degree of precision in the future.

4. Applicants state that some investors trade in and out of the Funds' Conventional Shares frequently, often as part of a market timing strategy, to the detriment of the Funds' long-term shareholders. Applicants state that the purchase and redemption requests of market timers increase a Fund's realization of capital gains, increase Fund expenses, and hinder a Fund's ability to achieve its investment objective of tracking its Index as closely as possible. According to applicants, Index Trust has adopted policies designed to deter short-term investors, but these efforts have proven insufficient.

5. Each Fund proposes to create a class of shares (Vanguard Index Participation Equity Receipts, or ''VIPER Shares'') that would be listed on a national securities exchange (''Exchange'') and would trade in the secondary market at negotiated prices. Applicants state that, by creating exchange-traded classes of shares, the Funds hope to provide short-term investors with an attractive means of purchasing Fund shares that can be bought and sold continuously throughout the day at market prices.[2] Applicants further assert that the new classes of VIPER Shares would benefit holders of Conventional Shares by reducing the portfolio disruption and transaction costs caused by market timing activity.

6. Except in connection with the Exchange Option (defined below), the Funds will sell VIPER Shares in aggregations of a specified number ranging from 20,000 to 200,000 shares (''Creation Units''), depending on the Fund. The price of a Creation Unit will range from about $2,000,000 to $6,000,000.[3] Creation Units may be purchased only by or through (i) a participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') or (ii) a Depository Trust Company (''DTC'') participant. In either case, the participant must enter into a participant agreement with VMC. Creation Units will be issued in exchange for an in-kind deposit of securities and cash. An investor wishing to purchase a Creation Unit from a Fund will have to transfer to the Fund a ''Portfolio Deposit'' consisting of (i) a basket of securities selected by VGI from among the securities contained in the Fund's portfolio (''Deposit Securities''),[4] and (ii) a cash payment to equalize any difference between (a) the total aggregate market value of the Deposit Securities and (b) the NAV per Creation Unit of the Fund (''Balancing Amount'').[5] An investor purchasing a

[1] The Indices are the Standard & Poor's (''S&P'') 500 Composite Stock Price Index, S&P MidCap 400 Index, S&P 500/BARRA Growth Index, S&P 500/BARRA Value Index, S&P Small Cap 600/BARRA Growth Index, S&P Small Cap 600/BARRA Value Index, Wilshire 5000 Total Market Index, Wilshire 4500 Completion Index, and Russell 200 Index. No entity that creates, complies, sponsors, or maintains an Index is an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person, of the Funds, VGI, or VMC.

[2] Transactions in each Fund's Conventional Shares would continue to be priced at that day's net asset value (''NAV''), which is calculated once per day at the close of trading on the New York Stock Exchange.

[3] A Fund may require that an investor purchase a minimum number of Creation Units.

[4] Applicants state that, for Funds holding fewer than approximately one thousand portfolio securities, the Deposit Securities typically will be identical to the Fund's portfolio. For Funds holding more than that number of portfolio securities, VGI will select a subset of the Fund's portfolio using a representative sampling strategy.

[5] On each business day, VGI will make available through the NSCC, prior to the opening of trading on the Exchange, the list of the names and the required number of shares of each Deposit Security for each Fund. In addition, each Fund reserves the right to permit or require the substitution of an amount of cash to be added to the Balancing Amount, or of a different security, to replace any Deposit Security in certain circumstances.

Creation Unit from a Fund will be charged a fee (''Transaction Fee'') to prevent the dilution of the interests of the remaining shareholders resulting from the Fund incurring costs in connection with the purchase of the Creation Units.[6] Each purchaser of a Creation Unit will reveive a prospectus for the VIPER Shares (''VIPER Shares Prospectus'') that contains complete disclosure about the Transaction Fee. A Fund's Conventional Shares will be covered by a separate prospectus (''Conventional Shares Prospectus'').

7. Orders to purchase Creation Units will be placed with VMC, which will be responsible for transmitting the orders to the applicable Fund. VMC will maintain a record of Creation Unit purchasers and will send out a VIPER Shares Prospectus and confirmation to purchasers whose orders have been accepted by the Fund.

8. Purchasers of Creation Units may separate a Creation Unit into individual VIPER Shares.[7] VIPER Shares will be listed on an Exchange and traded in the secondary market in the same manner as other equity securities. One or more Exchange specialists will be assigned to make a market in VIPER Shares. The price of VIPER Shares traded on an Exchange will be based on a current bid/offer market, and each VIPER Share is expected to have a market value of between $10 and $150. Transactions involving the sale of VIPER Shares in the secondary market will be subject to customary brokerage commissions and charges.

9. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. An Exchange specialist, in providing for a fair and orderly secondary market for VIPER Shares, also may purchase Creation Units for use in its market-making activities on the Exchange. Applicants expect that secondary market purchasers of VIPER Shares will include both institutional and retail investors.[8] Applicants believe that arbitrageurs will purchase or redeem Creation Units to take advantage of discrepancies between the VIPER Shares' market price and the VIPER Shares' underlying NAV. Applicants expect that this arbitrage activity will provide a market ''discipline'' that will result in a close correspondence between the price at which the VIPER Shares trade and their NAV. In other words, applicants do not expect the VIPER Shares to trade at a significant premium or discount to their NAV.[9]

10. Applicants will make available a VIPER Shares product description (''Product Description'') for distribution in accordance with an Exchange rule requiring Exchange members and member organizations effecting transactions in a Fund's VIPER Shares to deliver a Product Description to investors purchasing VIPER Shares. Applicants state that any other Exchange that applies for unlisted trading privileges in VIPER Shares will have to adopt a similar rule. The Product Description will provide a plain English overview of a Fund, including its investment objective and investment strategies and the material risks and potential rewards of investing in the Fund. The Product Description also will provide a brief, plain English description of the salient aspects of the Fund's VIPER Shares. The Product Description will advise investors that a VIPER Shares Prospectus and the Fund's Statement of Additional Information (''SAI'') may be obtained, without charge, from the investor's broker or from VMC. The Product Description also will provide a website address (in most cases to a website maintained by the sponsor of the relevant Index) where investors can obtain information about the composition and compilation methodology of the Index. Applicants expect that the number of purchases of VIPER Shares in which an investor will not receive a Product Description will not constitute a significant portion of the market activity in VIPER Shares.

11. Except in connection with the liquidation of a Fund or a Fund's VIPER Share class, VIPER Shares will not be individually redeemable. VIPER Shares will only be redeemable in Creation Unit aggregations through each Fund.[10] To redeem, an investor will have to accumulate enough VIPER Shares to constitute a Creation Unit. An investor redeeming a Creation Unit generally will receive (i) a basket of securities (''Redemption Securities'') that in most cases will be the same as the Deposit Securities required of investors purchasing Creation Units on the same day, and (ii) a cash payment that generally will be the same as that day's Balancing Amount. An investor also may receive the cash equivalent of a Redemption Security if the Fund determines that such alternative is warranted, such as a case in which the investor is not permitted to own a particular Redemption Security by regulation or policy. A redeeming investor will pay a Transaction Fee to cover the Fund's transaction costs.

12. A Fund may offer holders of its Conventional Shares (except those holding Conventional Shares through a 401(k) or other participant-directed employer-sponsored retirement plan) the opportunity to exchange some or all of those shares for the Fund's VIPER Shares (''Exchange Option'').[11] Applicants state that the Exchange Option would facilitate the movement of investors currently holding Conventional Shares, but desiring intraday trading flexibility, out of the Conventional Shares and into VIPER Shares in an expeditious and tax

[6] In situations where a Fund permits a purchaser to substitute cash for one or more Deposit Securities, the purchaser will be assessed a higher Transaction Fee to offset the increased cost to the Fund of buying those particular Deposit Securities.

[7] Applicants state that persons purchasing Creation Units will be cautioned in the VIPER Shares Prospectus that some activities on their part may, depending on the circumstances, result in their being deemed statutory underwriters and subject them to the prospectus delivery and liability provisions of the Securities Act of 1933 (''Securities Act''). For example, a broker-dealer firm may be deemed a statutory underwriter if it purchases Creation Units from a Fund, breaks them down into the constituent VIPER Shares, and sells VIPER Shares directly to its customers; or if it chooses to couple the purchase of a supply of new VIPER Shares with an active selling effort involving solicitation of secondary market demand for VIPER Shares. The VIPER Shares Prospectus will state that whether a person is an underwriter depends upon all the facts and circumstances pertaining to that person's activities. The VIPER Shares Prospectus also will state that broker-dealer firms should note that dealers who are not ''underwriters'' but are participating in a distribution (as contrasted to ordinary secondary trading transactions), and thus dealing with VIPER Shares that are part of an ''unsold allotment'' within the meaning of section 4(3)(C) of the Securities Act, would be unable to take advantage of the prospectus delivery exemption provided by section 4(3) of the Securities Act.

[8] VIPER Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding VIPER Shares. Records reflecting the beneficial owners of VIPER Shares will be maintained by DTC or its participants.

[9] Every fifteen seconds throughout the trading day, the Exchange will disseminate (i) via the facilities of the Consolidated Tape Association, the market value of a VIPER Share; and (ii) separately from the consolidated tape, a calculation of the estimated NAV of a VIPER Share, which estimate is expected to be accurate to within a few basis points. Applicants state that an investor comparing the two figures will be able to determine whether, and to what extent, VIPER Shares are selling at a premium or discount to NAV.

[10] Creation Units may be redeemed through either NSCC or DTC. Investors who redeem through DTC will pay a higher Transaction Fee.

[11] The terms of an exchange made pursuant to the Exchange Option will comply with section 11(a) of the Act and rule 11a–3 under the Act. The Exchange Option would offer a ''one way'' exchange only. Therefore, a holder of a Fund's VIPER Shares who wishes to shift his or her investment to the Fund's Conventional Shares would have to sell the VIPER Shares in the secondary market and use the sale proceeds (less brokerage commissions) to purchase Conventional Shares from the Fund. The sale of the VIPER Shares would be a taxable event.

efficient manner.[12] Around the time that the Fund's VIPER Shares begin trading, VGI will send to existing holders of the Fund's Conventional Shares a notice describing the Exchange Option and explaining the process by which an investor may exchange his or her Conventional Shares for VIPER Shares. The notice will comply with section 10(b) of the Securities Act and rule 482 under the Securities Act, and will highlight the key differences between the Fund's VIPER Shares and Conventional Shares. Comparable information about a Fund's Exchange Option also would be contained in a separate section of the Conventional Shares Prospectus. To effect an exchange through the Exchange Option, the investor must have a brokerage account and must contact his or her broker to initiate the exchange. The investor will receive a VIPER Shares Prospectus in connection with the exchange transaction, as required by the Securities Act. Subsequent to the exchange, the investor would have to contact his or her broker for account information relating to his or her VIPER Share holdings or to sell the VIPER Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for exemption from sections 2(a)(32), 18(f)(1), 18(i), 22(d), and 224(d) of the Act and rule 22c–1 under the Act; and under sections 6(c) and 17(b) of the Act for exemption from sections 17(a)(1) and (a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction, or any class of persons, securities, or transactions, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 2(a)(32) of the Act

3. Section 2(a)(32) of the Act defines a ''redeemable security'' as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent. Applicants request an order under section 6(c) of the Act to permit VIPER Shares to be redeemed in Creation Unit aggregations only. Applicants note that because of the arbitrage possibilities created by the redeemability of Creation Units, it is expected that the market price of a VIPER Share will not vary much from its NAV.

Sections 18(f)(1) and 18(i) of the Act

4. Section 18(f)(1) of the Act, in relevant part, prohibits a registered open-end company from issuing any class of ''senior security,'' which is defined in section 18(g) of the Act to include any stock of a class having a priority over any other class as to the distribution of assets or payment of dividends. Section 18(i) of the Act requires that every share of stock issued by a registered management company be voting stock, with the same voting rights as every other outstanding voting stock. Rule 18f–3 under the Act permits an open-end fund to issue multiple classes of shares representing interests in the same portfolio without seeking exemptive relief from sections 18(f)(1) and 18(i), provided that the fund complies with certain requirements. Applicants state that they will comply in all respects with rule 18f–3, except the requirements that (i) other than the differences allowed by the rule, each class must have the same rights and obligations as each other class, and (ii) if a class has a different distribution arrangement, the class must pay all of the expenses of that arrangement. Because they may not rely on rule 18f–3, applicants request an exemption under section 6(c) from sections 18(f)(1) and 18(i).

5. Applicants state that there are three ways in which the Conventional Shares and VIPER Shares of each Fund will have different rights: (i) Conventional Shares will be individually redeemable from the Fund, while VIPER Shares will be redeemable only in Creation Unit aggregations; (ii) VIPER Shares will be traded on an Exchange, while Conventional Shares will not; and (iii) Conventional Shares may be exchanged for VIPER Shares, but VIPER Shares may not be exchanged for Conventional Shares. Applicants assert that these different rights are necessary if their proposal is to have the desired benefits. Applicants note that a Fund's VIPER Shares will be tradable on an Exchange and redeemable only in large aggregations, and that its Conventional Shares will be exchangeable for VIPER Shares, in order to encourage short-term investors to conduct their trading activities in a vehicle that will not disrupt management of the Fund. Applicants assert that there is no reason to make Conventional Shares tradable and that it would be counterproductive to facilitate the ability of market timers to disrupt a Fund by making VIPER Shares individually redeemable or exchangeable for Conventional Shares.

6. Applicants assert that the different rights do not implicate the concerns underlying section 18 of the Act, including conflicts of interest and investor confusion. With respect to the potential for investor confusion, applicants will take a variety of steps to ensure that investors understand the key differences between a Fund's classes of VIPER Shares and Conventional Shares. Applicants state that the VIPER Shares will not be marketed as a mutual fund investment. Marketing materials may refer to VIPER Shares as an interest in an investment company or fund, but will not make reference to an ''open-end fund'' or ''mutual fund'' except to compare or contrast the VIPER Shares with the shares of a conventional open-end management investment company. Any marketing or advertising materials addressed primarily to prospective investors will emphasize that (i) VIPER Shares are not redeemable from a Fund other than in Creation Unit aggregations; (ii) VIPER Shares, other than in Creation Unit aggregations, may be sold only through a broker, and the shareholder may have to pay brokerage commissions in connection with the sale; and (iii) the shareholder may receive less than NAV in connection with the sale of VIPER Shares. The same type of disclosure will be provided in the Conventional Shares Prospectus, VIPER Shares Prospectus, Product Description, SAI, and reports to shareholders. Applicants also note that (i) all references to a Fund's exchange-traded class of shares will use a form of the name ''VIPERS'' rather than the Fund name; (ii) the cover and summary page of the VIPER Shares Prospectus will state that the VIPER Shares are listed on an Exchange and are not individually redeemable; (iii) VMC will not market Conventional Shares and VIPER Shares in the same advertisement or marketing material; and (iv) applicants will prepare educational materials describing the VIPER Shares.

7. Applicants currently allocate distribution expenses among all funds in the Vanguard Fund Complex according to a cost-sharing formula approved by the Commission in 1981 as part of an order allowing the Vanguard Fund Complex to internalize its

[12] An exchange of Conventional Shares for VIPER Shares of the same Fund generally is not a taxable transaction. Applicants note that because DTC's systems currently are unable to handle fractional shares, exchange requests will be rounded down to the nearest whole VIPER Share. If an investor wishes to exchange all of his or her Conventional Shares for VIPER Shares, however, any fractional VIPER Share that results from the exchange would be liquidated and the cash sent to the investor's broker for the benefit of the investor.

distribution services (''1981 Order'').[13] For those funds in the Vanguard Fund Complex offering multiple classes of shares (including eight of the Funds), applicants apply the formula in the 1981 Order by treating each class as a separate fund (''Multi-Class Distribution Formula''). Applicants state that the Multi-Class Distribution Formula currently is applied in a manner that is consistent with rule 18f–3 because each class currently has the same distribution arrangement and, accordingly, the rule does not require that each class pay its actual distribution expenses.

8. Applicants propose to apply the Multi-Class Distribution Formula to each Fund's class of VIPER Shares. Applicants acknowledge that, because VIPER Shares may have a distribution arrangement that differs from that for Conventional Shares, the proposed allocation method may be inconsistent with the rule. Applicants contend, however, that the Multi-Class Distribution Formula is a fundamental feature of Vanguard's unique internally managed structure, and that the proposed allocation method is consistent with the method approved by the Commission in the 1981 Order. Applicants represent that prior to the application of the Multi-Class Distribution Formula to a class of VIPER Shares, the board of trustees of Index Trust (''Board''), including a majority of trustees who are not interested persons of Index Trust, as defined in section 2(a)(19) of the Act, will determine for each Fund that the proposed allocation is in the best interests of each class and of the Fund as a whole. As a condition to the order, the Board would be required to make a similar finding for each Fund on an annual basis.

Section 22(d) of the Act and Rule 22c–1 Under the Act

9. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in VIPER Shares will take place at negotiated prices, not at a current offering price described in the VIPER Shares Prospectus, and not at a price based on NAV. Thus, purchases and sales of VIPER Shares in the secondary market will not comply with section 22(d) and rule 22c–1. Applicants accordingly request an exemption under section 6(c) of the Act from these provisions.

10. Applicants assert that the sale of VIPER Shares at negotiated prices does not present the opportunity for any of the abuses that section 22(d) and rule 22c–1 were designed to prevent. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (i) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers; (ii) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices; and (iii) assure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price. Applicants state that secondary market trading in VIPER Shares would not cause dilution for existing Fund shareholders because such transactions would not directly or indirectly affect the Fund's assets. Applicants further state that secondary market trading in VIPER Shares would not lead to discrimination or preferential treatment among purchases because, to the extent different prices exist during a given trading day or from day to day, these variances will occur as a result of market forces. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity will ensure that the difference between the market price of VIPER Shares and their NAV remains narrow.

Section 24(d) of the Act

11. Section 24(d) of the Act provides, in relevant part, that the prospectus delivery exemption provided to dealer transactions by section 4(3) of the Securities Act does not apply to any transaction in a redeemable security issued by an open-end investment company. Applicants request an exemption under section 6(c) of the Act from section 24(d) to permit dealers selling VIPER Shares to rely on the prospectus delivery exemption provided by section 4(3) of the Securities Act.[14]

12. Applicants state that VIPER Shares will be listed on an Exchange and will be traded in a manner similar to other equity securities, including the shares of closed-end investment companies. Applicants note that dealers selling shares of closed-end investment companies in the secondary market generally are not required to deliver a prospectus to the purchaser.

13. Applicants contend that VIPER Shares, as a listed security, merit a reduction in the compliance costs and regulatory burdens resulting from the imposition of prospectus delivery obligations in the secondary market. Because VIPER Shares will be exchange-listed, prospective investors will have access to several types of market information about the VIPER Shares. Applicants state that information regarding market price and volume will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's price and volume information also will be published daily in the financial section of newspapers.

14. Investors also will receive a Product Description describing the Fund and its VIPER Shares. Applicants state that, while not intended as a substitute for a prospectus, the Product Description will contain information about VIPER Shares that is tailored to meet the needs of investors purchasing VIPER Shares in the secondary market.

Sections 17(a)(1) and (a)(2) of the Act

15. Sections 17(a)(1) and (a)(2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such person, from selling any security to or purchasing any security from the company. Section 2(a)(3)(A) of the Act defines ''affiliated person'' as any person owning five percent or more of an issuer's outstanding voting securities. Applicants state that large institutional investors may be affiliated persons of a Fund under section 2(a)(3)(A) and, because purchases and redemptions of Creation Units would be ''in-kind'' transactions, those investors would be precluded by sections 17(a)(1) and (a)(2) from purchasing or redeeming Creation Units from the Fund. Applicants accordingly request an exemption under sections 6(c) and 17(b) of the Act to permit these affiliated persons to

[13] Investment Company Act Rel. No. 11645 (Feb. 25, 1981) (Opinion of the Commission and Final Order). Under the formula, each fund's contribution is based 50% on the fund's average month-end net assets during the preceding quarter relative to the average month-end net assets of the other Vanguard funds, and 50% on the fund's sales of new shares relative to the sales of new shares of the other Vanguard funds during the preceding 24 months. So that a new fund is not unduly burdened, the formula caps each fund's contribution at 125% of the average expenses of the Vanguard funds collectively, with any amounts above the cap redistributed among the other Vanguard funds. In addition, no fund may pay more than 0.2% of its average month-end net assets for distribution.

[14] Applicants do not seek relief from the prospectus delivery requirement for non-secondary market transactions, including purchases of Creation Units or those involving an underwriter and transactions pursuant to the Exchange Option.

purchase and redeem Creation Units from the Fund.

16. Section 17(b) authorizes the Commission to exempt a proposed transaction from section 17(a) if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Applicants contend that no useful purpose would be served by prohibiting persons affiliated with a Fund, as described above, from purchasing or redeeming Creation Units from the Fund. Applicants represent that Fund affiliates making in-kind purchases and redemptions would be treated no differently from non-affiliates making the same types of transactions. Applicants state that all purchases and redemptions of Creation Units would be at the Fund's next calculated NAV. Applicants also state that, in all cases, Deposit Securities and Redemption Securities will be valued in the same manner, using the same standards, as those securities are valued for purposes of calculating the Fund's NAV. Applicants assert that, for these reasons, the requested relief meets the standards of sections 6(c) and 17(b).

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. No portfolio of Index Trust other than the Funds will issue a class of VIPER Shares unless applicants have requested and received with respect to such portfolio either exemptive relief from the Commission or a no-action letter from the Division of Investment Management of the Commission.

2. The VIPER Shares Prospectus and the Product Description for each Fund will clearly disclose that, for purposes of the Act, VIPER Shares are issued by the Fund and that the acquisition of VIPER Shares by investment companies is subject to the restrictions of section 12(d)(1) of the Act.

3. As long as a Fund operates in reliance on the requested order, the VIPER Shares will be listed on an Exchange.

4. The VIPER Shares of a Fund will not be advertised or marketed as shares of an open-end investment company or mutual fund. The VIPER Shares Prospectus of each Fund will prominently disclose that VIPER Shares are not individually redeemable and will disclose that holders of VIPER Shares may acquire those shares from the Fund and tender those shares for redemption to the Fund in Creation Unit aggregations only. Any advertised material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that VIPER Shares are not individually redeemable and that holders of VIPER Shares may acquire those shares from the Fund and tender those shares for redemption to the Fund in Creation Unit aggregations only.

5. Before a Fund may rely on the order, the Commission will have approved, pursuant to rule 19b–4 under the Securities Exchange Act of 1934, an Exchange rule requiring Exchange members and member organizations effecting transactions in VIPER Shares to deliver a Product Description to purchasers of VIPER Shares.

6. On an annual basis, the Board, including a majority of trustees who are not interested persons of Index Trust, must determine, for each Fund, that the allocation of distribution expenses among the classes of Conventional Shares and VIPER Shares in accordance with the Multi-Class Distribution Formula is in the best interests of each class and of the Fund as a whole. Index Trust will preserve for a period of not less than six years from the date of a Board determination, the first two years in an easily accessible place, a record of the determination and the basis and information upon which the determination was made. This record will be subject to examination by the Commission and its staff.

7. For six years following the issuance of a Fund's VIPER Shares, the Fund will (i) record and preserve any investor complaints or reports of confusion concerning the Exchange Option that are communicated to the Fund, VGI, and/or VMC; and (ii) record data tracking the number of investors that, after VIPER Shares are offered, purchase the Fund's Conventional Shares and, within 90 days, exchange those shares for VIPER Shares. The Fund will preserve this information in an easily accessible place, and the information will be subject to examination by the Commission and its staff.

8. Applicant's website, which is and will be publicly accessible at no charge, will contain the following information, on a per VIPER Share Basis, for each Fund: (i) The prior business day's NAV and the closing market price, and a calculation of the premium or discount of the closing market price in relation to the NAV; and (ii) data for a period covering at least the four previous calendar quarters (or the life of a Fund, if shorter) indicating how frequently each Fund's VIPER Shares traded at a premium or discount to NAV based on daily closing market price, and the magnitude of such premiums and discounts. In addition, the Product Description for each Fund will state that applicants' website has information about the premiums and discounts at which the Fund's VIPER Shares have traded.

9. The VIPER Shares Prospectus and annual report will include, for each Fund: (i) the information listed in condition 8(ii), (a) in the case of the VIPER Shares Prospectus, for the most recently completed calendar year (and the most recently completed quarter or quarters, as applicable), and (b) in the case of the annual report, for no less than the immediately preceding five fiscal years (or the life of the Fund, if shorter); and (ii) the cumulative total return and the average annual total return for one, five, and ten year periods (or the life of the Fund, if shorter) of (a) a VIPER Share based on NAV and market price, and (b) the Fund's Index.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–26380 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of October 16, 2000.

A closed meeting will be held on Tuesday, October 17, 2000 at 10:30 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled Tuesday, October 17, 2000 will be:

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: October 10, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–26461 Filed 10–11–00; 11:29 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43420; File No. SR–NASD–00–50]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Definition of ''Public Offering'' for Purposes of Nasdaq's Shareholder Approval Rules

October 6, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 11, 2000, The National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.[2] On October 4, 2000, the Nasdaq filed 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

Nasdaq is filing with the Commission a proposed rule change regarding the adoption of interpretive material defining ''Public Offering'' for purposes of Nasdaq's shareholder approval rules. Below is the text of the proposed rule change. All text is being added.

* * * * *

IM–4310–2. Definition of a Public Offering

Marketplace Rules 4310(c)(25)(G)(i)(d), 4320(e)(21)(G)(i)(d), and 4460(i)(1)(D) provide that shareholder approval is required for the issuance of common stock (or securities convertible into or exercisable for common stock) equal to 20 percent or more of the common stock or 20 percent or more of the voting power outstanding before the issuance for less than the greater of book or market value of the stock. Under these rules, however, shareholder approval is not required for a ''public offering.''

Issuers are encouraged to consult with Nasdaq staff in order to determine if a particular offering is a ''public offering'' for purposes of the shareholder approval rules. Generally, a firm commitment underwritten securities offering registered with the Commission will be considered a public offering for these purposes. Likewise, any other securities offering which is registered with the Commission and which is publicly disclosed and distributed in the same general manner and extent as a firm commitment underwritten securities offering will be considered a public offering for purposes of the shareholder approval rules. However, Nasdaq staff will not treat an offering as a ''public offering'' for purposes of the shareholder approval rules merely because they are registered with the Commission prior to the closing of the transaction.

When determining whether an offering is a ''public offering'' for purposes of these rules, Nasdaq staff will consider all relevant factors, including but not limited to:

(i) the type of offering (including whether the offering is conducted by an underwriter on a firm commitment basis, or an underwriter or placement agent on a best-efforts basis, or whether the offering is self-directed by the issuer);

(ii) the manner in which the offering is marketed (including the number of investors offered securities, how those inventors were chosen, and the breadth of the marketing effort);

(iii) the extent of the offering's distribution (including the number and identity of the investors who participate in the offering and whether any prior relationship existed between the issuer and those investors);

(iv) the offering price (including the extent of any discount to the market price of the securities offered); and

(v) the extent to which the issuer controls the offering and its distribution.

* * * * *

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 NASD 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 statement may be examined at the places specified in Item IV below. The NASD 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

(a) Purpose

Nasdaq rules require shareholder approval for stock issuances of 20 percent or more of an issuer's total shares outstanding, offered at less than the greater of book or market value. The applicable rules further provide, however, that shareholder approval is not required for a ''public offering,'' although that term is not defined in the rules. Recently, a number of issuers have inquired as to whether certain large, below-market offerings were ''public offerings'' because the transactions, which were initiated pursuant to exceptions to the registration requirements, were registered with the Commission prior to closing the transactions.[4] Historically, for purposes of assessing the applicability of the shareholder approval rules, Nasdaq staff has interpreted ''public offering'' as a broadly distributed, registered offering based on a firm commitment underwriting. Conversely, staff does not consider a transaction to be a ''public offering'' for these purposes when the transaction is of limited distribution and/or is not based on a firm commitment underwriting, even if the offering was registered. Because the offerings described had limited distributions and, in some cases, the offerees were pre-determined by the issuer, Nasdaq believed that these transactions were not ''public offerings'' for purposes of the shareholder approval rules.

In order to ensure that all issuers understand how Nasdaq will determine whether a transaction is a ''public offering'' for purposes of the shareholder approval rules, Nasdaq has prepared the proposed Interpretative Material. Determinations as to whether a transaction is a ''public offering'' for purposes of these rules will be made based on the facts and circumstances surrounding each particular transaction.

[1] 15 U.S.C. 78s(b)(1).

[2] The American Stock Exchange, Inc. has filed a similar proposed rule change SR-Amex-00–46. *See* Securities Exchange Act Release No. 43419 (Oct. 6, 2000).

[3] Amendment No. 1 changes the section under which the proposed rule change was filed from Section 19(b)(3) to Section 19(b)(2) of the Act and made other technical changes. *See* Letter from Edward Knight, Executive Vice President and Chief Legal Officer, Nasdaq, to Katherine A. England, Assistant Director, SEC (Oct. 2, 2000).

[4] Nasdaq understands that the Commission believes that this activity is not appropriate under Section 5 of the Securities Act of 1933. *See* 15 U.S.C. 77e.

The proposed Interpretative Material identifies a number of factors that will be considered when determining whether an offering is a ''public offering,'' including: the type of offering; the marketing of the offering; the extent of the offering's distribution; the offering price; and the extent to which the issuer controls the offering and its distribution.

(b) Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)[5] of the Act, which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Interpretative Material is designed to educate issuers and other interested parties as to how Nasdaq defines a ''public offering'' in order to ensure that issuers are aware as to which transactions require shareholder approval under the NASD's rules, thus promoting just and equitable principles of trade and protecting investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

[5] 15 U.S.C. 78*o*–3(b)(6).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–00–50 and should be submitted by November 3, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26381 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43417; File No. SR–NASD–00–16]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 3 to Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Amendments to Minimum Listing Requirements for the Inclusion and Maintenance of Open and Closed-End Funds in Nasdaq's Mutual Fund Quotation Service

October 5, 2000.

I. Introduction

On April 4, 2000, the National Association of Securities Dealers, Inc. (''NASD'') through its wholly owned subsidiary The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to amendments to the minimum listing requirements for the inclusion and maintenance of open and closed-end funds in Nasdaq's Mutual Fund Quotation Service (''MFQS'' or ''Service'').[3] On May 16, 2000, the Nasdaq submitted Amendment No. 2 to the proposed rule change.[4] The proposed rule change was published in the **Federal Register** on June 5, 2000.[5] On September 29, 2000, the Nasdaq submitted Amendment No. 3 to the proposed rule change.[6] No comments were received on the proposal. This order approves the proposed rule change, as amended. Also, Amendment No. 3 is approved on an accelerated basis.

II. Description of the Proposal

Nasdaq proposes to amend NASD Rule 6800 regarding the minimum listing requirements for the inclusion and maintenance of open and closed-end funds in Nasdaq's Mutual Fund Quotation Service (''MFQS''). Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

6800. MUTUAL FUND QUOTATION SERVICE

(a)–(b) No Change.

(c) News Media Lists.

(1)(A) An eligible open end fund shall be authorized for inclusion in the News Media List released by the Association if it has at least 1,000 shareholders or $25 million in net assets.

(B) An eligible closed-end fund shall be authorized for inclusion in the News Media List released by the Association if it has at least $*60* [100] million in net assets.

(C) Compliance with subparagraphs (1)(A) and (B) shall be certified by the fund to the Association at the time of initial application for inclusion in the List.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The NASD filed its proposed rule change on March 31, 2000. On April 4, 2000, the NASD filed Amendment No. 1 that entirely replaced the original rule filing.

[4] *See* Letter from Rober E. Aber, General Counsel and Senior Vice President, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission (May 16, 2000). Amendment No. 2 corrected a typographical error that appeared in the proposed rule language and clarified that the Mutual Fund Quotation Service includes only 73.8% of the total open-end and closed-end fund population.

[5] Securities Exchange Act Release No. 42831 (May 25, 2000), 65 FR 35693.

[6] *See* Letter from Edward S. Knight, General Counsel and Senior Vice President, Nasdaq, to Katherine A. England, Assistant Director, Division, Commission (September 29, 2000). Amendment No. 3 amended the language of proposed NASD Rule 6800(d)(3) to replace the phrase ''investment management firm managing the fund'' with ''investment adviser'' and make other technical corrections.

(2)(A) An authorized open-end fund shall remain included in the New Media List if it has either 750 shareholders or $15 million in net assets.

(B) An authorized closed-end fund shall remain included in the News Media List if it has $*30* [60] million in net assets.

(C) Compliance with subparagraphs (2)(A) and (B) shall be certified to the Association upon written request by the Association.

(d) Supplemental List.

An eligible open-end or closed-end fund shall be authorized for inclusion in the Supplemental List released to vendors of Nasdaq Level 1 Service if *it meets one of the criteria set out in subparagraph (1), subparagraph (2), or subparagraph (3) below:*

(1) The fund has net assets of $10 million or more; or

(2) *The fund* has had two full years of operation; *or*

(3) The fund's investment adviser:

(A) Is the investment adviser of at least one other fund that is listed on the Mutual Fund Quotation Service and that has net assets of $10 million or more; and

(B) Has at least $15 million in total assets of open-end and closed-end funds under management.

(e) No Change.

* * * * *

The MFQS was created to collect daily price and related data for mutual funds and money market funds and to disseminate that information to the news media and market data vendors.[7] Currently, the MFQS disseminates the valuation data for over 11,000 funds. This information dissemination process is facilitated by the use of web browser-based technology, which enables funds included in the Service, or the pricing agents designated by such funds, to transmit directly to Nasdaq a multitude of pricing information, including information about a fund's net asset value, offer price, and closing market price.

Funds must meet minimum eligibility criteria in order to be included in the MFQS.[8] The MFQS has two ''lists'' in which a fund may be included—the News Media List and the supplemental List—and each list has its own initial inclusion requirements.[9] The News Media List also has maintenance/continued inclusion requirements. If a fund qualifies for the News Media List, pricing information about the fund is eligible for inclusion in the fund tables of newspapers and is also eligible for dissemination over Nasdaq's Level 1 Service, which is distributed by market data vendors.[10] If a fund qualifies for the Supplemental List, the pricing information about that fund generally is not included in newspaper fund tables, but is disseminated over Nasdaq's Level 1 Service. The Supplemental List thus provides significant visibility for funds that do not otherwise qualify for inclusion in the News Media List. Each fund incurs an annual fee for inclusion in the Service.[11]

Nasdaq proposes to amend the MFQS inclusion criteria for both the Supplemental and News Media List by expanding the universe of funds that are eligible for inclusion in the Service. The proposal lowers both the initial and maintenance requirements for closed-end funds to participate in the News Media List. Currently, in order to qualify initially for inclusion in the News Media List, a closed-end fund must have at least $100 million in net assets. To remain in the News Media List, a closed-end fund must maintain at least $60 million in net assets. The proposal would lower the net asset requirement for a closed-end fund to qualify initially for inclusion in the News Media List to at least $60 million in net assets. The net asset requirement for a closed-end fund to remain included in the News Media List would be lowered to at least $30 million.

Nasdaq also proposes to amend the inclusion criteria for the Supplemental List by providing an alternative means for a fund to be included in the Service. Under this alternative, a fund would qualify for the MFQS if the investment adviser is the investment adviser of at least one other fund listed on MFQS that has $10 million in net assets. In addition, the firm must have at least $15 million from open-end and closed-end funds under management. Nasdaq notes that manages assets from other sources—such as pension funds—would not be included for purposes of determining whether the investment firm meets the requirement that it manage at least $15 million in fund-related assets.

III. Decision

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 association,[12] and in particular, the requirements of Section 15A(b)(6)[13] of the Act, because it is designed to foster cooperation and coordination with persons engaged in processing information with respect to 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 proposal will protest investors and the public interest by promoting better processing of fund pricing information. Specifically, the Commission notes that in Section 11A(a)(1)(C),[14] Congress found that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations and transactions in securities. The Commission also believes that the proposed new listing criteria will provide greater transparency to the markets by providing pricing information for a broader base of funds for which there is significant investor interest. Further, by providing listed status to investment companies with a sufficient investor base and trading interest, the proposed new listing standards will continue to serve as a means for the marketplace to screen issuers and maintain fair and orderly markets.

The Commission also finds good cause for approving proposed Amendment No. 3 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Proposed Amendment No. 3 provides clarity to the rule.[15] It replaces the term ''investment management firm and managing the fund'' in NASD Rule 6800(d)(3) with ''investment adviser,'' a term which is defined in the Investment Advisers Act of 1940.[16]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3. 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 other person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

[7] *See* Securities Exchange Act Release No. 22264 (July 23, 1985), 50 FR 30899 (July 29, 1985).

[8] *See* NASD Rule 6800.

[9] *See id.*

[10] *See* NASD Rule 7010.

[11] *See* NASD Rule 7090.

[12] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78o–3(b)(6).

[14] 15 U.S.C. 78k–1(a)(1)(C).

[15] *See supra* n. 6.

[16] 15 U.S.C. 80b–2(a)(11).

available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Association. All submissions should refer to the File No. SR–NASD–00–16 and should be submitted by November 3, 2000.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change, SR–NASD–00–16, as amended, be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26281 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43415; File No. SR–PHLX–00–52]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Review of Decisions of the Exchange's Business Conduct Committee

October 4, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 18, 2000, the Philadelphia Stock Exchange Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend the text of Phlx Rule 960.9 to incorporate procedures for the hearing of appeals in disciplinary matters. Specifically, the procedures would be divided into four categories: (a) Petition by Respondent; (b) Conduct of Review, (c) Review on Motion by Board of Governors; and (d) Petition by Enforcement Staff.

First, with respect to petitions by a Respondent, the proposed rule provides that a Respondent's petition for appeal must be in writing and filed with the Secretary of the Exchange within 10 days after service of notice and a copy of the decision of the Business Conduct Committee, and that it specify the findings and conclusions that are the subject of the petition along with the reasons for review thereof. Exchange Enforcement Staff will then have 15 days to file a written response, with the Respondent receiving 15 days after service of the Enforcement Staff's response to file a response thereto.

Second, paragraph (b) of the proposed rule, ''Conduct of Review,'' provides that the review is to be conducted by the Exchange's Board of Governors (''Board''), or an Advisory Committee made up of three Governors, with at least one being a non-industry Governor appointed by the Chairman of the Board. No Governor who was a member of the hearing panel below may participate in the hearing on review. The review shall be based solely on the record below, unless the Board of Governors or Advisory Committee hearing the review allows oral argument after receiving a written request for one. If an Advisory committee hears the review, it is to submit a written report to the Board.

The proposed rule sets forth guidelines that the Board or an Advisory committee must follow in making the decision on review. The decision of the business Conduct Committee can be affirmed, reversed or modified, in whole or in part. A modification may include an increase or decrease of the sanction. The findings, conclusions, and decision of the Business Conduct Committee may not be reversed, or modified, in whole or in part, if the factual conclusions in the decision are supported by substantial evidence, and such decision is not arbitrary, capricious or an abuse of discretion. The Board must serve its written decision on the petitioner.

Paragraph (c) of the proposed rule includes procedures for a review by the Board of Governors on its own initiative. The review would follow the previously described procedure.

Finally, paragraph (d) of the proposed rule sets forth procedures by which the Exchange's Enforcement Staff, within 10 days after service of notice and a copy of the decision of the Business Conduct Committee, may petition the Board for permission to appeal, by presenting to the Board a petition specifying the findings and conclusions that are subject of the petition, along with the reasons the staff is petitioning for review. Should the Board grant permission, Exchange Enforcement Staff shall serve a copy of the petition on the Respondent within 5 days. Respondent then has 15 days to file a written response with the Board, and Exchange Enforcement Staff then has 15 days to file a reply.

The proposed rule language follows. Additions are italicized; deletions are bracketed.

Rule 960.9. Review

(a) *Petition by Respondent.* A Respondent shall have 10 days after service of notice and a copy of a decision made pursuant to Rules 960.6(c) and 960.8 to appeal such decision to the Board of Governors in accordance with By-Law Article XI, Section [11–1] *11–3. Such petition shall be in writing and shall specify the findings and conclusions of the Business Conduct Committee which is the subject of the petition, together with the reasons that Respondent petitions for review of these findings and conclusions. Any objections to a decision not specified in the petition for review shall be thereafter waived. Within 15 days after a Respondent's petition for review has been filed with the Secretary of the Exchange pursuant By-Law Article XI, Section 11–1(a), Enforcement staff may submit to the Secretary a written response to the petition. A copy of the response must be served upon the Respondent. A Respondent has 15 days from the service of the response to file a reply with the Secretary and the Enforcement staff.*

(b) *Conduct of Review.*

(i) *The review shall be conducted by the Board of Governors or an Advisory Committee thereof pursuant to By-Law Article XI, Section 11–3. If an Advisory Committee is appointed to conduct the review, it shall be composed pursuant to By-Law Article XI, Section 11–2. Any Board member who participated in a matter before the Business Conduct Committed may not participate in any review of that matter by the Board of Governors or an Advisory Committee. Unless the Board of Governors or the Advisory Committee shall decide to hear oral argument, such review shall be based solely upon the record and the written exceptions filed by the parties. The review shall be heard as soon as practicable.*

(ii) *Should the Board of Governors conduct the review, then based upon such review, the Board of Governors by a majority vote of its members, shall decide to affirm, reverse or modify, in whole or in part the decision of the Business Conduct Committee. Such modification may include any increase or decrease of the sanction. The Board of Governors may not reverse, or modify, in whole or in part, the findings, conclusions and decision of the Business Conduct Committee if the factual conclusions in the decision are supported by substantial evidence and such decision is not arbitrary, capricious or an abuse of discretion. The decision of the Board shall be in writing,*

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

shall be promptly served on the Respondent in accordance with Rule 960.11, and shall be final and conclusive subject to Rule 960.9(c) and (d), as well as the provisions of the Securities Exchange Act of 1934.

(iii) *Should the review be conducted by an Advisory Committee, the Advisory Committee shall submit a written report to the Board of Governors. In such report, the Advisory Committed shall recommend to affirm, reverse or modify, in whole or in part, the decision of the Business Conduct Committee. Such modification may include an increase or decrease of the sanction. The Advisory Committee may not reverse, or modify, in whole or in part, the findings, conclusions or decision of the Business Conduct Committee if the factual conclusions in the decision are supported by substantial evidence and such decision is not arbitrary, capricious or an abuse of discretion. The Board of Governors by a majority vote of its members, shall decide to affirm, reject or modify, in whole or in part the recommendations of the Advisory Committee. Such modification may include an increase or decrease of the sanction. The Board of Governors may not reverse, or modify, in whole or in part, the findings, conclusions and decision of the Advisory Committee if the factual conclusions in the decision are supported by substantial evidence and such decision is not arbitrary, capricious or an abuse of discretion. The decision of the Board shall be in writing, shall be promptly served on the Respondent in accordance with Rule 960.11, and shall be final and conclusive subject to Rule 960.9(c) and (d), as well as to the provisions of the Securities Exchange Act of 1934.*

(c) *Review on Motion of Board Governors. The Board of Governors may on its own initiative order review of a decision made pursuant to rules 960.6(c) or 960.8 within 20 days after notice of the decision has been served on the Respondent. Such review shall be conducted in accordance with the procedure set forth in paragraph (b) of this Rule. Should the Board of Governors vote to disapprove this modification or reversal, the Board shall make its own findings and issue a final decision of the Exchange. An Advisory Committee appointed by the Board of Governors may conduct such a review pursuant to By-Law Article XI, Section 11–3 and in accordance with the provisions of Rule 960.9.*

(d) *Petition by Enforcement Staff.* An appeal of a decision made pursuant to Rules 960.6(c) or 960.8 may also be taken by the Enforcement staff by petitioning the Board of Governors, within 10 days after service of notice and a copy of a decision, for permission to proceed with such appeal in accordance with By-Law Article XI, Section 11–3. Such petition shall be in writing and shall specify the findings and conclusions of the Business Conduct Committee which are the subject of the petition, together with the reasons that Enforcement staff petitions for review of these findings and conclusions. Any objections to a decision not specified in the petition for review shall be thereafter waived. If permission to appeal is granted, staff shall serve a copy of the petition on the Respondent within five days of permission to appeal being granted. Within 15 days Respondent may submit to the Board of Governors a written response to the petition. A copy of the response must be served upon the Exchange's Enforcement staff, who then has 15 days from the service of the response to file a reply with the Board of Governors and the Respondent.

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 test of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt specific procedures for the hearing of appeals of decisions rendered by the Exchange's Business Conduct Committee pursuant to Phlx Rules 960.6(c) and 960.8 to ensure that appeals of disciplinary matters are accomplished in a consistent and orderly fashion.

(a) Background

Currently, Phlx Rule 960.9 states that a Respondent has 10 days after service of notice and a copy of the decision of the Business Conduct Committee within which to request an appeal to the Exchange Board of Governors pursuant to Exchange By-law Article XI, Section 11–1. Exchange By-law Article XI, Section 11–1 states that an appeal to the Board of Governors may be taken from a decision of a Standing Committee by a member or member organization interested therein by filing a written notice of appeal with the Secretary of the Exchange within 10 days after the decision has been rendered. Section 11–2 states that an appeal to the Exchange Board of Governors from a decision of a Standing Committee shall be heard by an Advisory Committee of three Governors, with at least one being a non-industry Governor appointed by the Chairman of the Board, and that the Advisory Committee shall examine the record on appeal and give an advisory opinion to the Board of Governors. Section 11–3 specifically addresses appeals from decisions of the Business Conduct Committee. Sub-section (a) of Section 11–3 reiterates the Respondent's right to appeal as previously stated in Section 11–1 (a); however, it also allows for Exchange staff to petition the Board of Governors within 10 days after the decision, for permission to appeal. Sub-section (b) of Section 11–3 dictates that the appeal shall be based on the written record; however, it gives the parties the right to request oral argument before the Board of Governors or the Advisory Committee.

(b) Proposal

The proposed revisions to Phlx Rule 960.9 have been developed to apply to disciplinary matters, which have unique issues. The procedures currently encompassed in Exchange by-laws were not formulated strictly for disciplinary matters, and, as a result, were often silent to those unique issues. The proposed revisions to Phlx Rule 960.9 set forth detailed procedures for hearing of an appeal from a Business Conduct Committee decision.

The proposed amendment to sub-paragraph (a) of Phlx Rule 960.9 states that the Respondent's petition for appeal must be in writing and filed with the Secretary of the Exchange within 10 days after service of notice and a copy of the decision of the Business Conduct Committee. The petition must specify the findings and conclusions that are the subject of the petition, along with the reasons the Respondent is petitioning for review. Exchange Enforcement Staff will have 15 days after a Respondent files its petition to file a written response. The Respondent may file a reply within 15 days after service of the Enforcement Staff's response. These provisions are intended to provide time guidelines for requesting an appeal.

Sub-paragraph (b)(i) of the proposed rule provides that the review shall be conducted by the Exchange's Board of Governors, or an Advisory Committee made up of three Governors, with at least one being a non-industry Governor appointed by the Chairman of the Board. No Governor who was a member of the hearing panel below may participate in the hearing on review. This is intended to establish who hears the appeal.

Unless the Board of Governors or Advisory Committee hearing the review allows oral argument, the review shall be based solely on the record below. If an Advisory Committee hears the review, it shall submit a written report to the Board. Sub-paragraphs (b)(ii) and (iii) of the proposed rule set forth the guidelines that the Board or an Advisory

Committee must follow in making the decision on review. The Board in its decision, or the Advisory Committee in its report to the Board, shall affirm, reverse or modify, in whole or in part, the decision of the Business Conduct Committee. A modification may include an increase or decrease of the sanction. However, neither the Board nor the Advisory Committee reverse, or modify, in whole or in part, the findings, conclusions, and decision of the Business Conduct Committee, if the factual conclusions in the decision are supported by substantial evidence, and such decision is not arbitrary, capricious or an abuse of discretion. A written decision of the Board must be served on the petitioner.

The proposed rule change also includes procedures for a review by the Board of Governors on its own initiative in sub-paragraph (c). The review would follow the procedure set forth in sub-paragraph (b) of the proposed rule. Together, these provisions are intended to establish a standard and process of review.

Finally, sub-paragraph (d) of the proposed rule sets forth the procedures by which the Exchange's Enforcement staff, within 10 days after service of notice and a copy of the decision of the Business Conduct Committee, may petition the Board for permission to appeal. The petition must specify the findings and conclusions that are subject to the petition, along with the reasons for review thereof. If permission is granted, the staff must serve a copy of the petition on the Respondent within 5 days. Respondent then has 15 days to file a written response with the Board, and the staff would have 15 days of service of the Respondent's initial response to file a reply. This paragraph is intended to expressly cover staff appeals.[3]

The Exchange believes that the proposed revisions, which have been developed specifically for issues unique to disciplinary matters, should facilitate appeals being processed in a systematical fashion. Furthermore, the Exchange believes that the proposed rule should promote an objective, consistent appeals procedure for both members of the Exchange and for the Exchange's Enforcement Staff. The provisions should also prevent undue delay, and any inconvenience that affects the parties as a direct result of such a delay. Finally, the proposed revisions will provide the Board of the Advisory Committee with a precise procedure to apply to such a hearing.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[4] in general, and Sections 6(b)(6) and 6(b)(7),[5] in particular, in that it is designed to ensure that Exchange members and persons associated with members are appropriately disciplined for violations of the provisions of the Act, the rules and regulations thereunder, or the rules of the Exchange, as well as providing a fair procedure for the disciplining of Exchange members and persons associated with members.

B. Self-Regulatory Organization's Statement on 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 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.

III. Date of Effectiveness of the Proposed Rule Change an Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR–PHLX–00–52 and should be submitted by November 3, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–26280 Filed 10–12–00; 8:45 am]

BILLING CODE 8010–01–M

[3] Review of appeals initiated by the Exchange's Enforcement staff will be conducted in accordance with the procedure set forth in paragraph (b) of the proposed rule. Telephone conversation between Charles Falgie, Director of Enforcement, Phlx, and Anitra Cassas, Attorney, Division of Market Regulation, Commission, on October 3, 2000.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b) and 15 U.S.C. 78f(b)(7).

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before December 12, 2000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Delorice P. Ford, Associate Administrator/BD, Office of Business Development, Office of Government Contracting and Business Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.

FOR FURTHER INFORMATION CONTACT: Delorice P. Ford, Associate Administrator/BD, 202–205–5852 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Small Disadvantaged Business(SDB) Recertification Application.

Form No.: 2179

Description of Respondents: Small Disadvantaged Business (SDB) eligible companies.

Annual Responses: 1,785.

Annual Burden: 3,000.

Curtis B. Rich,

Acting Chief, Administrative Information Branch.

[FR Doc. 00–26276 Filed 10–12–00; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[License No. 09/71–0378]

Housatonic Equity Investors SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Housatonic Equity Investors SBIC, L.P., 88 Kearney St. Suite 1610, San Francisco, CA 94108, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730. Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2000)). Houstonic Equity Investors SBIC, L.P. proposes to provide equity financing to ArchivesOne, Inc., 200 Commercial Street, Watertown, CT 06795. The financing is contemplated for the acquisition of selected assets of an existing business.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Houstonic Equity Investors, L.P., an Associate of Houstonic Equity Investors SBIC, L.P., currently owns greater than 10 percent of ArchivesOne, Inc. and therefore ArchivesOne, Inc. is considered an Associate of Housatonic Equity Investors, L.P. as defined in Sec. 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW, Washington, DC 20416.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–26246 Filed 10–12–00; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3291]

State of Idaho; Amendment #2

In accordance with a notice from the Federal Emergency Management Agency, dated September 26, 2000, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on July 27, 2000 and continuing through September 26, 2000.

All other information remains the same, *i.e.,* the deadline for filing applications for physical damage is October 31, 2000 and for economic injury the deadline is June 1, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 29, 2000.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 00–26245 Filed 10–12–00; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of Quarterly Meeting.

DATES:
November 13, 2000, 9 a.m.–5 p.m.
November 14, 2000, 9 a.m.–5 p.m.
November 15, 2000, 9 a.m.–5 p.m.

ADDRESSES: Embassy Suites at Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015, (202) 362–9300, (202) 686–3405 Fax.

The hotel is located on the corner of Wisconsin Avenue and Military Road and directly above the Friendship Heights Metro station.

SUPPLEMENTARY INFORMATION:

Type of meeting: The quarterly meeting is open to the public. The public is invited to participate by coming to the address listed above. The public is also invited to submit comments in writing at any time on or before November 13, 2000.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a quarterly meeting of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) Advisory Panel (the Panel). Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use this time to receive public testimony, hear presentations on the implementation of TWWIIA, conduct workgroups and full Panel deliberations, receive briefings and conduct a business meeting. The Panel will meet commencing Monday, November 13, 2000 at 9 a.m. to 5 p.m.; Tuesday, November 14, 2000 at 9 a.m. to 5 p.m. and Wednesday, November 15, 2000 at 9 a.m. to 5 p.m.

Agenda: Public testimony will be heard in person and via teleconference on Monday, November 13, 2000. Individuals interested in providing testimony in person or by telephone should contact the Panel staff as outlined below to schedule time slots. Members of the public must schedule a timeslot in order to comment.

Each presenter will be called on by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute verbal presentation. Full written testimony on TWWIIA Implementation, no longer than 5 pages, may be submitted in person or by mail, fax or email on an on-going basis to the Panel for consideration.

In the event that the public comments do not take up the scheduled time period for each topic, the Panel will use that time to deliberate and conduct other Panel business.

Since seating may be limited, persons interested in providing testimony or in attending this meeting should contact the Panel staff by E-mailing Kristen M. Breland, at ''kristen.m.breland@ssa.gov'' or calling (410) 966–7225.

The full agenda for the meeting follows this announcement. The agenda is also posted on the Internet at *http://www.ssa.gov/work/Resources/Toolkit/* or can be received in advance electronically or by fax upon request. Seating may be limited so persons interested in attending this meeting should contact the Panel staff by e-mail or telephone.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring

information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore MD, 21235
- Telephone contact with Kristen Breland at (410) 966–7225
- Fax at (410) 965–9063
- E-mail to TWWIIAPanel@ssa.gov

Dated: October 5, 2000.

Deborah M. Morrison,

Designated Federal Officer.

Ticket to Work and Work Incentives Advisory Panel—Public Meeting

Embassy Suites at Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015, (202) 362–9300, (202) 686–3405 Fax.

The hotel is located on the corner of Wisconsin Avenue and Military Road and directly above the Friendship Heights Metro station.

November 13–15, 2000

Monday, November 13, 2000, Day 1

9:00 AM Meeting Called to Order by Deborah Morrison, Designated Federal Officer

Welcome—Sarah Mitchell, Presiding

Introductions

Update on TWWIIA Implementation
9:30 to 12:00 AM
Public Testimony Comment Periods Addressing Specific Topics
9:30 to 10:30
Who Gets a Ticket? The Definition of a Ticket.
10:30 to 11:00
Break
11:00 to 12:00
Qualifications of Employment Networks
12:00 to 1:30 PM
Lunch (On Your Own)
1:30 PM
Meeting Reconvenes, Sarah Mitchell, Presiding
1:30 to 2:30 PM
Public Testimony Comment Periods Addressing Specific Topics
1:30 to 2:30
Design of Outcome and Milestone Payment Methods
2:30 to 3:00
Break
3:00 to 4:00
TWWIIA Implementation
4:00 to 5:00
Telephone Call-in Public Comment Period on any TWWIIA Implementation Topic

Please note: If time allotted for public comment exceeds the time required, the Panel will use the time to deliberate on TWWIIA implementation.

5:00 PM
Adjournment

Tuesday, November 14, 2000, Day 2

9:00 to 12:00 AM
Panel Workgroup Deliberations
12:00 to 1:30 PM
Lunch (On Your Own)
1:30 PM
Meeting Reconvenes Sarah Mitchell, Presiding
1:30 to 3:30 PM
Panel Workgroups Reports
3:30 to 3:45 PM
Break
3:45 to 5:30 PM
Full Panel Deliberations
5:00 PM
Adjournment

Wednesday, November 15, 2000, Day 3

9:00 AM
Meeting Convenes, Sarah Mitchell, Presiding
9:00—11:00 AM
Update on TWWIIA Implementation Office of Employment Support Program Office of Policy
11:00 to 12:00
Briefing on the Federal Advisory Committee Act
12:00 to 1:30
Lunch (On Your Own)
1:30 to 4:00 PM
Business Meeting
5:00 PM
Adjournment by Designated Federal Officer

[FR Doc. 00–26311 Filed 10–12–00; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of Teleconference Meeting.

DATES: November 8, 2000, 1:30 p.m.–4:00 p.m.

ADDRESSES: Social Security Administration, International Trade Center, 500 E St. SW, 8th Floor, Theatre Room, Washington, D.C. 20254.

SUPPLEMENTARY INFORMATION:

Type of Meeting: This teleconference meeting is open to the public. The public is invited to participate by coming to the address listed above or calling in to the scheduled teleconference. The meeting will include an opportunity for public comment.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a public meeting of the Ticket to Work and Work Incentives Advisory Panel (the Panel). Section 101(f) of Public Law 106–170, the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

The Panel teleconference meeting will be devoted to public comment and discussion on the subject of the implementation of TWWIIA. The Panel also invites the public to submit comments on the subject in writing for this meeting. The Panel will accept written comments on the implementation of TWWIIA no longer than 5 pages, either in person or by mail, fax or e-mail until November 13, 2000. (See detailed contact information below.)

Agenda: The meeting will commence on Tuesday, November 8, 2000 at 1:30 p.m. From 1:30 p.m. to 3:00 p.m., the Panel will hear public testimony on the implementation of TWWIIA, including implementation of mandated protection and advocacy (P&A) services. The Panel will be particularly interested in hearing and discussing views on the following P&A issues—

1. Should P&A services be available to all beneficiaries regardless of whether or not they are ticket users or living in a ticket roll-out state?

2. Should mediation be a part of the dispute resolution process?

3. Should there be an external appeals process available to beneficiaries who have disputes?

Individuals interested in providing testimony at the meeting on these or other TWWIIA implementation topics can do so in person or by teleconference by contacting the Panel staff to schedule time slots for presentation.

The Chair will call on each presenter in the order in which they are scheduled to present verbal testimony. Each presenter will be invited to address the Panel for a maximum of five (5) minutes.

From 3:00 p.m. to 4:00 p.m. there will be deliberation by the Panel on the implementation of TWWIIA. The Panel will also use any time available between 1:30 p.m. and 3:00 p.m. to deliberate in the event the time allotted for public comment exceeds the time required.

The agenda is also posted on the Internet at *http://www.ssa.gov/work/ResourcesToolkit/* or can be received in advance electronically or by fax upon request. (See contact information below.)

Contact Information: Individuals interested in providing testimony must

contact the Panel staff for the call-in teleconference number and to schedule presentation time slots. Since seating and telephone lines may be limited, persons interested in providing testimony or in attending this meeting should contact the Panel staff by E-mailing Kristen M. Breland, at ''kristen.m.breland@ssa.gov'' or calling (410) 966–7225.

Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD, 21235
- Telephone at (410) 966–7225 (Kristen Breland)
- Fax at (410) 965–9063
- E-mail to TWWIIAPanel@ssa.gov

Dated: October 5, 2000.

Deborah M. Morrison,

Designated Federal Officer.

[FR Doc. 00–26312 Filed 10–12–00; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Ticket to Work and Work Incentives Advisory Panel Teleconference Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of teleconference meeting.

DATES: November 27, 2000 1:30 p.m.–3:30 p.m.

ADDRESSES: Social Security Administration, International Trade Center, 500 E St. SW, 8th Floor, Theatre Room, Washington, D.C. 20254.

SUPPLEMENTARY INFORMATION:

Type of meeting: The Teleconference is open to the public. The public is invited to participate by coming to the address listed above. Only members of the panel will participate in deliberations by telephone.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a Teleconference meeting of the Ticket to Work and Work Incentives Advisory Panel (the Panel). Section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106–170, establishes the Panel to advise the Commissioner of Social Security, the President, and the Congress on issues related to work incentives programs, planning, and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

This is a deliberative teleconference meeting of the Panel. The Panel will meet to discuss the status of the TWWIIA implementation. Public testimony will not be heard at this meeting. Any interested citizen is encouraged to submit written comments concerning this topic in advance of or at the meeting for the Panel's consideration.

Agenda: The teleconference will commence Monday, November 27, 2000 at, 1:30 p.m.–3:30 p.m. At this teleconference, the Panel will use this time to discuss the status of TWWIIA implementation. Since seating may be limited, persons interested in attending this meeting should contact the Panel staff by E-mailing Kristen Breland, at ''kristen.breland@ssa.gov'' or calling (410) 966–7225.

A copy of the agenda follows this announcement. A copy of the agenda may also be obtained from the Internet at the web site of SSA's Office of Employment Support Programs at ''http*://www.ssa.gov/work/resources/toolkit.*'' or by contacting the Panel staff at the mailing address, Email address, telephone and FAX number shown below.

Requests for materials in alternate formats, i.e., large print, Braille, computer disc, etc. may be made to the Panel staff at the addresses and numbers shown below.

Records are being kept of all Panel proceedings and will be available for public inspection at the Office of Employment Support Programs' web site at *''http://www.ssa.gov/work''* or by appointment at the office of the Ticket to Work and Work Incentives Advisory Panel Staff, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235;
- Telephone at (410) 965–9063;
- FAX at (410) 966–8597; or
- Email to Kristen Breland, at ''kristen.breland@ssa.gov.''

Dated: October 5, 2000.

Deborah M. Morrison,

Designated Federal Officer.

Ticket to Work and Work Incentives, Advisory Panel, Teleconference Meeting AGENDA

Social Security Administration, 8th Floor Theatre Room, 500 E Street, SW, Washington, DC 20254, Monday, November 27, 2000

1:30 p.m.
Meeting Convened, Presiding: Sarah Mitchell, Chair
1:30—3:15
Deliberations on the Implementation of Ticket to Work and Work Incentives Improvement Act
3:15—3:30
Administrative Issues
3:30 p.m.
Adjournment

[FR Doc. 00–26313 Filed 10–12–00; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

Bureau of Oceans, International Environmental and Scientific Affairs

[Public Notice No. 3441]

Public Meeting to Discuss Progress on International Harmonization of Chemical Hazard Classification and Labeling

SUMMARY: The United States government is preparing for a series of international meetings to further develop a globally harmonized system (GHS) of chemical hazard classification and labeling. The Department of State will hold a public meeting to update recent activities and preview upcoming international meetings on chemical hazard communication and GHS implementation.

The public meeting will take place on Tuesday, October 24, 2000, from 1:00 pm until 3:00 pm, in Room N5437 B&C, at the U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC. Attendees should use the entrance at C and Third Streets NW. No advance registration is necessary. However, attendees should bring picture identification with them. For further information, please contact Marie Ricciardone, U.S. Department of State, Office of Environmental Policy (OES/ENV), Room 4325, 2201 C Street NW, Washington, DC 20520; telephone (202) 736–4660; fax (202) 647–5947; e-mail RicciardoneMD@state.gov.

SUPPLEMENTARY INFORMATION: The U.S. Department of State is issuing this

notice to help ensure that interested organizations and individuals are informed about efforts to internationally harmonize chemical hazard classification and labeling, and have an opportunity to offer comments. Agencies participating in the U.S. government interagency group include: Department of State, Environmental Protection Agency, Department of Transportation, Occupational Safety and Health Administration, Consumer Product Safety Commission, Food and Drug Administration, Department of Commerce, Department of Agriculture, Department of Energy, Office of the U.S. Trade Representative, and National Institute of Environmental Health Sciences. For more complete information on the GHS process, please refer to State Department Public Notice 2526, pages 15951–15957 of the **Federal Register** of April 3, 1997.

This meeting will summarize the GHS meetings that have taken place since the previous public meeting on August 10, 2000 (see Department of State Public Notice 3367 on pages 15951–15957 of the **Federal Register** of July 21, 2000):

- The Seventh Meeting of the Organization for Economic Cooperation and Development (OECD) Extended Expert Group on Aquatic Environmental Hazards (Paris, September 4–5) developed guidance for applying harmonized hazard classification criteria for the aquatic toxicity of chemical substances and further developed harmonized criteria for chemical mixtures.
- The Tenth Meeting of the OECD Task Force on Harmonization of Classification and Labeling (Paris, September 6–8) reached agreement on harmonized hazard classification criteria for several health effects for chemical mixtures; approved hazard classification criteria for target organ and systemic toxicity; and agreed to initiate the development of hazard classification criteria for aspiration hazards, water-activated corrosivity and toxicity, and respiratory irritation.

Members of the interagency working group will also outline U.S. preparations for upcoming international meetings:

- The Sixth Meeting of the International Labor Organization (ILO) Working Group of Hazard Communication, October 30–November 2, Rome, Italy will develop and refine options for harmonized chemical hazard communication, such as labels and material safety data sheets.
- The Seventeenth Consultation of the IOMC Coordinating Group for the Harmonization of Chemical Classification Systems, November 2–3, Rome, Italy will consider the need for GHS guidance and other implementation issues.
- The Twenty-first Session of the United Nations Committee of Experts on the Transport of Dangerous Goods, December 5–14, Geneva, Switzerland will host a working group on classification criteria for physical hazards, focusing on aerosol flammability.

Interested organizations and individuals are invited to present their views orally and/or in writing at the public meeting. Participants may address other topics relating to harmonization of chemical hazard classification and labeling systems, and identify issues of concern. Those organizations/individuals that cannot attend the October 24th meeting, but wish to submit a written comment, should provide Eunice Mourning, Office of Environmental Policy, U.S. Department of State (telephone 202–647–9266; fax 202–647–5947) with their statement and/or name, organization, address, telephone and fax numbers, and e-mail address. All written comments will be placed in the OSHA public docket (H–022H), which is open Monday through Friday, from 10 am until 4 pm, at the Department of Labor, Room 2625, 200 Constitution Avenue NW, Washington, DC; telephone 202–219–7894; fax: 202–219–5046. Interested organizations /individuals that wish to receive future notifications of GHS-related developments by email should contact Mary Frances Lowe of the U.S. Environmental Protection Agency at ''lowe.maryfrances@epa.gov''.

Dated: October 2, 2000.

Daniel T. Fantozzi,

Director, Office of Environmental Policy, Department of State

[FR Doc. 00–26363 Filed 10–12–00; 8:45 am]

BILLING CODE 4710–06–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–303 (Sub–No. 21X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Marquette County, MI

Wisconsin Central Ltd. (WCL) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon an approximately 8.84-mile line of its railroad between milepost 154 and milepost 162.84 in Marquette County, MI. The line traverses United States Postal Service Zip Codes 49855 and 49866.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 14, 2000, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 23, 2000. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 2, 2000, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael J. Barron, Jr., Wisconsin Central Ltd., P.O. Box 5062, Rosemont, IL 60017–5062.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

WCL has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 18, 2000. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of consummation by October 13, 2001, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: October 4, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–26070 Filed 10–12–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 3, 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 November 13, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1546.

Revenue Procedure Number: Revenue Procedure 97–33.

Type of Review: Extension.

Title: EFTPS (Electronic Federal Tax Payment System).

Description: Some taxpayers are required by regulations issued under § 6302(h) of the Internal Revenue Code to make Federal Tax Deposits (FTDs) using the Electronic Federal Tax Payment System (EFTPS). Other taxpayers may choose to voluntarily participate in EFTPS. EFTPS requires that a taxpayer complete an enrollment form to provide the information the IRS needs to properly credit the taxpayer's account. Revenue 97–33 provides procedures and information that will help taxpayers to electronically make FTDs and tax payments through EFTPS.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 557,243.

Estimated Burden Hours Per Recordkeeper: 30 minutes.

Frequency of Response: On occasion, Weekly, Monthly, Quarterly, Semi-annually, Annually, Biennially.

Estimated Total Recordkeeping Burden: 278,622 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. 00–26295 Filed 10–12–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

October 6, 2000.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before November 13, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1694.

Revenue Ruling Number: Revenue Ruling 2000–35.

Type of Review: Extension.

Title: Automatic Enrollment in Section 403(b) Plans.

Description: Revenue Ruling 2000–35 describes certain criteria that must be met before an employee's compensation can be reduced and contributed to an employer's section 403(b) plan in the absence of an affirmative election by the employee.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent: 1 hour, 45 minutes.

Frequency of Response: On occasion, Annually.

Estimated Total Recordkeeping Burden: 175 hours.

OMB Number: 1545–1695.

Revenue Ruling Number: Revenue Ruling 2000–33.

Type of Review: Extension.

Title: Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.

Description: This revenue ruling specifies the conditions the plan sponsor should meet to automatically defer a certain percentage of its employees' compensation into their accounts in an eligible deferred compensation plan.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion, Annually.

Estimated Total Recordkeeping Burden: 500 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. 00–26296 Filed 10–12–00; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Matching Program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer program matching records from the Bureau of Prisons (BOP) of the Department of Justice with VA compensation pension and dependency and indemnity compensation (DIC) records.

The purpose of the match is to verify continuing eligibility for Federal benefit programs of those who are confined for a period exceeding 60 days due to a conviction for a felony or misdemeanor. VA has the obligation to reduce or suspend compensation, pension, and dependency and indemnity compensation benefit payments to veterans and VA beneficiaries on the 61st day following conviction and incarceration in the Federal institution for a felony or misdemeanor. VA also has the obligation to reduce educational assistance to any recipient who is incarcerated for a felony conviction.

VA plans to match records of VA beneficiaries with those reported by BOP as being incarcerated and to adjust their VA benefits accordingly. VA will use the BOP records provided in the match to update the master records of VA beneficiaries and to adjust their VA benefits, accordingly, if needed.

Records To Be Matched

The VA records involved in the match are the VA system of records, Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22) first published at 41 FR 9294, March 3, 1976 and last amended at 65 FR 37605 (June 15, 2000). The data elements provided to VA will be taken from BOP's Inmate Central Records System, Justice/BOP–005, published on June 7, 1884. In accordance with Title 5 U.S.C. subsection 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget (OMB).

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Public Law 100–503.

DATES: The match will start no sooner than 30 days after publication in the **Federal Register** and end not more than 18 months after the agreement is properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs within three months of the ending date of the original match that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Interested individuals may submit written comments to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between 8 a.m. and 4:30 p.m., Mondays through Fridays, except holidays.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge (212), (202) 273–7318.

SUPPLEMENTARY INFORMATION: This information is required by Title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both House of Congress and OMB.

Approved: September 29, 2000.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

[FR Doc. 00–26293 Filed 10–12–00; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Amendment to System of Records—Veterans, Dependents of Veterans, and VA Beneficiary Survey Records—VA (43VA008) (formerly 43VA71).

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their system of records. Notice is hereby given that VA is amending a system of records entitled ''Veterans, Dependents of Veterans, and VA Beneficiary Survey Records (43VA71)'' as set forth in the **Federal Register** 40 FR 38095 (August 26, 1975) and amended at 48 FR 52798 (November 22, 1983) and 54 FR 20667 (May 12, 1989). VA is amending the system number and the paragraphs on System Location; Categories of Records in the System; Authority for Maintenance of the System; Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System; including Safeguards; System Manager(s) and Address; and Record Source Categories. VA is adding paragraphs on Purpose(s) and Routine Uses of Records Maintained in the System, including Categories of Users and the Purpose of Such Uses.

DATES: Comments on the establishment of this amended system of records must be received no later than November 13, 2000. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the system will become effective November 13, 2000.

ADDRESSES: Comments may be submitted to Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1154, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Susan Krumhaus, Department of Veterans Affairs, Program Analysis Service (008A1), 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–5108.

SUPPLEMENTARY INFORMATION: The number of the system is changed to 43VA008 to reflect the new designation for the Office of the Assistant Secretary for Planning and Analysis.

The system location is changed to reflect the new name of VA Data Processing Center in Austin, Texas, which is now known as the Austin Automation Center (AAC).

The paragraph concerning the categories of records in the system has been amended to more accurately reflect the records maintained in the system. Additionally, VA is amending the categories of records to reflect the fact that VA may also include information obtained from other VA systems of records, the Department of Defense (DoD), and the Department of Health and Human Services (HHS).

Information in this system of records is obtained from survey questionnaire

data provided by veterans, dependents, or VA beneficiaries in a survey sample and from veterans, dependents, or VA beneficiaries on specific VA benefit rolls. Information may also be obtained from the Patient Medical Records System (24VA136); the Patient Fee Basis Medical and Pharmacy Records (23VA136); Veterans and Beneficiaries Identification and Records Location Subsystem (38VA23); Compensation, Pension, Education and Rehabilitation Records (58VA21/22); and Health Care Eligibility Center Records (89VA19); DoD utilization files and Defense Eligibility Enrollment Reporting System (DEERS); HHS records; Department of Commerce (DOC) records; and the Health Care Financing Administration (HCFA) Denominator file, Standard Analytical files (inpatient, outpatient, physician supplier, nursing home, hospice, home care, durable medical equipment) and Group Health Plan.

Specific request files, referred to as finder files, will be created for use in submitting requests for veteran-specific data from HHS, HCFA, DoD, or other non-VA data sources. Survey records will be supplemented by including information from the matched HCFA and DoD data records.

Data in the system of records may include:

1. Personal identifiers (respondents' names, addresses, social security numbers, phone numbers, employer identification numbers);

2. Demographic and socioeconomic characteristics (date of birth, sex, race/ethnicity, education, marital status, employment and earnings, financial information, business ownership information);

3. Military service information;

4. Health status information (diagnostic, health care utilization cost, and third-party health plan information); and

5. VA benefit information (VA medical and other benefit eligibility and usage, data on access and barriers to VA benefits or services, data on satisfaction with VA benefits or services).

The records may also include information about DoD military personnel from two categories of DoD files:

1. Utilization files that contain inpatient and outpatient records; and

2. Eligibility files from DEERS, which include data about all military personnel including those discharged from the armed services since 1972.

The records may include information on Medicare beneficiaries from HCFA databases:

1. Denominator file (identifies the population being studied);

2. Standard Analytical files (inpatient, outpatient, physician supplier, nursing home, hospice, home care, durable medical equipment); and

3. Group Health Plan.

VA is amending the authority for maintaining the records to reflect the statutory authority after recodification of Title 38, United States Code, as well as legislation enacted since the system notice was previously published.

VA is adding a paragraph stating the purposes for which VA is gathering and maintaining the records in this system of records.

Under section 527 of Title 38, U.S.C. and the Government Performance and Results Act of 1993, Public Law 103–62, VA is required to measure and evaluate, on an ongoing basis, the effectiveness of VA benefit programs and services. To do this function, VA must collect data through surveys that may be augmented from existing VA systems of records and with information from non-VA sources to:

1. Conduct statistical studies and analyses relevant to VA programs and services for America's veterans. Statistical reports will not contain personal identifiers.

2. Plan and improve services provided to America's veterans;

3. Decide about VA policies, programs, and services for veterans;

4. Study VA's role in the use of VA and non-VA benefits and services by America's veterans; and

5. Study the relationship between the use of VA benefits and services by veterans and their use of related benefits and services from non-VA sources.

VA will not use this system, to take any adverse action against, or to change the benefits of, an individual veteran.

VA is proposing to establish the following routine use disclosures of information maintained in the system:

1. Disclosure of identifying information such as names, social security numbers, demographic and utilization data may be made to Federal agencies such as the DoD, DOC, and HHS to augment or validate survey data for use in statistical studies such as describing VA's role in total benefit coverage and forecasting future demand for VA benefits and services.

2. Disclosure of identifying information such as the employer identification number may be made to the DOC to receive summary business data to study the growth of veteran-owned businesses by area and industry.

3. Disclosure may be made to the National Archives and Records Administration (NARA) and the General Services Administration (GSA) for records management inspections conducted under the authority of Title 44, United States Code.

4. Disclosure may be made to individuals, organizations, private or public agencies, etc. with whom VA has a contract or agreement for the contractor or subcontractor to perform the services of the contract or agreement. VA must be able to provide information to contractors or subcontractors with whom VA has a contract or agreement in order to perform the services of the contract or agreement.

Release of information from these records will be made for research and administrative uses. The Privacy Act permits VA to disclose information about individuals without their consent for routine uses when the information will be used for purposes that are compatible with the purposes for which VA collected the information. In all of the routine use disclosures described above, either the recipient of the information will use the information in connection with a matter relating to one of VA's programs, will use the information to provide a benefit to VA, or disclosure is required by law. VA has determined that release of information for these purposes is a necessary and proper use of information and that specific routine uses for transfer of this information are appropriate.

VA is amending the policies and practices of the agency concerning storage of the data to reflect technological changes.

VA is amending the retrieval paragraph to more concisely state VA's retrieval practice for this system of records.

VA is amending the safeguards paragraph to more fully describe its security procedures for protecting the records, as well as reflect procedures adopted since last publication.

VA is amending the retention and disposal paragraph to reflect that VA's retention and disposal policy has been approved by the Archivist of the United States.

VA is amending the system manager paragraph to reflect the change in the agency official responsible for maintaining the system of records as a result of a reorganization of this office.

VA is amending the paragraph listing the records source categories to include the various sources that VA will use to gather information for this system of records. The rationale for gathering records from these sources is stated in the earlier discussion of the purpose for maintaining these records.

Approved: September 29, 2000.

Hershel W. Gober,

Acting Secretary of Veterans Affairs.

43VA008

SYSTEM NAME:

Veterans, Dependents of Veterans, and VA Beneficiary Survey Records.

SYSTEM LOCATION:

Computerized records will be maintained at the following computer site locations: VA Austin Automation Center, 1615 Woodward Street, Austin, Texas 78722; VA Central Office, 810 Vermont Avenue, NW, Washington, DC 20420; or with private contractors acting as agents of VA. Paper records are stored at the Washington National Records Center (WNRC) or with private contractors acting as agents of VA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system:

1. Veterans,
2. Dependents of veterans, and
3. Other VA Beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system may include:

1. Personal identifiers (respondents' names, addresses, phone numbers, social security numbers, employer identification numbers);
2. Demographic and socioeconomic characteristics (*e.g.,* date of birth, sex, race/ethnicity, education, marital status, employment and earnings, financial information, business ownership information);
3. Military service information;
4. Health status information (diagnostic, health care utilization cost, and third-party health plan information); and
5. VA benefit information (VA medical and other benefit eligibility and use, data on access and barriers to VA benefits of services, data about satisfaction with VA benefits or services).

The records may also include information about DoD military personnel from two categories of DoD files:

1. Utilization files that contain inpatient and outpatient records, and
2. Eligibility files from DEERS which includes data about all military personnel including those discharged from the armed services since 1972.

The records may include information on Medicare beneficiaries from HCFA databases:

1. Denominator file (identifies the population being studied);
2. Standard Analytical files (inpatient, outpatient, physician supplier, nursing home, hospice, home care, durable medical equipment); and
3. Group Health Plan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Under section 527 of Title 38 U.S.C. and the Government Performance and Results Act of 1993, Public Law 103–62.

PURPOSE(S):

The purpose of this system of records is to collect data about the characteristics of America's veteran population through surveys that may be augmented with information from several existing VA systems of records and with information from non-VA sources to:

1. Conduct statistical studies and analyses relevant to VA programs and services for America's veterans.
2. Plan and improve services provided to America's veterans;
3. Decide about VA policies, programs, and services for veterans;
4. Study VA's role in the use of VA and non-VA benefits and services by America's veterans; and
5. Study the relationship between the use of VA benefits and services by veterans and their use of related benefits and services from non-VA sources. These types of studies are needed for VA to forecast future demand for VA benefits and services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information from this system of records may be disclosed in accordance with the following routine uses:

1. Disclosure of identifying information such as names, social security numbers, and demographic and utilization data may be made to Federal agencies such as the DoD, DOC, and HHS to augment or validate survey data for use in statistical studies such as describing VA's role in total benefit coverage and forecasting future demand for VA benefits or services.
2. Disclosure of identifying information such as the employer identification number may be made to the DOC to receive summary business data to study the growth of veteran-owned businesses by area and industry.
3. Disclosure may be made to the NARA and the GSA for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
4. Disclosure may be made to individuals, organizations, private or public agencies, etc. with whom VA has a contract or agreement for the contractor or subcontractor to perform the services of the contract or agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

Electronic data are maintained on magnetic tape, disk, or laser optical media. Records may also be stored on paper documents.

RETRIEVABILITY:

Records may be retrieved by name, address, social security number, date of birth, or a combination of identifiers that are unique when used in combination.

SAFEGUARDS

1. Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.
2. Access to Automated Data Processing (ADP) files is controlled by using an individual unique password entered in combination with an individually unique user identification code.
3. Access to automated records containing identification codes and codes used to access various VA automatic communications systems and records systems, as well as security profiles and possible security violations, is limited to designated automated systems security personnel who need to know the information in order to maintain and monitor the security of VA's automated communications and veteran's claim records systems. Access to these records in automated form is controlled by individually unique passwords/codes. Agency personnel have access to the information on a need to know basis when necessary to advise agency security personnel, to suspend or revoke access privileges, or to make disclosures authorized by a routine use.
4. Access to VA facilities where identification codes, passwords, security profiles and possible security violations are maintained is controlled at all hours by the Federal Protective Service, VA, or other security personnel and security access control devices.
5. Public use files prepared for purposes of research and analysis are purged of personal identifiers.
6. Paper records, when they exist, are maintained in a locked room at the WNRC. The Federal Protective Service protects paper records from unauthorized access.
7. Both paper and electronic data maintained by contractors are held in equally secure conditions.

RETENTION AND DISPOSAL:

Records will be maintained and disposed of in accordance with the records disposal authority approved by the Archivist of the United States and the NARA and published in Agency Records Control Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of Veterans Affairs, Program Analysis Service (008A1), 810 Vermont Avenue, NW, Washington, DC 20420.

NOTIFICATION PROCEDURE:

An individual who wants to determine whether the Director, Program Analysis Service (008A1) is maintaining a record under the individual's name or other personal identifier or wants to determine the content of such records must submit a written request to the Director, Program Analysis Service (008A1). The individual seeking this information must prove his or her identity and provide the name of the survey in question, approximate date of the survey, social security number, full name, and date of birth

RECORDS ACCESS PROCEDURES:

An individual who seeks access to records maintained under his or her name or other personal identifier may write the System Manager named above and specify the information being requested or contested.

CONTESTING RECORD PROCEDURES:

(See Records Access Procedures.)

RECORDS SOURCE CATEGORIES:

Information in this system of records is obtained from survey questionnaire data provided by veterans, dependents, or VA beneficiaries in a survey sample and from veterans, dependents, or beneficiaries on specific VA benefit rolls. Information may also be obtained from the Patient Medical Records System (24VA136), the Patient Fee Basis Medical and Pharmacy Records (23VA136); Veterans and Beneficiaries Identification and Records Location Subsystem (38VA23); Compensation, Pension, Education, and Rehabilitation Records (58VA21/22); Health Care Eligibility Center Records (89VA19); DoD utilization files and DEERS files; and HCFA Denominator file, Standard Analytical files (inpatient, outpatient, physician supplier, nursing home, hospice, home care, durable medical equipment) and Group Health Plan.

[FR Doc. 00–26294 Filed 10–12–00; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Friday,
October 13, 2000

Part II

State Justice Institute

Grant Guideline; Notice

STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Final Grant Guideline.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 2001 State Justice Institute grants, cooperative agreements, and contracts.

EFFECTIVE DATE: October 13, 2000.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Executive Director, or Kathy Schwartz, Deputy Director, State Justice Institute, 1650 King Street (Suite 600), Alexandria, VA 22314, (703) 684–6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, 42 U.S.C. 10701, *et seq.*, as amended, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States. Complete information about the Institute and its grant program, as well as forms and instructions for all grant applications, can be found at http://www.statejustice.org.

Types of Grants Available and Funding Schedules

The SJI grant program is designed to be responsive to the most important needs of the State courts. To meet the full range of the courts' diverse needs, the Institute offers five different categories of grants. The types of grants available in FY 2001 and the funding cycles for each program are provided below:

Project Grants. These grants are awarded to support innovative education, research, demonstration, and technical assistance projects that can improve the administration of justice in State courts nationwide. Except for ''Single Jurisdiction'' project grants awarded under II.D. (see below), project grants are intended to support innovative projects of national significance. As provided in section V.C.1. of the Guideline, project grants may ordinarily not exceed $200,000 a year; however, grants in excess of $150,000 are likely to be rare, and awarded only to support projects likely to have a significant national impact.

Applicants must submit a concept paper (see section VI.) and, ordinarily, an application (see section VII.) in order to obtain a project grant. As indicated in Section VI.C.1., the Board may make an ''accelerated'' grant of less than $40,000 on the basis of the concept paper alone when the need for the project is clear and little additional information about the operation of the project would be provided in an application.

The FY 2001 mailing deadline for project grant concept papers is November 22, 2000. Papers must be postmarked or bear other evidence of submission by that date. The Board of Directors will meet in early March 2001 to invite formal applications based on the most promising concept papers. Applications must be sent by April 25, 2001 and awards will be approved by the Board in late June. See section VII.A. for Project Grant application procedures.

Single Jurisdiction Project Grants. Section II.D. reserves up to $300,000 for projects addressing a critical need of a single state or local jurisdiction. To receive a grant under this program, an applicant must demonstrate that (1) the proposed project is essential to meeting a critical need of the jurisdiction and (2) the need cannot be met solely with State and local resources within the foreseeable future (sections II.D.1. and 2.). See section VII.A. for Single Jurisdiction Grant application procedures.

Technical Assistance Grants. Section II.E. reserves up to $400,000 for Technical Assistance Grants. Under this program, a State or local court may receive a grant of up to $30,000 to engage outside experts to provide technical assistance to diagnose, develop, and implement a response to a jurisdiction's problems.

Letters of application for a Technical Assistance grant may be submitted at any time. Applicants submitting letters between June 12 and September 29, 2000 will be notified of the Board's decision by December 8, 2000; those submitting letters between September 30, 2000 and January 12, 2001 will be notified by March 23, 2001; those submitting letters between January 13, 2001 and March 9, 2001 will be notified by May 11, 2001; and those submitting letters between March 10, 2001 and June 8, 2001 will be notified by August 3, 2001. Applicants submitting letters between June 11 and September 28, 2001 will be notified of the Board's decision by December 14, 2001. See section VII.D. for Technical Assistance Grant application procedures.

Curriculum Adaptation Grants. A grant of up to $20,000 may be awarded to a State or local court to replicate or modify a model training program developed with SJI funds. The Guideline allocates up to $200,000 for these grants in FY 2001.

Letters requesting Curriculum Adaptation grants may be submitted at any time during the fiscal year. However, in order to permit the Institute sufficient time to evaluate these proposals, letters must be submitted no later than 90 days before the projected date of the training program. See section VII.E. for Curriculum Adaptation Grant application procedures.

Scholarships. The Guideline allocates up to $200,000 of FY 2001 funds for scholarships to enable judges and court managers to attend out-of-State education and training programs.

Scholarships for eligible applicants are approved largely on a ''first come, first served'' basis, although the Institute may approve or disapprove scholarship requests in order to achieve appropriate balances on the basis of geography, program provider, and type of court or applicant (*e.g.,* trial judge, appellate judge, trial court administrator). Scholarships will be approved only for programs that either (1) address topics included in the Guideline's Special Interest categories (section II.B.); (2) enhance the skills of judges and court managers; or (3) are part of a graduate program for judges or court personnel.

Applicants interested in obtaining a scholarship for a program beginning between January 1 and March 31, 2001 must submit their applications and any required accompanying documents between October 2 and December 1, 2000. For programs beginning between April 1 and June 30, 2001, the applications and documents must be submitted between January 5 and March 5, 2001. For programs beginning between July 1 and September 30, 2001, the applications and documents must be submitted between April 2 and June 1, 2001. For programs beginning between October 1 and December 31, 2001, the applications and documents must be submitted between July 5 and September 3, 2001. For programs beginning between January 1 and March 31, 2002, the applications and documents must be submitted between October 1 and November 30, 2001. See section VII.F. for Scholarship application procedures.

Continuation and Ongoing Support Grants. Continuation grants (see sections III.F., V.B.2., and VII.B.) are intended to enhance the specific program or service begun during the initial grant period. Ongoing support grants (see sections III.P., V.B.3., and VII.C.) may be awarded for up to a three-year period to support national-scope projects that provide the State courts with critically needed services, programs, or products.

The Guideline establishes a target for continuation and ongoing support grants of approximately 25% of the total amount projected to be available for grants in FY 2001. Grantees should accordingly be aware that the award of a grant to support a project does not constitute a commitment to provide either continuation funding or ongoing support.

An applicant for a continuation or ongoing support grant must submit a letter notifying the Institute of its intent to seek such funding, no later than 120 days before the end of the current grant period. The Institute will then notify the applicant of the deadline for submission of its grant application.

Special Interest Categories

The Guideline includes nine Special Interest categories, *i.e.,* those project areas that the Board has identified as being of particular importance to the State courts this year. The selection of these categories was based on the Board and staff's experience and observations over the past year; the recommendations received from judges, court managers, lawyers, members of the public, and other groups interested in the administration of justice; and the issues identified in recent years' concept papers and applications.

Section II.B. of the Proposed Guideline includes the following Special Interest categories:

Improving Public Confidence in the Courts;
Education and Training for Judges and Other Key Court Personnel;
Dispute Resolution and the Courts;
Application of Technology;
Court Planning, Management, and Financing;
Substance Abuse;
Children and Families in Court;
Improving the Courts' Response to Domestic Violence; and
The Relationship Between State and Federal Courts.

Recommendations to Grantwriters

Recommendations to Grantwriters may be found in Appendix A.

Comments

In response to comments, the ''Children and Families in Court'' Special Interest category (section II.B.2.g.) was amended to specifically include projects to develop materials and strategies to implement the judicial requirements of the Adoption and Safe Families Act, and projects to develop collaborative approaches to improve family courts. Otherwise, only grammatical and technical changes were made in the Final Guideline. The following Grant Guideline is adopted by the State Justice Institute for FY 2001:

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I. The Mission of the State Justice Institute

The Institute was established by Pub. L. 98–620 to improve the administration of justice in the State courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, the Institute is charged, by statute, with the responsibility to:

A. Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;

B. Foster coordination and cooperation with the Federal judiciary;

C. Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

D. Encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

To accomplish these broad objectives, the Institute is authorized to provide funds to State courts, national organizations which support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

The Institute is supervised by an 11-member Board of Directors appointed by the President, by and with the consent of the Senate. The Board is statutorily composed of six judges, a State court administrator, and four members of the public, no more than two of whom can be of the same political party.

Through the award of grants, contracts, and cooperative agreements, the Institute is authorized to perform the following activities:

A. Support research, demonstrations, special projects, technical assistance, and training to improve the administration of justice in the State courts;

B. Provide for the preparation, publication, and dissemination of information regarding State judicial systems;

C. Participate in joint projects with Federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects funded by the Institute to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;

E. Encourage and assist in furthering judicial education;

F. Encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

G. Be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

II. Scope of the Program

During FY 2001, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board, however, has designated nine program categories as being of special interest. See section II.B.

A. Authorized Program Areas

The Institute is authorized to fund projects addressing one or more of the following program areas listed in the State Justice Institute Act, the Battered Women's Testimony Act, the Judicial Training and Research for Child Custody Litigation Act, and the International Parental Kidnapping Crime Act:

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and

national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relates to and affects the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts, and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards, and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, and the development, testing, and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances, and alternative techniques and mechanisms for resolving disputes between citizens;

14. Collection and analysis of information regarding the admissibility and quality of expert testimony on the experiences of battered women offered as part of the defense in criminal cases under State law, as well as sources of and methods to obtain funds to pay costs incurred to provide such testimony, particularly in cases involving indigent women defendants;

15. Development of training materials to assist battered women, operators of domestic violence shelters, battered women's advocates, and attorneys to use expert testimony on the experiences of battered women in appropriate cases, and individuals with expertise in the experiences of battered women to develop skills appropriate to providing such testimony;

16. Research regarding State judicial decisions relating to child custody litigation involving domestic violence;

17. Development of training curricula to assist State courts to develop an understanding of, and appropriate responses to child custody litigation involving domestic violence;

18. Dissemination of information and training materials and provision of technical assistance regarding the issues listed in paragraphs 14–17 above;

19. Development of national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction; and

20. Other programs, consistent with the purposes of the State Justice Institute Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems, such as where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will not be made available for the ordinary, routine operation of court systems or programs in any of these areas.

B. Special Interest Program Categories

1. General Description

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. The Institute is especially interested in funding projects that:

a. Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

b. Address aspects of the State judicial systems that are in special need of serious attention;

c. Have national significance by developing products, services, and techniques that may be used in other States; and

d. Create and disseminate products that effectively transfer the information and ideas developed to relevant audiences in State and local judicial systems, or provide technical assistance to facilitate the adaptation of effective programs and procedures in other State and local jurisdictions.

A project will be identified as a *Special Interest* project if it meets the four criteria set forth above and (1) it falls within the scope of the *Special Interest* program areas designated below, or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Concept papers and applications which address a *Special Interest* category will be accorded a preference in the rating process. (See the selection criteria listed in sections VI.C.2. and VIII.B.

2. Specific Categories

The Board has designated the areas set forth below as *Special Interest* program categories. The order of listing does not imply any ordering of priorities among the categories. For a complete list of projects supported in previous years in each of these categories, please visit the Institute's Internet homepage at http://www.statejustice.org/and click on Grants by Category.

a. Improving Public Confidence in the Courts

This category includes demonstration, evaluation, research, and education projects designed to improve the responsiveness of courts to public concerns regarding the fairness, equity, accessibility, timeliness, and comprehensibility of the court process, and test innovative methods for

increasing the public's trust and confidence in the State courts.

(1) The Institute is particularly interested in supporting innovative projects that:

• Develop national strategies to promote the progress of State court task forces and other court-sponsored programs to eliminate race and ethnic bias in the courts; implement task force recommendations at the State and local level; evaluate the impact of court strategies to address racial and ethnic bias in jurisdictions in which task force recommendations have been implemented; establish mentoring relationships with States that have successfully implemented recommendations to learn from their experiences; develop products that highlight effective model programs and best practices; and educate judges and court personnel about relevant products developed in different States (*e.g.*, model judicial education curricula, bench books, court conduct handbooks, codes of ethics, and relevant legislation);

• Address court-community problems resulting from the influx of legal and illegal immigrants, including projects to inform judges about the effects of recent Federal and State legislation and judicial decisions regarding immigrants;

• Demonstrate and evaluate approaches to implement the concept of restorative justice that ensure residents' and businesses' safety and restore the offender's positive relationship with the community, including methods for involving the community in the sentencing process, and programs that involve education and mentoring by positive role models;

• Evaluate long-term court-based programs that actively involve citizen volunteers in a range of roles, and compile information on ''best practices'' with respect to the effective use of volunteers in the court environment;

• Educate and clearly communicate information to litigants and the public about judicial decisions, the trial and appellate court process, and court operations, and the standards courts maintain with respect to timeliness, access, and the elimination of bias; and

• Assure that judges and court employees meet the highest ethical standards and that judicial disciplinary procedures are known, fair, and effective.

(2) The Institute also is interested in supporting projects that promote public trust and confidence in the courts. In particular, the Institute seeks to support projects that would:

• Compile and disseminate information about practices being used by courts around the country that show the promise of enhancing public trust and confidence in the justice system; and

• Test and evaluate approaches designed to enhance public access to the courts, including demonstrations of innovative collaborative efforts between courts and community institutions (*e.g.*, schools and public libraries) to enhance access to courts by those who are not computer-literate and for whom it would be a hardship to travel to a courthouse.

Applicants should be aware that the Institute will not support new surveys to determine the sources of the public's dissatisfaction with the courts.

(3) The Institute also continues to be interested in supporting State and local court projects to implement the action plans developed by the teams that participated in the Institute-supported National Conference on Self-Represented Litigants Appearing in Court held in Scottsdale, Arizona, on November 18–21, 1999. In this regard, however, applicants are advised that Institute funds may not be used to directly or indirectly support legal representation of individuals in specific cases.

b. Education and Training for Judges and Other Key Court Personnel

The Institute is interested in supporting an array of projects that will continue to strengthen and broaden the availability of court education programs at the State, regional, and national levels. This category is divided into three subsections: (1) Innovative Educational Programs; (2) Curriculum Adaptation Projects; and (3) Scholarships.

(1) *Innovative Educational Programs.* This category includes support for the development and pilot-testing of innovative, high-quality educational programs for trial and appellate judges or court personnel that address key substantive and administrative issues of concern to the nation's courts, or help local courts or State court systems develop or enhance their capacity to deliver quality continuing education. Programs may be designed for presentation at the local, State, regional, or national level. Ordinarily, court education programs should be based on some form of assessment of the needs of the target audience; include clearly stated learning objectives that delineate the new knowledge or skills that participants will acquire (as opposed to a description of what will be taught); incorporate adult education principles and multiple teaching/learning methods; and result in the development of a disseminable curriculum as defined in section III.G.

(a) The Institute is particularly interested in the development of education programs that:

• Include innovative self-directed learning packages for use by appellate, trial, juvenile and family court judges and personnel, and distance-learning approaches for these audiences to assist those who do not have ready access to classroom-centered programs. These packages and approaches should include the appropriate use of various media and technologies such as Internet-based programming, interactive CD–ROM or computer disk-based programs, videos, or other audio and visual media, supported by written materials or manuals. They also should include a meaningful program evaluation and a self-evaluation process that assesses pre- and post-program knowledge and skills;

• Familiarize faculty with the effective use of innovative instructional technology, including methods for presenting information through web-based and other distance learning approaches such as videos and satellite teleconferences;

• Develop and test innovative methods to evaluate the effectiveness of web-based and distance education programs;

• Assist local courts, State court systems, and court systems in a geographic region to develop or enhance a comprehensive program of continuing education, training, and career development for judges and court personnel as an integral part of court operations;

• Test the effectiveness of including a variety of experiential instructional approaches in judicial branch education programs such as field studies and interchanges with community programs, organizations, and institutions;

• Encourage intergovernmental team-building, collaboration, and planning among the judicial, executive, and legislative branches of government, or courts within a metropolitan area or multi-State region; and

• Develop and test innovative short (one-half or one full day) educational programs on events on issues of critical importance to local courts or courts in a particular region.

(b) The Institute also continues to be very interested in supporting projects that would implement action plans and strategies developed by the State teams at the National Symposium on the Future of Judicial Branch Education held in St. Louis, Missouri, on October 7–9, 1999, as well as proposals from other applicants designed to assist in

implementing and disseminating the findings and strategies discussed at the Conference.

(c) The Institute also is interested in supporting the development and testing of curricula on issues of critical importance to the courts, including those listed in the other Special Interest categories described in this Chapter, and the following:

- Materials and curricula for appellate, trial, and juvenile and family court judges addressing adolescent and youth development, including the role and impact of youth culture (cults and gangs), and the impact that exposure to violence at home, in school, and in the community has on children;
- The specific knowledge and skills needed to manage drug court programs for adults, juveniles, or families;
- Federal and State environmental laws and the effect those laws have on trial and appellate court processes in the impacted jurisdictions; and
- Training to enhance the ability of court personnel to protect their safety and that of jurors, litigants, witnesses, and other members of the public in court facilities, and in managing cases involving individuals or organizations unwilling to cooperate with legal or administrative procedures.

(2) *Curriculum Adaptation Projects.* The Board is reserving up to $200,000 to support projects that adapt a model curriculum previously developed with SJI funds and to pilot-test it to determine its appropriateness, quality, and effectiveness for inclusion in the jurisdiction's judicial branch education program. An illustrative but non-inclusive list of the curricula that may be appropriate for adaptation is contained in Appendix E.

The goal of the Curriculum Adaptation program is to provide State and local courts with sufficient support to modify a model curriculum, course module, or national or regional conference program developed with SJI funds to meet a particular State's or local jurisdiction's educational needs; pilot-test it to determine its appropriateness, quality, and effectiveness; and train instructors to present portions or all of the curriculum. It is anticipated that the adapted curriculum will become part of the grantee's ongoing educational offerings.

Only State or local courts may apply for Curriculum Adaptation funding. Application procedures may be found in Section VII.E.

(3) *Scholarships for Judges and Court Personnel.* The Institute is reserving up to $200,000 to support a scholarship program for State judges and court managers. The purposes of the Institute scholarship program are to:

- Enhance the skills, knowledge, and abilities of judges and court managers;
- Enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and
- Provide States, judicial educators, and the Institute with evaluative information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an out-of-State educational program within the United States. Application procedures may be found in Section VII.F.

c. Dispute Resolution and the Courts

This category includes research, evaluation, and demonstration projects to evaluate or enhance the effectiveness of court-connected dispute resolution programs. The Institute is interested in projects that facilitate comparison among research studies by using similar measures and definitions; address the nature and operation of ADR programs within the context of the court system as a whole; and compare dispute resolution processes to attorney settlement as well as trial. Specific topics of interest include:

- Examining the timing for referrals to dispute resolution services, and the effect of different referral methods on case outcomes and time to disposition;
- Evaluating innovative court-connected dispute resolution programs for resolving complex and multi-party litigation, environmental hazards, managed health care, minor criminal cases, probate proceedings, and land-use disputes;
- Testing innovative approaches involving community partnerships, particularly in the contexts of juvenile and restorative justice, and examining the benefits such partnerships offer in ensuring the quality of dispute resolution programs;
- Evaluating innovative applications of technology to facilitate dispute resolution processes; and
- Developing methods to eliminate race, ethnic, or gender bias in court-connected dispute resolution programs, testing approaches for assuring that such programs are open to all members of the community served by the court, and assessing whether having a mediator pool that reflects the diversity of the community it serves has an impact on the use of mediation by minorities and its effectiveness.

Applicants should be aware that the Institute will not provide operational support for ongoing ADR programs or start-up costs of non-innovative ADR programs. Courts also should be advised that it is preferable for an applicant to use its own funds to support the operational costs of an innovative program and request Institute funds to support related technical assistance, training, and evaluation elements of the program.

d. Application of Technology

This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels.

The Institute seeks to support local experiments with promising but untested applications of technology in the courts that include an evaluation of the impact of the technology in terms of costs, benefits, and staff workload, and a training component to assure that staff is appropriately educated about the purpose and use of the new technology. In this context, ''untested'' includes novel applications of technology developed for the private sector that have not previously been applied to the courts.

The Institute is particularly interested in supporting efforts to:

- Test and evaluate technologies that, if successfully implemented, would significantly re-engineer the way that courts currently do business;
- Develop and test standards governing electronic access to court records by the public;
- Evaluate approaches for electronically filing pleadings, briefs, and other documents; approaches to integrate electronic filing and electronic document management; and the impact of electronic court record systems on case management and court procedures;
- Develop model rules or standards to govern the use of electronic filing and electronic court records;
- Test innovative applications of voice recognition in the adjudication process;
- Demonstrate and evaluate the use of technology to assist judicial decisionmaking;
- Evaluate the use of digital audio and video technology in making a record of court proceedings;
- Demonstrate and evaluate the use of videoconferencing technology to present testimony by witnesses in remote locations, and appellate arguments (but see the limitations specified below);
- Test and evaluate the effectiveness of automated systems that would enable

courts and other justice agencies to measure their performance with respect to internal processes and customer service against benchmarks and strategic goals;

• Assess the impact of the use of multimedia CD–ROM-based briefs on the courts, parties, counsel, and the trial or appellate process; and

• Evaluate innovative applications of technology designed to prevent courthouse incidents that endanger the lives and property of judges, court personnel, and courtroom participants.

Ordinarily, the Institute will not provide support for the purchase of equipment or software to implement a technology that is commonly used by courts, such as videoconferencing between courts and jails, optical imaging for recordkeeping, and automated management information systems. (See also section X.I.2.b. regarding other limits on the use of grant funds to purchase equipment and software.)

e. Court Planning, Management, Financing

The Institute is interested in supporting projects that explore emerging issues that will affect the State courts as they enter the 21st Century, as well as projects that develop and test innovative and collaborative problem-solving approaches for managing the courts; for securing, managing, and demonstrating the effective use of the resources required to fully meet the responsibilities of the judicial branch; and for institutionalizing long-range planning processes. In particular, the Institute is interested in demonstration, evaluation, education, research, and technical assistance projects to:

• Facilitate collaboration, communication, information-sharing, and coordination between the juvenile and criminal courts, between courts and criminal justice agencies, and between courts and court users;

• Identify and assess the effects of collaborative problem-solving approaches designed to assure quality services to court users;

• Strengthen judge and court manager skills in leadership, collaborative planning, case management, facilitation, and human resource development;

• Assess the effects of innovative management approaches designed to assure quality services to court users;

• Enhance the core competencies required of court managers and staff;

• Document and evaluate effective intergovernmental team-building, collaboration, and planning among the judicial, executive, and legislative branches of government, or courts within a metropolitan area or multi-State region;

• Facilitate, demonstrate, and assess the effective use of judge-staff teams for implementing change and encouraging excellence in court operations; and

• Prevent harassment, threats, and incidents endangering the lives and property of judges, court employees, jurors, litigants, witnesses, and other members of the public in court facilities.

f. Substance Abuse

This category includes education, technical assistance, research, and evaluation projects to assist courts in handling a large volume of substance abuse-related criminal, civil, juvenile, and domestic relations cases fairly and expeditiously. (It does not include providing support for planning, establishing, operating, or enhancing a local drug court. Applicants interested in obtaining grants to plan, implement, operate, or enhance a drug court program should contact the Drug Court Program Office, Office of Justice Programs, U.S. Department of Justice.)

The Institute is particularly interested in projects to:

• Identify and test innovative methods to provide appropriate drug treatment and services to juveniles transferred to adult criminal court;

• Evaluate the effectiveness of ''family drug court'' programs (i.e., specialized calendars that provide intensely supervised, court-enforced substance abuse treatment and other services to families involved in child neglect, child abuse, domestic violence, or other family cases);

• Document public sector and private sector managed care programs that effectively provide court-ordered treatment and other services to adults and juveniles; and

• Develop and test State, regional, and local educational programs for judges and court staff on the implications of managed care for the provision of drug and alcohol treatment, mental health treatment, and other services to adult and juvenile offenders, neglected and abused children and their families, and persons subject to civil commitment.

g. Children and Families in Court

This category includes education, demonstration, evaluation, technical assistance, and research projects to identify and inform judges of innovative, effective approaches for handling cases involving children and families. The Institute is particularly interested in projects to:

• Develop and test guidelines, curricula, and other materials for judges that address the implications of sentencing juveniles as adults, including the need for age-appropriate services like schooling, sentencing alternatives and guidelines, and pre-trial services;

• Develop and test materials, strategies, and methods to facilitate implementation of the judicial requirements of the Adoption and Safe Families Act (ASFA);

• Develop and test collaborative approaches involving community agencies and members of the public to improve policies, procedures, rules, laws and services that affect families involved with the courts;

• Develop and test innovative protocol, procedures, educational programs, and other measures to determine and address the service needs of children exposed to family violence and the methods for mitigating those effects when issuing protection, custody, visitation, or other orders;

• Develop guidelines and materials to assist judges and other court officers and personnel in critically analyzing psychological evaluations of children and the credibility of clinical experts, their reports, and methods of evaluating children;

• Compile and distribute information about innovative and successful approaches to sentencing and treatment alternatives for serious youthful offenders;

• Develop and test restorative justice approaches that include victims of offenses committed by youthful offenders in the juvenile court process (other than victim-offender mediation programs);

• Create and test educational programs, guidelines, and monitoring systems to assure that the juvenile justice system meets the needs of girls and children of color;

• Develop and test innovative techniques for enhancing collaboration, communication, information-sharing, and coordination of juvenile and criminal courts and divisions;

• Design or evaluate information systems that not only provide aggregate data, but also are able to track individual cases, individual juveniles, and specific families, so that judges and court managers can manage their caseloads effectively, track placement and service delivery, and coordinate orders in different proceedings involving members of the same family; and

• Develop and test educational programs to assure that everyone coming into contact with courts serving children and families is treated with dignity, respect, and courtesy.

h. Improving the Courts' Response to Domestic Violence

This category includes innovative education, demonstration, technical assistance, evaluation, and research projects to improve the fair and effective processing, consideration, and disposition of cases concerning domestic violence and gender-related violent crimes, including projects to:

- Strengthen judges' skills in leadership, collaborative planning, and facilitation of community efforts to reduce and prevent domestic violence;
- Train custody evaluators, guardians ad litem, and other independent professionals appearing in custody and visitation cases about domestic violence and the impact witnessing such violence has on children;
- Coordinate juvenile, family, and criminal court management of domestic violence cases;
- Evaluate the effectiveness of domestic violence courts (*i.e.,* specialized calendars or divisions for considering domestic violence cases and related matters), including their impact on victims, offenders, and court operations;
- Develop guidelines, curricula, or other materials that address the appropriate role of probation in monitoring domestic violence offenders;
- Assess the effectiveness of including jurisdiction over family violence in a unified family court;
- Demonstrate effective ways to encourage collaboration among courts, criminal justice agencies, and social services programs in responding to domestic violence and gender-related crimes of violence, and to assure that the courts are fully accessible to victims of domestic violence and other gender-related violent crimes;
- Develop and test methods for facilitating recognition and enforcement of protection orders issued by a State, Federal, or tribal court in another jurisdiction;
- Determine the effective use of information contained in protection order files stored in court electronic databases, consistent with the protection of the privacy and safety of victims of violence;
- Test the effectiveness of innovative sentencing and treatment approaches in cases involving domestic violence and other gender-related crimes, including sentences that incorporate regular or periodic judicial review or restorative justice measures; and
- Implement recommendations or action plans addressing the co-occurrence of domestic violence and child maltreatment that stem from the conference on Domestic Violence and Child Maltreatment—co-sponsored by SJI, the Department of Health and Human Services, and the Ford Foundation—to be held September 29–30, 2000, in Jackson, Wyoming.

Institute funds may not be used to provide operational support to programs offering direct services or compensation to victims of crimes. (Applicants interested in obtaining such operational support should contact the Office for Victims of Crime (OVC), Office of Justice Programs, U.S. Department of Justice, or the agency in their State that awards OVC funds to State and local victim assistance and compensation programs.)

i. The Relationship Between State and Federal Courts

This category includes education, research, demonstration, and evaluation projects designed to facilitate appropriate and effective communication, cooperation, and coordination between State and Federal courts. The Institute is particularly interested in innovative projects that:

(1) Develop and test curricula and disseminate information regarding effective methods being used at the trial court, State, and Circuit levels to coordinate cases and administrative activities, and share facilities; and

(2) Develop and test new approaches to:

(a) Implement the habeas corpus provisions of the Anti-Terrorism Act of 1996;

(b) Coordinate and process mass tort cases fairly and efficiently at the trial and appellate levels;

(c) Handle capital habeas corpus cases fairly and efficiently; and

(d) Share facilities, jury pools, alternative dispute resolution programs, information regarding persons on pretrial release or probation, and court services; and

(3) Involve judges in any systemic effort to examine the efficacy, fairness, and speed of capital litigation.

C. ''Think Pieces''

This category addresses the development of essays of publishable quality directed to the court community. The essays should explore emerging issues that could result in significant changes in court process or judicial administration and their implications for the future for judges, court managers, policy-makers, and the public. Grants supporting such projects are limited to no more than $10,000. Applicants should follow the procedures for concept papers requesting an accelerated award of a grant of less than $40,000, which are explained in Section VI.A.3.(b) of this Guideline.

Possible topics include, but are not limited to:

- The impact of the ''digital divide'' on pro se litigants who do not have access to computers, particularly as it relates to increasing electronic access to court documents and placing court services and processes on-line;
- The implications for determining court jurisdiction in a cyberworld that may transcend State and national or other boundaries;
- An examination of the implications of cybercrime on the courts as potential victims suffering violations of privacy, security, and confidentiality;
- The implications of increasing commerce via the Internet for the State courts, including unique problems that may arise and the new rules and procedures that may be needed to address them;
- An exploration of issues related to privacy, data security, and public access to court records in our increasingly technological society;
- The potential for the creation of ''cybercourts'' through the use of the Internet—a ''courthouseless court'' instead of a paperless court—and how the courts would have to be re-engineered to accommodate such a development;
- The implications of changing expectations about the proper role of judges—from adjudicators to problem-solvers—on court procedures, court operations, and judicial selection; and
- The potential use of local court advisory councils rooted in the community as a method of promoting public trust and confidence in the court.

D. Single Jurisdiction Projects

The Board will set aside up to $300,000 to support projects proposed by State or local courts that address the needs of only the applicant State or local jurisdiction. A project under this section may address any of the topics included in the Special Interest Categories or Statutory Program Areas, but it need not be innovative. The Board is particularly interested in supporting projects to replicate programs, procedures, or strategies that have been developed, demonstrated, or evaluated through an SJI grant. An evaluation component is not required if a grant is awarded to replicate another successful SJI project; however, grants to support replications are subject to the same limits on amount and duration as other project grants. (See section V.) Ordinarily, the Institute will not provide support solely for the purchase of equipment or software.

Concept papers for single jurisdiction projects may be submitted by a State court system, an appellate court, or a limited or general jurisdiction trial court. All awards under this category are subject to the matching requirements set forth in sections III.O. and IX.A.8.a.

The application procedures for Single Jurisdiction grants are the same as the procedures for Project Grants (see section VII.A); however, in addition to the information presented in the program narrative, Single Jurisdiction grant applicants must also demonstrate that:

1. The proposed project is essential to meeting a critical need of the jurisdiction; and

2. The need cannot be met solely with State and local resources within the foreseeable future.

E. Technical Assistance Grants

The Board will set aside up to $400,000 to support the provision of technical assistance to State and local courts. The program is designed to provide State and local courts with sufficient support to obtain technical assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. The Institute will reserve sufficient funds each quarter to assure the availability of technical assistance grants throughout the year.

Technical Assistance grants are limited to no more than $30,000 each, and may cover the cost of obtaining the services of expert consultants; travel by a team of officials from one court to examine a practice, program, or facility in another jurisdiction that the applicant court is interested in replicating; or both. Technical assistance grant funds ordinarily may not be used to support production of a videotape. Normally, the technical assistance must be completed within 12 months after the start-date of the grant.

Only a State or local court may apply for a Technical Assistance grant. The application procedures may be found in section VII.D.

III. Definitions

The following definitions apply for the purposes of this Guideline:

A. Accelerated Award

A grant of up to $40,000 awarded on the basis of a concept paper (including a budget and budget narrative) when the need for and benefits of the proposed project are clear and an application would not be needed to provide additional information about the project's methodology and budget. See section VI.C.1. for more information about accelerated awards.

B. Acknowledgment of SJI Support

The prominent display of the SJI logo on the front cover of a written product or in the opening frames of a videotape developed with Institute support, and inclusion of a brief statement on the inside front cover or title page of the document or the opening frames of the videotape identifying the grant number. See section IX.A.11.a.(2) for the precise wording of the statement.

C. Application

A formal request for an Institute grant that is invited by the Board of Directors after approval of a concept paper. A complete application consists of: Form A—Application; Form B—Certificate of State Approval (for applications from local trial or appellate courts or agencies—see Appendix H); Form C—Project Budget/Tabular Format or Form C1—Project Budget/Spreadsheet Format; Form D—Assurances; Disclosure of Lobbying Activities; a detailed 25-page description of the need for the project and all related tasks, including the time frame for completion of each task, and staffing requirements; and a detailed budget narrative that provides the basis for all costs.

See section VII. for a complete description of application submission requirements.

D. Close-Out

The process by which the Institute determines that all applicable administrative and financial actions and all required grant work have been completed by both the grantee and the Institute.

E. Concept Paper

A proposal of no more than eight double-spaced pages that outlines the nature and scope of a project that would be supported with State Justice Institute funds, accompanied by a preliminary budget. See section VI. for a complete description of concept paper submission requirements.

F. Continuation Grant

A grant lasting no longer than 15 months to permit completion of activities initiated under an existing Institute grant or enhancement of the products or services produced during the prior grant period. See section VII.B for a complete description of continuation application requirements.

G. Curriculum

The materials needed to replicate an education or training program developed with grant funds including, but not limited to: The learning objectives; the presentation methods; a sample agenda or schedule; an outline of presentations and relevant instructors' notes; copies of overhead transparencies or other visual aids; exercises, case studies, hypotheticals, quizzes, and other materials for involving the participants; background materials for participants; evaluation forms; and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty.

H. Curriculum Adaptation Grant

A grant of up to $20,000 to support an adaptation and pilot test of an educational program previously developed with SJI funds. See section VII.E. for a complete description of curriculum grant application requirements.

I. Designated Agency or Council

The office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer, and be accountable for those funds.

J. Disclaimer

A brief statement that must be included at the beginning of a document or in the opening frames of a videotape produced with State Justice Institute funding that specifies that the points of view expressed in the document or tape do not necessarily represent the official position or policies of the Institute. See section IX.A.11.a.(2) for the precise wording of this statement.

K. Grant Adjustment

A change in the design or scope of a project from that described in the approved application, acknowledged in writing by the Institute. See section XI.A. for a list of the types of changes requiring a formal grant adjustment. Ordinarily, changes requiring a Grant Adjustment (including budget reallocations between direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget) should be requested at least 30 days in advance of the implementation of the requested change.

L. Grantee

The organization, entity, or individual to which an award of Institute funds is made. For a grant based on an application from a State or local court,

grantee refers to the State Supreme Court or its designee.

M. Human Subjects

Individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique.

N. Institute

The State Justice Institute.

O. Match

The portion of project costs not borne by the Institute. Courts or other units of State or local government (not including publicly supported institutions of higher education) must provide a match from private or public sources of not less than 50% of the total amount of the Institute's award. 42 U.S.C. 10705(d). Match includes both in-kind and cash contributions. Cash match is the direct outlay of funds by the grantee to support the project. In-kind match consists of contributions of time, services, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project. Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of the Institute, match may be incurred from the date of the Board of Directors' approval of an award. Match does not include project-related income such as tuition or revenue from the sale of grant products, or the time of participants attending an education program. Amounts contributed as cash or in-kind match must be reported quarterly in the same manner as grant funds on the Institute's Financial Status Report. Cash or in-kind match may not be recovered through the sale of grant products during or following the grant period.

P. Ongoing Support Grant

A grant lasting 36 months to support a project that is national in scope and that provides the State courts with services, programs or products for which there is a continuing important need. See section VII.C. for a complete description of ongoing support application requirements.

Q. Products

Tangible materials resulting from funded projects including, but not limited to: Curricula; monographs; reports; books; articles; manuals; handbooks; benchbooks; guidelines; videotapes; audiotapes; computer software; and CD–ROM disks.

R. Project Grant

An initial grant lasting up to 15 months to support an innovative education, research, demonstration, or technical assistance project that can improve the administration of justice in State courts nationwide. Ordinarily, a project grant may not exceed $200,000 a year; however, a grant in excess of $150,000 is likely to be rare and awarded only to support highly promising projects that will have a significant national impact. See section VII.A. for a complete description of project grant application requirements.

S. Project-Related Income

Interest, royalties, registration and tuition fees, proceeds from the sale of products, and other earnings generated as a result of a State Justice Institute grant. Project-related income must be used to offset project year-to-date expenses and may not be counted as match. For a more complete description of different types of project-related income, see section X.G.

T. Scholarship

A grant of up to $1,500 awarded to a judge or court employee to cover the cost of tuition for and transportation to and from an out-of-State educational program within the United States. See section VII.F. for a complete description of scholarship application requirements.

U. Single Jurisdiction Project Grant

A grant that addresses a critical but not necessarily innovative need of a single State or local jurisdiction that cannot be met solely with State and/or local resources within the foreseeable future. See section II.D. for a description of single jurisdiction projects and sections VI. and VII.A. for a complete description of single jurisdiction project application requirements.

V. Special Condition

A requirement attached to a grant award that is unique to a particular project.

W. State Supreme Court

The highest appellate court in a State, or, for the purposes of the Institute program, a constitutionally or legislatively established judicial council that acts in place of that court. In States having more than one court with final appellate authority, *State Supreme Court* means that court which also has administrative responsibility for the State's judicial system. *State Supreme Court* also includes the office of the court or council, if any, it designates to perform the functions described in this Guideline.

X. Subgrantee

A State or local court which receives Institute funds through the State Supreme Court.

Y. Technical Assistance Grant

A grant, lasting up to 12 months, of up to $30,000 to a State or local court to support outside expert assistance in diagnosing a problem and developing and implementing a response to that problem. See section VII.D. for a complete description of technical assistance grant application requirements.

IV. Eligibility for Award

The Institute is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

A. *State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).* Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court or its designated agency or council. The latter shall receive all Institute funds awarded to such courts and be responsible for assuring proper administration of Institute funds, in accordance with section X.C.2. of this Guideline. A list of persons to contact in each State regarding approval of applications from State and local courts and administration of Institute grants to those courts is contained in Appendix C.

B. *National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705(b)(1)(B)).*

C. *National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)).* An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:

1. the principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and

2. the applicant demonstrates a record of substantial experience in the field of judicial education and training.

D. *Other eligible grant recipients (42 U.S.C. 10705(b)(2)(A)–(D)).*

1. Provided that the objectives of the project can be served better, the Institute is also authorized to make awards to:

a. Nonprofit organizations with expertise in judicial administration;

b. Institutions of higher education;

c. Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees); and

d. Private agencies with expertise in judicial administration.

2. The Institute may also make awards to Federal, State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

E. *Inter-agency Agreements.* The Institute may enter into inter-agency agreements with Federal agencies (42 U.S.C. 10705(b)(4)) and private funders to support projects consistent with the purposes of the State Justice Institute Act.

V. Types of Projects and Grants; Size of Awards

A. Types of Projects

The Institute supports the following general types of projects:

1. Education and training;

2. Research and evaluation;

3. Demonstration; and

4. Technical assistance.

B. Types of Grants

The Institute supports the following types of grants:

1. Project Grants.

See sections II.B. and D., VI., and VII.A. The Institute places no annual limitations on the overall number of project grant awards or the number of awards in each special interest category.

2. Continuation Grants.

See sections III.F. and VII.B. In FY 2001, the Institute is allocating no more than 25% of available grant funds for continuation and ongoing support grants.

3. Ongoing Support Grants.

See sections III.P. and VII.C. See Continuation Grants above for limitations on funding availability in FY 2001.

4. Technical Assistance Grants.

See section II.E. In FY 2001, the Institute is reserving up to $400,000 for these grants.

5. Curriculum Adaptation Grants.

See sections II.B.2.b.(2), III.G., and VII.E. In FY 2001, the Institute is reserving up to $200,000 for adaptations of curricula previously developed with SJI funding.

6. Scholarships.

See section II.B.2.b.(3), III.T, and VII.F. In FY 2001, the Institute is reserving up to $200,000 for scholarships for judges and court employees. The Institute will reserve sufficient funds each quarter to assure the availability of scholarships throughout the year.

C. Maximum Size of Awards

1. Except as specified below, applicants for new project grants and continuation grants may request funding in amounts up to $200,000 for 15 months, although new and continuation awards in excess of $150,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

2. Applicants for ongoing support grants may request funding in amounts up to $600,000 over three years, although awards in excess of $450,000 are likely to be rare. The Institute will ordinarily release funds for the second and third years of ongoing support grants on the following conditions: (1) The project is performing satisfactorily; (2) appropriations are available to support the project that fiscal year; and (3) the Board of Directors determines that the project continues to fall within the Institute's priorities.

3. Applicants for technical assistance grants may request funding in amounts up to $30,000.

4. Applicants for curriculum adaptation grants may request funding in amounts up to $20,000.

5. Applicants for scholarships may request funding in amounts up to $1,500.

D. Length of Grant Periods

1. Grant periods for all new and continuation projects ordinarily may not exceed 15 months.

2. Grant periods for ongoing support grants ordinarily may not exceed 36 months.

3. Grant periods for technical assistance grants and curriculum adaptation grants ordinarily may not exceed 12 months.

VI. Concept Papers

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers also permits the Institute to better project the nature and amount of grant awards. The concept paper requirement and the submission deadlines for concept papers and applications may be waived by the Executive Director for good cause (*e.g.,* the proposed project could provide a significant benefit to the State courts or the opportunity to conduct the project did not arise until after the deadline).

A. Format and Content

All concept papers must include a cover sheet, a program narrative, and a preliminary budget.

1. The Cover Sheet

The cover sheet for all concept papers must contain:

a. A title that clearly describes the proposed project;

b. The name and address of the court, organization, or individual submitting the paper;

c. The name, title, address (if different from that in b.), and telephone number of a contact person who can provide further information about the paper;

d. The letter of the Special Interest Category (see section II.B.2.) or the number of the statutory Program Area (see section II.A.) that the proposed project addresses most directly; and

e. The estimated length of the proposed project.

Applicants requesting the Board to waive the application requirement and approve a grant of less than $40,000 based on the concept paper should add APPLICATION WAIVER REQUESTED to the information on the cover page.

2. The Program Narrative

The program narrative of a concept paper should be no longer than necessary, but must not exceed 8 double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch and type size must be at least 12 point and 12 cpi. The pages should be numbered. The narrative should describe:

a. *Why is this project needed and how would it benefit State courts?* If the project is to be conducted in a specific location(s), applicants should discuss the particular needs of the project site(s) to be addressed by the project, why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources, and the benefits that would be realized by the proposed site(s).

If the project is not site-specific, applicants should discuss the problems that the proposed project would address, why existing materials, programs, procedures, services, or other resources cannot adequately resolve those problems, and the benefits that would be realized from the project by State courts generally.

b. *What would be done if a grant is awarded?* Applicants should include a summary description of the project to be conducted and the approach to be taken, including the anticipated length of the

grant period. Applicants requesting a waiver of the application requirement for a grant of less than $40,000 should explain the proposed methods for conducting the project as fully as space allows, and include a detailed task schedule as an attachment to the concept paper.

c. *How would the effects and quality of the project be determined?* Applicants should include a summary description of how the project would be evaluated, including the criteria that would be used to measure its success or impact.

d. *How would others find out about the project and be able to use the results?* Applicants should describe the products that would result, the degree to which they would be applicable to courts across the nation, and to whom the products and results of the project would be disseminated in addition to the SJI-designated libraries (*e.g.,* State chief justices, specified groups of trial judges, State court administrators, specified groups of trial court administrators, State judicial educators, or other audiences). Applicants proposing to develop web-based products should provide for sending a hard-copy document to the SJI-designated libraries and other appropriate audiences to alert them to the availability of the web site or electronic product (*e.g.,* a written report with a reference to the web site, a press release with the web site address and screens printed from the web site, etc.).

3. The Budget

a. *Preliminary Budget.* A preliminary budget must be attached to the narrative that includes the information specified on Form E included in Appendix G of this Guideline. Applicants should be aware that prior written Institute approval is required for any consultant rate in excess of $300 per day and that Institute funds may not be used to pay a consultant in excess of $900 per day.

b. *Concept Papers Requesting Accelerated Award of a Grant of Less than $40,000.* Applicants requesting a waiver of the application requirement and approval of a grant based on a concept paper under C. in this section must attach to Form E (see Appendix G) a budget narrative that explains the basis for each of the items listed and indicates whether the costs would be paid from grant funds, through a matching contribution, or from other sources. Courts requesting an accelerated award must also attach a Certificate of State Approval—Form B (Appendix H) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee.

4. Letters of Cooperation or Support

The Institute encourages concept paper applicants to attach letters of cooperation and support from the courts and related agencies that would be involved in or directly affected by the proposed project. Letters of support may be sent under separate cover; however, to ensure sufficient time to bring them to the Board's attention, support letters sent under separate cover must be received no later than January 5, 2001.

5. Page Limits

a. The Institute will not accept concept papers with program narratives exceeding eight double-spaced pages (see A.2. of this section). This page limit does not include the cover page, budget form, letters of cooperation or support, or, for papers requesting accelerated awards, the budget narrative and task schedule. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

b. Applicants submitting more than one concept paper may include material that would be identical in each concept paper in a cover letter. This material will be incorporated by reference into each paper and counted against the eight-page limit for each. A copy of the cover letter should be attached to each copy of each concept paper.

6. Sample Concept Papers

Sample concept papers from previous funding cycles are available from the Institute upon request.

B. Submission Requirements

An original and three copies of all concept papers submitted for consideration in Fiscal Year 2001 must be sent by first class or overnight mail or by courier (but not by fax or e-mail) no later than November 22, 2000.

A postmark or courier receipt will constitute evidence of the submission date. All envelopes containing concept papers should be marked CONCEPT PAPER and sent to: State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314.

Receipt of each concept paper will be acknowledged by the Institute in writing. Extensions of the deadlines for submission of concept papers will not be granted.

C. Institute Review

1. Review Process

Concept papers will be reviewed competitively by the Institute's Board of Directors. Institute staff will prepare a narrative summary and a rating sheet assigning points for each relevant selection criterion for those concept papers which fall within the scope of the Institute's funding program and merit serious consideration by the Board. Staff will also prepare a list of those papers that, in the judgment of the Executive Director, propose projects that lie outside the scope of the Institute's program or are not likely to merit serious consideration by the Board. The narrative summaries, rating sheets, and list of non-reviewed papers will be presented to the Board for its review. Committees of the Board will review concept paper summaries within assigned program areas and prepare recommendations for the full Board. The full Board of Directors will then decide which concept paper applicants will be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

The Board may waive the application requirement and approve a grant based on a concept paper for a project requiring less than $40,000 when the need for and benefits of the project are clear and the methodology and budget require little additional explanation. Applicants considering whether to request consideration for an accelerated award should make certain that the proposed budget is sufficient to accomplish the project objectives in a quality manner. Because the Institute's experience has been that projects to conduct empirical research or a program evaluation ordinarily require a more thorough explanation of the methodology to be used than can be provided within the space limitations of a concept paper, the Board is unlikely to waive the application requirement for such projects.

2. Selection Criteria

a. All concept papers will be evaluated on the basis of the following criteria:

(1) The demonstration of need for the project;

(2) The soundness and innovativeness of the approach described;

(3) The benefits to be derived from the project;

(4) The reasonableness of the proposed budget;

(5) The proposed project's relationship to one of the ''Special Interest'' categories set forth in section II.B; and

(6) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

Single jurisdiction concept papers will be rated on the proposed project's relation to one of the ''Special Interest''

categories set forth in section II.B. and the special requirements listed in section II.D. and VII.A.

b. In determining which concept papers will be approved for award or selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's anticipated match; whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or another type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(b)), as amended, and section IV of this Grant Guideline); the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

3. Notification to Applicants

The Institute will send written notice to all persons submitting concept papers, informing them of the Board's decisions regarding their papers and of the key issues and questions that arose during the review process. A decision by the Board not to invite an application may not be appealed, but applicants may resubmit the concept paper or a revision thereof in a subsequent funding cycle. The Institute will also notify the relevant State contact (see Appendix C) when the Board invites applications submitted by courts within that State or that specify a participating site within that State.

VII. Applications

A. Project Grants

An application for a Project Grant must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances. The Institute will send the required application forms to applicants invited to submit a full application.

1. Forms

a. Application Form (FORM A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from the Institute. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

b. Certificate of State Approval (FORM B)

An application from a State or local court must include a copy of FORM B signed by the State's Chief Justice or Chief Judge, the director of the designated agency, or the head of the designated council. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. It denotes further that if funding for the project is approved by the Institute, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

c. Budget Forms (FORM C or C1)

Applicants may submit the proposed project budget either in the tabular format of FORM C or in the spreadsheet format of FORM C1. Applicants requesting $100,000 or more are strongly encouraged to use the spreadsheet format. If the proposed project period is for more than a year, a separate form should be submitted for each year or portion of a year for which grant support is requested, as well as for the total length of the project.

In addition to FORM C or C1, applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category. (See 4. below in this section.)

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

d. Assurances (FORM D)

This form lists the statutory, regulatory, and policy requirements with which recipients of Institute funds must comply.

e. Disclosure of Lobbying Activities

Applicants other than units of State or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. (See section IX.A.7.)

2. Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed 1 single-spaced page on 8½ by 11 inch paper.

3. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins must be at least 1 inch, and type size must be at least 12-point and 12 cpi. The pages should be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

a. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (*e.g.,* to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives (*e.g.,* provide training for 32 judges and court managers, or review data from 300 cases).

b. Program Areas To Be Covered

The applicant should note the Special Interest Category or Categories that are addressed by the proposed project (see section II.B.). If the proposed project does not fall within one of the Institute's Special Interest Categories, the applicant should list the Statutory Program Area or Areas that are addressed by the proposed project. (See section II.A.)

c. Need for the Project

If the project is to be conducted in a specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services, or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing materials, programs, procedures, services, or other resources cannot adequately resolve

those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

d. Tasks, Methods and Evaluation

(1) *Tasks and Methods.* The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

(a) *For research and evaluation projects,* the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to the human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

(b) *For education and training projects,* the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.

(c) *For demonstration projects,* the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they would be identified and their cooperation obtained; and how the program or procedures would be implemented and monitored.

(d) *For technical assistance projects,* the applicant should explain the types of assistance that would be provided; the particular issues and problems for which assistance would be provided; how requests would be obtained and the type of assistance determined; how suitable providers would be selected and briefed; how reports would be reviewed; and the cost to recipients.

(2) *Evaluation.* Every project design must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. In addition, where appropriate, the evaluation process should be designed to provide ongoing or periodic feedback on the effectiveness or utility of the project in order to promote its continuing improvement. The plan should present the qualifications of the evaluator(s); describe the criteria that would be used to evaluate the project's effectiveness in meeting its objectives; explain how the evaluation would be conducted, including the specific data collection and analysis techniques to be used; discuss why this approach would be appropriate; and present a schedule for completion of the evaluation within the proposed project period.

The evaluation plan should be appropriate to the type of project proposed. For example:

(a) *Research.* An evaluation approach suited to many research projects is a review by an advisory panel of the research methodology, data collection instruments, preliminary analyses, and products as they are drafted. The panel should be comprised of independent researchers and practitioners representing the perspectives affected by the proposed project.

(b) *Education and Training.* The most valuable approaches to evaluating educational or training programs reinforce the participants' learning experience while providing useful feedback on the impact of the program and possible areas for improvement. One appropriate evaluation approach is to assess the acquisition of new knowledge, skills, attitudes or understanding through participant feedback on the seminar or training event. Such feedback might include a self-assessment on what was learned along with the participant's response to the quality and effectiveness of faculty presentations, the format of sessions, the value or usefulness of the material presented, and other relevant factors. Another appropriate approach would be to use an independent observer who might request both verbal and written responses from participants in the program. When an education project involves the development of curricular materials, an advisory panel of relevant experts can be coupled with a test of the curriculum to obtain the reactions of participants and faculty as indicated above.

(c) *Demonstration.* The evaluation plan for a demonstration project should encompass an assessment of program effectiveness (*e.g.,* how well did it work?); user satisfaction, if appropriate; the cost-effectiveness of the program; a process analysis of the program (*e.g.,* was the program implemented as designed, and/or did it provide the services intended to the targeted population?); the impact of the program (*e.g.,* what effect did the program have on the court, and/or what benefits resulted from the program?); and the replicability of the program or components of the program.

(d) *Technical Assistance.* For technical assistance projects, applicants should explain how the quality, timeliness, and impact of the assistance provided would be determined, and develop a mechanism for feedback from both the users and providers of the technical assistance.

Evaluation plans involving human subjects should include a discussion of the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of evaluation but would be affected by it. Other than the provision of confidentiality to respondents, human subject protection issues ordinarily are not applicable to participants evaluating an education program.

e. Project Management

The applicant should present a detailed management plan, including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (*i.e.,* no later than January 30, April 30, July 30, and October 30).

Applicants should be aware that the Institute is unlikely to approve more than one limited extension of the grant

period. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

f. Products

The program narrative in the application should contain a description of the products to be developed (*e.g.,* training curricula and materials, videotapes, articles, manuals, or handbooks), including when they would be submitted to the Institute. The budget should include the cost of producing and disseminating the product to each in-State SJI library, State chief justice, State court administrator, and other judges or court personnel.

(1) *Dissemination Plan.* The application must explain how and to whom the products would be disseminated; describe how they would benefit the State courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant would be offered to the courts community and the public at large (*i.e.,* whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). (See section IX.A.11.b.) Ordinarily, applicants should schedule all product preparation and distribution activities within the project period.

A copy of each product must be sent to the library established in each State to collect the materials developed with Institute support. (A list of these libraries is contained in Appendix D.) Applicants proposing to develop web-based products should provide for sending a hard-copy document to the SJI-designated libraries and other appropriate audiences to alert them to the availability of the web site or electronic product (*e.g.,* a written report with a reference to the web site, a press release with the web site address and screens printed from the web site, etc.).

Seventeen (17) copies of all project products must be submitted to the Institute. A master copy of each videotape, in addition to 17 copies of each videotape product, must also be provided to the Institute.

(2) *Types of Products and Press Releases.* The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period. (See section IX.A.14.a.).

The curricula and other products developed by education and training projects should be designed for use outside the classroom so that they may be used again by original participants and others in the course of their duties.

In addition, recipients of project grants must prepare a press release describing the project and announcing the results, and distribute the release to a list of national and State judicial branch organizations. SJI will provide press release guidelines and a list of recipients to grantees at least 30 days before the end of the grant period.

(3) *Institute Review.* Applicants must submit a final draft of all written grant products to the Institute for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in a videotape or CD–ROM format, applicants must provide for incremental Institute review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of the Institute. (See section IX.A.11.e.)

(4) *Acknowledgment, Disclaimer, and Logo.* Applicants must also include in all project products a prominent acknowledgment that support was received from the Institute and a disclaimer paragraph based on the example provided in section IX.A.11.a.(2) of the Guideline. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video, unless the Institute approves another placement.

g. Applicant Status

An applicant that is not a State or local court and has not received a grant from the Institute within the past two years should state whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. If the applicant is a nonjudicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

h. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the finances of the proposed project.

i. Organizational Capacity

Applicants that have not received a grant from the Institute within the past two years should include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from the Institute within the past two years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, ''current'' means no earlier than two years prior to the present calendar year.

If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be signed by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

j. Statement of Lobbying Activities

Non-governmental applicants must submit the Institute's Disclosure of Lobbying Activities Form, which documents whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on

any issue, and identifies the specific subjects of their lobbying efforts.

k. Letters of Cooperation or Support

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. To ensure sufficient time to bring them to the Board's attention, letters of support sent under separate cover must be received no more than 30 days after the deadline for mailing the application.

4. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. When the proposed project would be partially supported by grants from other funding sources, applicants should make clear what costs would be covered by those other grants. Additional background or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation. Under OMB grant guidelines incorporated by reference in this Guideline, grant funds may not be used to purchase alcoholic beverages.

a. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. If grant funds are requested to pay the salary and related costs for a current employee of a court or other unit of government, the applicant should explain why this would not constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706 (d)(1). An acceptable explanation may be that the position to be filled is a new one established in conjunction with the project or that the grant funds would support only the portion of the employee's time that would be dedicated to new or additional duties related to the project.

b. Fringe Benefit Computation

The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

c. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section X.I.2.c. Honorarium payments must be justified in the same manner as other consultant payments. Prior written Institute approval is required for any consultant rate in excess of $300 per day; Institute funds may not be used to pay a consultant more than $900 per day.

d. Travel

Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the Institute or the Federal Government. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.

e. Equipment

Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. Equipment purchases to support basic court operations ordinarily will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section X.I.2.b.

f. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

g. Construction

Construction expenses are prohibited except for the limited purposes set forth in section IX.A.16.b. Any allowable construction or renovation expense should be described in detail in the budget narrative.

h. Telephone

Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative. Also, applicants should provide the basis used to calculate the monthly and long distance estimates.

i. Postage

Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage estimates should be included in the budget narrative.

j. Printing/Photocopying

Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.

k. Indirect Costs

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. These rates must be established in accordance with section X.I.4. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement should be attached to the application.

l. Match

The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project

should be described in this section of the budget narrative as well. If in-kind match is to be provided, the applicant should describe how the amount and value of the time, services, or materials actually contributed would be documented for audit purposes. Applicants should be aware that the time spent by participants in education courses does not qualify as in-kind match.

Applicants that do not contemplate making matching contributions continuously throughout the course of the project or on a task-by-task basis must provide a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions would be made. (See sections II.O., IX.A.8., and X.E.1.) Match must be reported quarterly in the same manner as grant funds on the Institute's Financial Status Report.

5. Submission Requirements

a. Every applicant must submit an original and four copies of the application package consisting of FORM A; FORM B, if the application is from a State or local court, or a Disclosure of Lobbying Form, if the applicant is not a unit of State or local government; the Budget Forms (either FORM C or C–1); the Application Abstract; the Program Narrative; the Budget Narrative; and any necessary appendices.

All applications invited by the Institute's Board of Directors must be sent by first class or overnight mail or by courier no later than April 25, 2001. A postmark or courier receipt will constitute evidence of the submission date. Please mark APPLICATION on the application package envelope and send it to: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

Receipt of each application will be acknowledged in writing. Extensions of the deadline for submission of applications will not be granted. See 3.k. above in this section for deadlines for letters of support.

b. Applicants submitting more than one application may include material that would be identical in each application in a cover letter. This material will be incorporated by reference into each application and counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of each application.

B. Continuation Grant Applications

1. Purpose and Scope

Continuation grants are intended to support projects with a limited duration that involve the same type of activities as the previous project. They are intended to enhance the specific program or service produced or established during the prior grant period. They may be used, for example, when a project is divided into two or more sequential phases, for secondary analysis of data obtained in an Institute-supported research project, or for more extensive testing of an innovative technology, procedure, or program developed with SJI grant support. Continuation grants should be distinguished from ongoing support grants, which are awarded to support critically needed long-term national scope projects. See C. below in this section.

The award of an initial grant to support a project does not constitute a commitment by the Institute to continue funding. For a project to be considered for continuation funding, the grantee must have completed all project tasks and met all grant requirements and conditions in a timely manner, absent extenuating circumstances or prior Institute approval of changes to the project design. Continuation grants are not intended to provide support for a project for which the grantee has underestimated the amount of time or funds needed to accomplish the project tasks.

2. Letters of Intent

In lieu of a concept paper, a grantee seeking a continuation grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for continued funding becomes apparent but no less than 120 days before the end of the current grant period.

a. A letter of intent must be no more than 3 single-spaced pages on 8½ by 11 inch paper and contain a concise but thorough explanation of the need for continuation; an estimate of the funds to be requested; and a brief description of anticipated changes in the scope, focus, or audience of the project.

b. Within 30 days after receiving a letter of intent, Institute staff will review the proposed activities for the next project period and inform the grantee of specific issues to be addressed in the continuation application and the date by which the application must be submitted.

3. Application Format

An application for a continuation grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in A.2. of this section, a program narrative, a budget narrative, a Certificate of State Approval—FORM B (Appendix H) if the applicant is a State or local court, a Disclosure of Lobbying Activities form (from applicants other than units of State or local government), and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in A.3. of this section. However, rather than the topics listed there, the program narrative of a continuation application should include:

a. *Project Objectives.* The applicant should clearly and concisely state what the continuation project is intended to accomplish.

b. *Need for Continuation.* The applicant should explain why continuation of the project is necessary to achieve the goals of the project, and how the continuation would benefit the participating courts or the courts community generally, by explaining, for example, how the original goals and objectives of the project would be unfulfilled if it were not continued; or how the value of the project would be enhanced by its continuation.

c. *Report of Current Project Activities.* The applicant should discuss the status of all activities conducted during the previous project period. Applicants should identify any activities that were not completed, and explain why.

d. *Evaluation Findings.* The applicant should present the key findings, impact, or recommendations resulting from the evaluation of the project, if available, and how they would be addressed during the proposed continuation. If the findings are not yet available, the applicant should provide the date by which they would be submitted to the Institute. Ordinarily, the Board will not consider an application for continuation funding until the Institute has received the evaluator's report.

e. *Tasks, Methods, Staff and Grantee Capability.* The applicant should fully describe any changes in the tasks to be performed, the methods to be used, the products of the project, and how and to whom those products would be disseminated, as well as any changes in the assigned staff or the grantee's organizational capacity. Applicants should include, in addition, the criteria and methods by which the proposed continuation project would be evaluated.

f. *Task Schedule.* The applicant should present a detailed task schedule and timeline for the next project period.

g. *Other Sources of Support.* The applicant should indicate why other sources of support would be inadequate, inappropriate, or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete budget and budget narrative conforming to the requirements set forth in A.4. in this section. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. In addition, the applicant should estimate the amount of grant funds that would remain unobligated at the end of the current grant period.

5. References to Previously Submitted Material

A continuation application should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements

The submission requirements set forth in A.5. in this section, other than the mailing deadline, apply to continuation applications.

C. Ongoing Support Grants

1. Purpose and Scope

Ongoing support grants are intended to support projects that are national in scope and provide the State courts with services, programs or products for which there is a continuing critical need. An ongoing support grant may also be used to fund longitudinal research that directly benefits the State courts. Ongoing support grants are subject to the limits on size and duration set forth in V.C.2. and V.D.2. The Board will consider awarding an ongoing support grant for a period of up to 36 months. The total amount of the grant will be fixed at the time of the initial award. Funds ordinarily will be made available in annual increments as specified in section V.C.2.

The award of an initial grant to support a project does not constitute a commitment by the Institute to provide ongoing support at the end of the original project period. A project is eligible for consideration for an ongoing support grant if:

a. The project is supported by and has been evaluated under a grant from the Institute;

b. The project is national in scope and provides a significant benefit to the State courts;

c. There is a continuing critical need for the services, programs or products provided by the project, indicated by the level of use and support by members of the court community;

d. The project is accomplishing its objectives in an effective and efficient manner; and

e. It is likely that the service or program provided by the project would be curtailed or significantly reduced without Institute support.

Each ongoing support application must include an evaluation component assessing its effectiveness and operation throughout the grant period. The evaluation should be independent but may be designed collaboratively by the evaluator and the grantee. The design should call for regular feedback from the evaluator to the grantee throughout the project period concerning recommendations for mid-course corrections or improvement of the project, as well as periodic reports to the Institute at relevant points in the project.

An interim evaluation report must be submitted 18 months into the 3-year grant period. The decision to release Institute funds to support the third year of the project will be based on the interim evaluation findings and the applicant's response to any deficiencies noted in the report, as well as the availability of appropriations and the project's consistency with the Institute's priorities.

A final evaluation assessing the effectiveness, operation of, and continuing need for the project must be submitted 90 days before the end of the 3-year project period. In addition, a detailed annual task schedule must be submitted not later than 45 days before the end of the first and second years of the grant period, along with an explanation of any necessary revisions in the projected costs for the remainder of the project period.

2. Letters of Intent

In lieu of a concept paper, an applicant seeking an ongoing support grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for continuing funding becomes apparent but no less than 120 days before the end of the current grant period. The letter of intent should be in the same format as that prescribed for continuation grants in B.2. of this section.

3. Format

An application for an ongoing support grant must include an application form; budget forms (with appropriate documentation); a Certificate of State Approval—FORM B (Appendix H) if the applicant is a State or local court; a Disclosure of Lobbying Activities form (from applicants other than units of State or local government); a project abstract conforming to the format set forth in A.2. of this section; a program narrative; a budget narrative; and any necessary appendices.

The program narrative should conform to the length and format requirements set forth in A.3. of this section; however, rather than the topics listed there, the program narrative of applications for ongoing support grants should address:

a. *Description of Need for and Benefits of the Project.* The applicant should provide a detailed discussion of the benefits provided by the project to State courts around the country, including the degree to which State courts, State court judges, or State court managers and personnel are using the services or programs provided by the project.

b. *Demonstration of Court Support.* The applicant should demonstrate support for the continuation of the project from the courts community.

c. *Report on Current Project Activities.* The applicant should discuss the extent to which the project has met its goals and objectives, identify any activities that have not been completed, and explain why they have not been completed.

d. *Evaluation Findings.* The applicant should attach a copy of the final evaluation report regarding the effectiveness, impact, and operation of the project, specify the key findings or recommendations resulting from the evaluation, and explain how they would be addressed during the next three years. Ordinarily, the Board will not consider an application for ongoing support until the Institute has received the evaluator's report.

e. *Objectives, Tasks, Methods, Staff and Grantee Capability.* The applicant should describe fully any changes in the objectives; tasks to be performed; the methods to be used; the products of the project; how and to whom those products would be disseminated; the assigned staff; and the grantee's organizational capacity. The grantee also should describe the steps it would take to obtain support from other sources for the continued operation of the project.

f. *Task Schedule.* The applicant should present a general schedule for the full proposed project period and a detailed task schedule for the first year of the proposed new project period.

g. *Other Sources of Support.* The applicant should describe what efforts it has taken to secure support for the project from other sources.

4. Budget and Budget Narrative

The applicant should provide a complete three-year budget and budget narrative conforming to the requirements set forth in A.4. of this section, and estimate the amount of grant funds that would remain unobligated at the end of the current grant period. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. A complete budget narrative should be provided for the full project as well as for each year, or portion of a year, for which grant support is requested. The budget should provide for realistic cost-of-living and staff salary increases over the course of the requested project period. Applicants should be aware that the Institute is unlikely to approve a supplemental budget increase for an ongoing support grant in the absence of well-documented, unanticipated factors that would clearly justify the requested increase.

5. References to Previously Submitted Material

An application for an ongoing support grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements

The submission requirements set forth in A.5. of this section, other than the mailing deadline, apply to applications for ongoing support grants.

D. Technical Assistance Grants

1. Purpose and Scope

Technical assistance grants are awarded to State and local courts to obtain the assistance of outside experts in diagnosing, developing, and implementing a response to a particular problem in a jurisdiction.

2. Application Procedures

In lieu of formal applications, applicants for Technical Assistance grants may submit, at any time, an original and three copies of a detailed letter describing the proposed project. Letters from an individual trial or appellate court must be signed by the presiding judge or manager of that court. Letters from the State court system must be signed by the Chief Justice or State Court Administrator.

3. Application Format

Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information:

a. *Need for Funding.* What is the critical need facing the court? How would the proposed technical assistance help the court meet this critical need? Why cannot State or local resources fully support the costs of the required consultant services?

b. *Project Description.* What tasks would the consultant be expected to perform, and how would they be accomplished? Which organization or individual would be hired to provide the assistance, and how was this consultant selected? If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant? (Applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services.) What is the time frame for completion of the technical assistance? How would the court oversee the project and provide guidance to the consultant, and who at the court would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, the applicant should provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time frame and for the proposed cost. The consultant must agree to submit a detailed written report to the court and the Institute upon completion of the technical assistance.

c. *Likelihood of Implementation.* What steps have been or would be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant would be needed to adopt the changes recommended by the consultant and approved by the court, how would they be involved in the review of the recommendations and development of the implementation plan?

d. *Support for the Project from the State Supreme Court or its Designated Agency or Council.* Written concurrence on the need for the technical assistance must be submitted. This concurrence may be a copy of SJI Form B (see Appendix H) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee, or a letter from the State Chief Justice or designee. The concurrence may be submitted with the applicant's letter or under separate cover prior to consideration of the application. The concurrence also must specify whether the State Supreme Court would receive, administer, and account for the grant funds, if awarded, or would designate the local court or a specified agency or council to receive the funds directly.

4. Budget and Matching State Contribution

A completed Form E, Preliminary Budget (see Appendix G) and budget narrative must be included with the letter requesting technical assistance. The estimated cost of the technical assistance services should be broken down into the categories listed on the budget form rather than aggregated under the Consultant/Contractual category. As with other awards to State or local courts, cash or in-kind match must be provided in an amount equal to at least 50% of the grant amount requested. Cash and in-kind matching contributions should be listed in the appropriate columns and categories on Form E.

The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs, if compensation of the consultant is required (*e.g.,* the number of days per task times the requested daily consultant rate). Applicants should be aware that consultant rates above $300 per day must be approved in advance by the Institute, and that no consultant will be paid more than $900 per day. In addition, the budget should provide for submission of two copies of the consultant's final report to the Institute.

Recipients of technical assistance grants do not have to submit an audit but must maintain appropriate documentation to support expenditures. (See IX.A.3.)

5. Submission Requirements

Letters of application may be submitted at any time; however, all of the letters received during a calendar quarter will be considered at one time. Applicants submitting letters between June 12 and September 29, 2000 will be notified of the Board's decision by December 8, 2000; those submitting letters between September 30, 2000 and January 12, 2001 will be notified by March 23, 2001; those submitting letters between January 13, 2001 and March 9, 2001 will be notified by May 11, 2001; and those submitting letters between

March 10, 2001 and June 8, 2001 will be notified by August 3, 2001. Applicants submitting letters between June 11 and September 28, 2001 will be notified of the Board's decision by December 14, 2001.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Support letters also may be submitted under separate cover; however, to ensure that there is sufficient time to bring them to the attention of the Board's Technical Assistance Committee, letters sent under separate cover must be received not less than three weeks prior to the Board meeting at which the technical assistance requests will be considered (*i.e.,* by October 20, 2000, and February 9, April 13, July 9, and October 26, 2001).

E. Curriculum Adaptation Grants

1. Purpose and Scope

Curriculum Adaptation grants are awarded to State and local courts to support replication or modification of a model training program originally developed with Institute funds. Ordinarily, the Institute will support the adaptation of a curriculum once (*i.e.,* with one grant) in a given State.

2. Application Procedures

In lieu of concept papers and formal applications, applicants should submit an original and three photocopies of a detailed letter.

3. Application Format

Although there is no prescribed format for the letter, or a minimum or maximum page limit, letters of application should include the following information:

a. *Project Description.* What is the title of the model curriculum to be adapted and who developed it? Why is this education program needed at the present time? What are the project's goals? What are the learning objectives of the adapted curriculum? What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content? Who would be responsible for adapting the model curriculum? Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from across the State, from a single local jurisdiction, from a multi-State region)?

b. *Need for Funding.* Why are sufficient State or local resources unavailable to fully support the modification and presentation of the model curriculum? What is the potential for replicating or integrating the program in the future using State or local funds, once it has been successfully adapted and tested?

c. *Likelihood of Implementation.* What is the proposed timeline, including the project start and end dates and the date(s) the program would be presented? What process would be used to modify and present the program? Who would serve as faculty, and how were they selected? What measures would be taken to facilitate subsequent presentations of the program? (Ordinarily, an independent evaluation of a curriculum adaptation project is not required; however, the results of any evaluation should be included in the final report.)

d. *Expressions of Interest by Judges and/or Court Personnel.* Does the proposed program have the support of the court system leadership, and of judges, court managers, and judicial education personnel who are expected to attend? (This may be demonstrated by attaching letters of support.)

e. *Chief Justice's Concurrence.* Local courts should attach a concurrence form signed by the Chief Justice of the State or his or her designee. (See Form B, Appendix H.)

4. Budget and Matching State Contribution

Applicants should attach a copy of budget Form E (see Appendix G) and a budget narrative (see A.4. in this section) that describes the basis for the computation of all project-related costs and the source of the match offered. As with other awards to State or local courts, cash or in-kind match must be provided in an amount equal to at least 50% of the grant amount requested. Cash and in-kind matching contributions should be listed in the appropriate columns and categories on Form E.

5. Submission Requirements

Letters of application may be submitted at any time. However, applicants should allow at least 90 days between the date of submission and the date of the proposed program to allow sufficient time for needed planning.

F. Scholarships

1. Purpose and Scope

The purposes of the Institute scholarship program are to enhance the skills, knowledge, and abilities of judges and court managers; enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and provide States, judicial educators, and the Institute with evaluative information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an educational program in another State. An applicant may apply for a scholarship for only one educational program during any one application cycle.

Scholarship funds may be used only to cover the costs of tuition and transportation expenses. Transportation expenses may include round-trip coach airfare or train fare. Scholarship recipients are strongly encouraged to take advantage of excursion or other special airfares (*e.g.,* reductions offered when a ticket is purchased 21 days in advance of the travel date or because the traveler is staying over a Saturday night) when making their travel arrangements. Recipients who drive to a program site may receive $.325/mile up to the amount of the advanced-purchase round-trip airfare between their homes and the program sites. Funds to pay tuition and transportation expenses in excess of $1,500 and other costs of attending the program—such as lodging, meals, materials, transportation to and from airports, and local transportation (including rental cars)—at the program site must be obtained from other sources or borne by the scholarship recipient. Scholarship applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible.

A scholarship is not transferable to another individual. It may be used only for the course specified in the application unless attendance at a different course that meets the eligibility requirements is approved in writing by the Institute. Decisions on such requests will be made within 30 days after the receipt of the request letter.

2. Eligibility Requirements

a. *Recipients.* Scholarships can be awarded only to full-time judges of State or local trial and appellate courts; full-time professional, State or local court personnel with management responsibilities; and supervisory and management probation personnel in judicial branch probation offices. Senior judges, part-time judges, quasi-judicial hearing officers including referees and commissioners, State administrative law

judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel are not eligible to receive a scholarship.

b. *Courses.* A Scholarship can be awarded only for a course presented in a State other than the one in which the applicant resides or works that is designed to enhance the skills of new or experienced judges and court managers; address any of the topics listed in the Institute's Special Interest categories; or is offered by a recognized graduate program for judges or court managers. The annual or mid-year meeting of a State or national organization of which the applicant is a member does not qualify as an out-of-State educational program for scholarship purposes, even though it may include workshops or other training sessions.

Applicants are encouraged not to wait for the decision on a scholarship to register for an educational program they wish to attend.

3. Forms

a. Scholarship Application—FORM S–1 (Appendix F)

The application form requests basic information about the applicant and the educational program the applicant would like to attend. It also addresses the applicant's commitment to share the skills and knowledge gained with local court colleagues and to submit an evaluation of the program the applicant attends. The Scholarship Application must bear the original signature of the applicant. Faxed or photocopied signatures will not be accepted.

b. Scholarship Application Concurrence—FORM S–2 (Appendix F)

Judges and court managers applying for Scholarships must submit the written concurrence of the Chief Justice of the State's Supreme Court (or the Chief Justice's designee) on the Institute's Judicial Education Scholarship Concurrence form (see Appendix F). The signature of the presiding judge of the applicant's court cannot be substituted for that of the Chief Justice or the Chief Justice's designee. Court managers, other than elected clerks of court, also must submit a letter of support from their immediate supervisors.

4. Submission Requirements

Scholarship applications must be submitted during the periods specified below:

October 2 and December 1, 2000, for programs beginning between January 1 and March 31, 2001;

January 5 and March 5, 2001, for programs beginning between April 1 and June 30, 2001;

April 2 and June 1, 2001, for programs beginning between July 1 and September 30, 2001;

July 5 and September 3, 2001, for programs beginning between October 1 and December 31, 2001; and

October 1 and November 30, 2001, for programs beginning between January 1 and March 31, 2002.

No exceptions or extensions will be granted. Applications sent prior to the beginning of an application period will be treated as having been sent one week *after the beginning of that application period.* All the required items must be received for an application to be considered. If the Concurrence form or letter of support is sent separately from the application, the postmark date of the last item to be sent will be used in applying the above criteria.

All applications should be sent by mail or courier (not fax or e-mail) to: Scholarship Program Coordinator, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

VIII. Application Review Procedures

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter acknowledging receipt of the application.

B. Selection Criteria

1. Project, Continuation, and Ongoing Support Grant Applications

a. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

(1) The soundness of the methodology;

(2) The demonstration of need for the project;

(3) The appropriateness of the proposed evaluation design;

(4) The applicant's management plan and organizational capabilities;

(5) The qualifications of the project's staff;

(6) The products and benefits resulting from the project including the extent to which the project will have long-term benefits for State courts across the nation;

(7) The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions;

(8) The reasonableness of the proposed budget;

(9) The demonstration of cooperation and support of other agencies that may be affected by the project; and

(10) The proposed project's relationship to one of the ''Special Interest'' categories set forth in section II.B.

b. For continuation and ongoing support grant applications, the key findings and recommendations of evaluations and the proposed responses to those findings and recommendations also will be considered.

c. In determining which applicants to fund, the Institute will also consider whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(6) (as amended) and Section IV. above); the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's match; the extent to which the proposed project would also benefit the Federal courts or help State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

2. Technical Assistance Grant Applications

Technical Assistance grant applications will be rated on the basis of the following criteria:

a. Whether the assistance would address a critical need of the court;

b. The soundness of the technical assistance approach to the problem;

c. The qualifications of the consultant(s) to be hired, or the specific criteria that will be used to select the consultant(s);

d. Commitment on the part of the court to act on the consultant's recommendations; and

e. The reasonableness of the proposed budget.

The Institute also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, the level of appropriations available to the Institute in the current year, and the amount expected to be available in succeeding fiscal years.

3. Curriculum Adaptation Grant Applications

Curriculum Adaptation grant applications will be rated on the basis of the following criteria:

a. The goals and objectives of the proposed project;

b. The need for outside funding to support the program;

c. The appropriateness of the approach in achieving the project's educational objectives;

d. The likelihood of effective implementation and integration into the State's or local jurisdiction's ongoing educational programming; and

e. Expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project.

The Institute will also consider factors such as the reasonableness of the amount requested, compliance with match requirements, diversity of subject matter, geographic diversity, the level of appropriations available in the current year, and the amount expected to be available in succeeding fiscal years.

4. Scholarships

Scholarships will be awarded on the basis of:

a. The date on which the application and concurrence (and support letter, if required) were mailed (documented by the postmark);

b. The unavailability of State or local funds to cover the costs of attending the program or scholarship funds from another source;

c. The absence of educational programs in the applicant's State addressing the topic(s) covered by the educational program for which the scholarship is being sought;

d. Geographic balance among the recipients;

e. The balance of scholarships among educational programs;

f. The balance of scholarships among the types of courts represented; and

g. The level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

The postmark or courier receipt will be used to determine the date on which the application form and other required items were sent.

C. Review and Approval Process

1. Project, Continuation, and Ongoing Support Grant Applications

Applications will be reviewed competitively by the Board of Directors. The Institute staff will prepare a narrative summary of each application and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for grants. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

2. Technical Assistance and Curriculum Adaptation Grant Applications

The Institute staff will prepare a narrative summary of each application and a rating sheet assigning points for each relevant selection criterion. Applications will be reviewed competitively by a committee of the Board of Directors. The Board of Directors has delegated its authority to approve Technical Assistance and Curriculum Adaptation grants to the committee established for each program.

Approved awards will be signed by the Chairman of the Board on behalf of the Institute.

3. Scholarships

Scholarship applications are reviewed quarterly by a committee of the Institute's Board of Directors. The Board of Directors has delegated its authority to approve Scholarships to the committee established for the program.

Approved awards will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

1. The Institute will send written notice to applicants concerning all Board decisions to approve, defer, or deny their respective applications. For all except Scholarship applications, the Institute also will convey the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal based on that application in a subsequent funding cycle. With respect to awards other than Scholarships, the Institute will also notify the designated State contact listed in when grants are approved by the Board to support projects that will be conducted by or involve courts in that State.

2. The Board anticipates acting upon Curriculum Adaptation grant applications within 45 days after receipt. Grant funds will be available only after Board approval and negotiation of the final terms of the grant.

3. The Institute intends to notify each Scholarship applicant of the Board committee's decision within 30 days after the close of the relevant application period.

F. Response to Notification of Approval

With the exception of those approved for Scholarships, applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to the Institute within 30 days after notification, the approval may be automatically rescinded and the application presented to the Board for reconsideration.

IX. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts, and cooperative agreements awarded by the Institute. The Board of Directors has approved additional policies governing the use of Institute grant funds. These statutory and policy requirements are set forth below.

A. Recipients of Project Grants

1. Advocacy

No funds made available by the Institute may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities. 42 U.S.C. 10706(b).

2. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

3. Audit

Recipients of project grants must provide for an annual fiscal audit which includes an opinion on whether the financial statements of the grantee present fairly its financial position and financial operations are in accordance

with generally accepted accounting principles. (See section X.K. of the Guideline for the requirements of such audits.) Recipients of scholarships or curriculum adaptation or technical assistance grants are not required to submit an audit, but must maintain appropriate documentation to support all expenditures.

4. Budget Revisions

Budget reallocations between direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior Institute approval. Ordinarily, such budget revisions should be requested at least 30 days in advance of the transfer of grant funds among direct cost categories.

5. Conflict of Interest

Personnel and other officials connected with Institute-funded programs must adhere to the following requirements:

a. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Institute funds are used, where, to his or her knowledge, he or she or his or her immediate family, partners, organization other than a public agency in which he or she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment, or has a financial interest.

b. In the use of Institute project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

(1) Using an official position for private gain; or

(2) Affecting adversely the confidence of the public in the integrity of the Institute program.

c. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

6. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of Institute-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and the Institute on disposition of such items, the Institute shall determine whether protection of the invention or discovery shall be sought. The Institute will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with ''Government Patent Policy'' (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983, and statement of Government Patent Policy).

7. Lobbying

a. Funds awarded to recipients by the Institute shall not be used, indirectly or directly, to influence Executive Orders or similar promulgations by Federal, State or local agencies, or to influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706(a).

b. It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

8. Matching Requirements

a. All awards to courts or other units of State or local government (not including publicly supported institutions of higher education) require a match from private or public sources of not less than 50% of the total amount of the Institute's award. For example, if the total cost of a project is anticipated to be $150,000, a State court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as a match. A cash match, non-cash match, or both may be provided, but the Institute will give preference to those applicants that provide a cash match to the Institute's award. (For a further definition of match, see section III.O.)

b. The requirement to provide match may be waived in exceptionally rare circumstances upon the request of the Chief Justice of the highest court in the State and approval by the Board of Directors. 42 U.S.C. 10705(d).

c. Other eligible recipients of Institute funds are not required to provide a match, but are encouraged to contribute to meeting the costs of the project. In instances where match is proposed, the grantee is responsible for ensuring that the total amount proposed is actually contributed. Cash and in-kind matching contributions must be reported quarterly in the same manner as grant funds on the Institute's Financial Status Report. If a proposed contribution is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see section X.E).

9. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds. Recipients of Institute funds must immediately take any measures necessary to effectuate this provision.

10. Political Activities

No recipient may contribute or make available Institute funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients shall not intentionally identify the Institute or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office. 42 U.S.C. 10706(a).

11. Products

a. Acknowledgment, Logo, and Disclaimer

(1) Recipients of Institute funds must acknowledge prominently on all products developed with grant funds that support was received from the Institute. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video product, unless another placement is approved in writing by the Institute. This includes final products printed or

otherwise reproduced during the grant period, as well as reprintings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available from the Institute upon request.

(2) Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

b. Charges for Grant-Related Products/ Recovery of Costs

(1) When Institute funds fully cover the cost of developing, producing, and disseminating a product (*e.g.,* a report, curriculum, videotape or software), the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, or dissemination costs, the grantee may, with the Institute's prior written approval, recover its costs for developing, producing, and disseminating the material to those requesting it, to the extent that those costs were not covered by Institute funds or grantee matching contributions.

(2) Applicants should disclose their intent to sell grant-related products in both the concept paper and the application. Grantees must obtain the written prior approval of the Institute of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either Institute grant funds or grantee matching contributions.

(2) In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act that have been approved by the Institute. See sections III.S. and X.G. for requirements regarding project-related income realized during the project period.

c. Copyrights

Except as otherwise provided in the terms and conditions of an Institute award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

d. Distribution

In addition to the distribution specified in the grant application, grantees shall send:

(1) Seventeen (17) copies of each final product developed with grant funds to the Institute, unless the product was developed under either a Curriculum Adaptation or a Technical Assistance grant, in which case submission of 2 copies is required.

(2) A master copy of each videotape produced with grant funds to the Institute.

(3) One copy of each final product developed with grant funds to the library established in each State to collect materials prepared with Institute support. (A list of the libraries is contained in Appendix D. Labels for these libraries are available from the Institute upon request.) Grantees that develop web-based electronic products must send a hard-copy document to the SJI-designated libraries and other appropriate audiences to alert them to the availability of the web site or electronic product. Recipients of curriculum adaptation and technical assistance grants are not required to submit final products to State libraries.

(4) A press release describing the project and announcing the results to a list of national and State judicial branch organizations provided by the Institute.

e. Institute Approval

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of the Institute. Grantees shall submit a final draft of each written product to the Institute for review and approval. These drafts shall be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit Institute review and incorporation of any appropriate changes agreed upon by the grantee and the Institute. Grantees shall provide for timely reviews by the Institute of videotape or CD–ROM products at the treatment, script, rough cut, and final stages of development or their equivalents, prior to initiating the next stage of product development.

f. Original Material

All products prepared as the result of Institute-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

12. Prohibition Against Litigation Support

No funds made available by the Institute may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

13. Reporting Requirements

a. Recipients of Institute funds other than Scholarships must submit Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). Two copies of each report must be sent. The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period.

b. The quarterly financial status report must be submitted in accordance with section X.H.2. of this Guideline. A final project progress report and financial status report shall be submitted within 90 days after the end of the grant period in accordance with X.L.1. of this Guideline.

14. Research

a. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis a diskette(s) or data tape(s) containing research and evaluation data collected under an Institute grant and the accompanying code manual. Grantees

may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

b. Confidentiality of Information

Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

c. Human Subject Protection

All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk or harm to those subjects due to their participation.

15. State and Local Court Applications

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. The Supreme Court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application. 42 U.S.C. 10705(b)(4). Appendix C to this Guideline lists the person to contact in each State regarding the administration of Institute grants to State and local courts.

16. Supplantation and Construction

To ensure that funds are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used for the following purposes:

a. To supplant State or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

b. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or

c. Solely to purchase equipment.

17. Suspension of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, the Institute may terminate or suspend funding of a project that fails to comply substantially with the Act, the Guideline, or the terms and conditions of the award. 42 U.S.C. 10708(a).

18. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by the Institute that the property will continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in the Institute, which will direct the disposition of the property.

B. Recipients of Curriculum Adaptation and Technical Assistance Grants

In addition to the compliance requirements in A. in this section, recipients of Curriculum Adaptation and Technical Assistance grants must comply with the following requirements.

1. Curriculum Adaptation Grantees

Recipients of Curriculum Adaptation grants must:

a. Comply with the same quarterly reporting requirements as other Institute grantees (see A.13. above in this section);

b. Include in each grant product a prominent acknowledgment that support was received from the Institute, along with the ''SJI'' logo and a disclaimer paragraph (see A.11.a. above in this section); and

c. Submit one copy of the manuals, handbooks, or conference packets developed under the grant at the conclusion of the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the program in the future.

2. Technical Assistance Grantees

Recipients of Technical Assistance grants must:

a. Comply with the same quarterly reporting requirements as other Institute grantees (see A.13. above in this section);

b. Ensure that each technical assistance report prepared by a consultant includes a prominent acknowledgment that support was received from the Institute, along with the ''SJI'' logo and a disclaimer paragraph (see A.11.a. above in this section);

c. Submit to the Institute one copy of a final report that explains how it intends to act on the consultant's recommendations, as well as a copy of the consultant's written report; and

d. Complete a Technical Assistance Evaluation Form at the conclusion of the grant period.

C. Scholarship Recipients

1. Scholarship recipients are responsible for disseminating the information received from the course to their court colleagues locally and if possible, throughout the State (*e.g.,* by developing a formal seminar, circulating the written material, or discussing the information at a meeting or conference).

Recipients also must submit to the Institute a certificate of attendance at the program, an evaluation of the educational program they attended, and a copy of the notice of any scholarship funds received from other sources. A copy of the evaluation must be sent to the Chief Justice of their State. A State or local jurisdiction may impose additional requirements on scholarship recipients.

2. To receive the funds authorized by a scholarship award, recipients must submit a Scholarship Payment Voucher (Form S3) together with a tuition statement from the program sponsor, and a transportation fare receipt (or statement of the driving mileage to and from the recipient's home to the site of the educational program).

Scholarship Payment Vouchers should be submitted within 90 days after the end of the course which the recipient attended.

2. Scholarship recipients are encouraged to check with their tax advisors to determine whether the scholarship constitutes taxable income under Federal and State law.

X. Financial Requirements

A. Purpose

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, subgrantees, contractors, and other organizations in:

1. Complying with the statutory requirements for the award, disbursement, and accounting of funds;

2. Complying with regulatory requirements of the Institute for the financial management and disposition of funds;

3. Generating financial data to be used in planning, managing, and controlling projects; and

4. Facilitating an effective audit of funded programs and projects.

B. References

Except where inconsistent with specific provisions of this Guideline, the following regulations, directives and reports are applicable to Institute grants and cooperative agreements under the same terms and conditions that apply to Federal grantees. The following circulars supplement the requirements of this section for accounting systems and financial recordkeeping and provide additional guidance on how these requirements may be satisfied. (Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.)

1. Office of Management and Budget (OMB) Circular A–21, Cost Principles for Educational Institutions.

2. Office of Management and Budget (OMB) Circular A–87, Cost Principles for State and Local Governments.

3. Office of Management and Budget (OMB) Circular A–88 (revised), Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

4. Office of Management and Budget (OMB) Circular A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

5. Office of Management and Budget (OMB) Circular A–110, Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations.

6. Office of Management and Budget (OMB) Circular A–128, Audits of State and Local Governments.

7. Office of Management and Budget (OMB) Circular A–122, Cost Principles for Non-profit Organizations.

8. Office of Management and Budget (OMB) Circular A–133, Audits of Institutions of Higher Education and Other Non-profit Institutions.

C. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving awards from the Institute are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits.

2. Responsibilities of State Supreme Court

a. Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. (See III.I.)

b. The State Supreme Court or its designee shall receive all Institute funds awarded to such courts; be responsible for assuring proper administration of Institute funds; and be responsible for all aspects of the project, including proper accounting and financial recordkeeping by the subgrantee. These responsibilities include:

(1) *Reviewing Financial Operations.* The State Supreme Court or its designee should be familiar with, and periodically monitor, its subgrantees' financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

(2) *Recording Financial Activities.* The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the State Supreme Court or its designee in summary form. Subgrantee expenditures should be recorded on the books of the State Supreme Court *or* evidenced by report forms duly filed by the subgrantee. Non-Institute contributions applied to projects by subgrantees should likewise be recorded, as should any project income resulting from program operations.

(3) *Budgeting and Budget Review.* The State Supreme Court or its designee should ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The detail of each project budget should be maintained on file by the State Supreme Court.

(4) *Accounting for Non-Institute Contributions.* The State Supreme Court or its designee will ensure, in those instances where subgrantees are required to furnish non-Institute matching funds, that the requirements and limitations of the SJI Grant Guideline are applied to such funds.

(5) *Audit Requirement.* The State Supreme Court or its designee is required to ensure that subgrantees have met the necessary audit requirements set forth by the Institute (see sections K. below and IX.A.3.)

(6) *Reporting Irregularities.* The State Supreme Court, its designees, and its subgrantees are responsible for promptly reporting to the Institute the nature and circumstances surrounding any financial irregularities discovered.

D. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included within the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

E. Total Cost Budgeting and Accounting

Accounting for all funds awarded by the Institute must be structured and executed on a *total project cost* basis. That is, total project costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget serve as the foundation for fiscal administration and accounting. Grant applications and financial reports

require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions need not be applied at the exact time of the obligation of Institute funds; however, grantees must report match quarterly in the same manner as grant funds on the Institute's Financial Status Report. Ordinarily, the full matching share must be obligated during the award period; however, with the prior written permission of the Institute, contributions made following approval of the grant by the Institute's Board of Directors but before the beginning of the grant may be counted as match. Grantees that do not contemplate making matching contributions continuously throughout the course of a project, or on a task-by-task basis, are required to submit a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. If a proposed cash match is not fully met, the Institute may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match

All grantees must maintain records which clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does Institute funds and required matching shares. For all grants made to State and local courts, the State Supreme Court has primary responsibility for grantee/subgrantee compliance with the requirements of this section. (See C.2. above in this section.)

F. Maintenance and Retention of Records

All financial records, supporting documents, statistical records, and all other records pertinent to grants, subgrants, cooperative agreements, or contracts under grants must be retained by each organization participating in a project for at least three years for purposes of examination and audit. State Supreme Courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

3. Maintenance

Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage.

When records are stored away from the grantee's/subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and subgrantees must give any authorized representative of the Institute access to and the right to examine all records, books, papers, and documents related to an Institute grant.

G. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to the Institute. (See H.2. below in this section) The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A State and any agency or instrumentality of a State, including institutions of higher education and hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees shall ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the grant provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees shall be used to pay project-related costs not covered by the grant, or to reduce the amount of grant funds needed to support the project. Registration and tuition fees may be used for other purposes only with the prior written approval of the Institute. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

a. When grant funds fully cover the cost of producing and disseminating a limited number of copies of a product, the grantee may, with the written prior approval of the Institute, sell additional copies reproduced at its expense at a reasonable market price, as long as the income is applied to court improvement projects consistent with the State Justice Institute Act. When grant funds only partially cover the costs of developing, producing and disseminating a product, the grantee may, with the written prior approval of the Institute, recover costs for developing, reproducing, and disseminating the material to the extent that those costs were not covered by Institute grant funds or grantee matching contributions. If the grantee recovers its costs in this manner, then amounts expended by the grantee to develop, produce, and disseminate the material may not be considered match.

b. If the sale of products occurs during the project period, the costs and income generated by the sales must be reported on the Quarterly Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the concept paper and application or reported to the Institute in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and

dissemination costs as specified in section IX.A.11.b.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

H. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all Institute grant funds and grantees.

a. *Request for Advance or Reimbursement of Funds.* Grantees will receive funds on a ''check-issued'' basis. Upon receipt, review, and approval of a Request for Advance or Reimbursement by the Institute, a check will be issued directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs. The Request for Advance or Reimbursement, along with the instructions for its preparation, will be included in the official Institute award package.

b. *Continuation and Ongoing Support Awards.* For purposes of submitting Requests for Advance or Reimbursement, recipients of continuation and ongoing support grants should treat each grant as a new project and number the requests accordingly (*i.e.,* on a grant rather than a project basis). The first Request for Advance or Reimbursement submitted after a continuation grant has been awarded, or funds have been approved for the next year of an ongoing support grant, should reflect the grant number with the new extension (*e.g.,* SJI–99–N–xxx–C01–1). This Request would be number 1, the second number 2, etc. If another continuation or increment of an ongoing support grant is awarded, the next series of Requests for Advance or Reimbursement would reflect the grant number with the new extension (*e.g.,* SJI–99–N–xxx–C02–1), and the numbering would begin again. (See Appendix B, Questions Frequently Asked by Grantees.)

c. *Termination of Advance and Reimbursement Funding.* When a grantee organization receiving cash advances from the Institute:

(1) Demonstrates an unwillingness or inability to attain program or project goals, or to establish procedures that will minimize the time elapsing between cash advances and disbursements, or cannot adhere to guideline requirements or special conditions;

(2) Engages in the improper award and administration of subgrants or contracts; or

(3) Is unable to submit reliable and/or timely reports; the Institute may terminate advance financing and require the grantee organization to finance its operations with its own working capital. Payments to the grantee shall then be made by check to reimburse the grantee for actual cash disbursements. In the event the grantee continues to be deficient, the Institute may suspend reimbursement payments until the deficiencies are corrected.

d. *Principle of Minimum Cash on Hand.* Grantees should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Idle funds in the hands of subgrantees impair the goals of good cash management.

2. Financial Reporting

a. *General Requirements.* To obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees submit timely reports for review.

b. Two copies of the Financial Status Report are required from all grantees, other than scholarship recipients, for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. A copy of the Financial Status Report, along with instructions for its preparation, is included in each official Institute Award package. If a grantee requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, to support the Request for Advance or Reimbursement.

c. *Additional Requirements for Continuation and Ongoing Support Grants.* Grantees receiving continuation or ongoing support grants should number their quarterly Financial Status Reports on a grant rather than a project basis. The first quarterly report submitted after a continuation grant has been awarded, or funds have been approved for the next year of an ongoing support grant, should reflect the grant number with the new extension (*e.g.,* SJI–99–N–xxx–C01–1). This report would be number 1, the second number 2, etc. If another continuation grant is awarded, the next series of quarterly reports would reflect the grant number with the new extension (*e.g.,* SJI–99–N–xxx–C02–1), and the numbering would begin again.

3. Consequences of Non-Compliance With Submission Requirement

Failure of the grantee to submit required financial and progress reports may result in suspension or termination of grant payments.

I. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability is determined in accordance with the principles set forth in *OMB Circular A–87,* Cost Principles for State and Local Governments; *A–21,* Cost Principles Applicable to Grants and Contracts with Educational Institutions; and *A–122,* Cost Principles for Non-Profit Organizations. No costs may be recovered to liquidate obligations incurred after the approved grant period. Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.

2. Costs Requiring Prior Approval

a. *Pre-agreement Costs.* The written prior approval of the Institute is required for costs considered necessary to the project but which occur prior to the award date of the grant.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or software to be purchased exceeds $3,000.

c. *Consultants.* The written prior approval of the Institute is required when the rate of compensation to be paid a consultant exceeds $300 a day. Institute funds may not be used to pay a consultant more than $900 per day.

d. *Budget Revisions.* Budget revisions among direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget require prior Institute approval.

3. Travel Costs

Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the Institute or the

Federal Government. Institute funds may not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting of that organization.

4. Indirect Costs

These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. The Institute's policy requires all costs to be budgeted directly; however, if a grantee has an indirect cost rate approved by a Federal agency as set forth below, the Institute will accept that rate.

a. *Approved Plan Available.*

(1) The Institute will accept an indirect cost rate or allocation plan approved for a grantee during the preceding two years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars. A copy of the approved rate agreement must be submitted to the Institute.

(2) Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, *e.g.,* accounting services, legal services, building occupancy and maintenance, etc., as direct costs.

(3) When utilizing total direct costs as the base, organizations with approved indirect cost rates usually exclude contracts under grants from any overhead recovery. The negotiated agreement will stipulate that contracts are excluded from the base for overhead recovery.

b. *Establishment of Indirect Cost Rates.* To be reimbursed for indirect costs, a grantee must first establish an appropriate indirect cost rate. To do this, the grantee must prepare an indirect cost rate proposal and submit it to the Institute within three months after the start of the grant period to assure recovery of the full amount of allowable indirect costs. The rate must be developed in accordance with principles and procedures appropriate to the type of grantee institution involved as specified in the applicable OMB Circular.

c. *No Approved Plan.* If an indirect cost proposal for recovery of actual indirect costs is not submitted to the Institute within three months after the start of the grant period, indirect costs will be irrevocably disallowed for all months prior to the month that the indirect cost proposal is received.

J. Procurement and Property Management Standards

1. Procurement Standards

For State and local governments, the Institute has adopted the standards set forth in Attachment O of *OMB Circular A–102.* Institutions of higher education, hospitals, and other non-profit organizations will be governed by the standards set forth in Attachment O of *OMB Circular A–110.*

2. Property Management Standards

The property management standards as prescribed in Attachment N of *OMB Circulars A–102* and *A–110* apply to all Institute grantees and subgrantees except as provided in section IX.A.18. All grantees/subgrantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new property will be considered unnecessary.

K. Audit Requirements

1. Implementation

Each recipient of a grant from the Institute other than a scholarship, curriculum adaptation, or technical assistance grant must provide for an annual fiscal audit. This requirement also applies to a State or local court receiving a subgrant from the State Supreme Court. The audit may be of the entire grantee or subgrantee organization or of the specific project funded by the Institute. Audits conducted in accordance with the Single Audit Act of 1984 and *OMB Circular A–128,* or *OMB Circular A–133,* will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. Grantees must send two copies of the audit report to the Institute. Grantees that receive funds from a Federal agency and satisfy audit requirements of the cognizant Federal agency must submit two copies of the audit report prepared for that Federal agency to the Institute in order to satisfy the provisions of this section. Cognizant Federal agencies do not send reports to the Institute. Therefore, each grantee must send copies of this report directly to the Institute.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for: follow-up; maintaining a record of the actions taken on recommendations and time schedules; responding to and acting on audit recommendations; and submitting periodic reports to the Institute on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

Ordinarily, the Institute will not make a new grant award to an applicant that has an unresolved audit report involving Institute awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active Institute grants to that organization.

L. Close-Out of Grants

1. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (see L.2. below in this section), the following documents must be submitted to the Institute by grantees (other than scholarship recipients):

a. *Financial Status Report.* The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by the Institute. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of the 90-day close-out period. Grantees on a check-issued basis, who have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no case should any unused funds remain with the grantee beyond the submission date of the final financial status report.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything,

could have been done differently that might have enhanced the impact of the project or improved its operation.

These reporting requirements apply at the conclusion of any non-scholarship grant, even when the project will continue under a continuation or ongoing support grant.

2. Extension of Close-Out Period

Upon the written request of the grantee, the Institute may extend the close-out period to assure completion of the grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

XI. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring Institute approval must be submitted in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested) by the project director. All requests for changes from the approved application will be carefully reviewed for both consistency with this Guideline and the enhancement of grant goals and objectives.

A. Grant Adjustments Requiring Prior Written Approval

There are several types of grant adjustments that require the prior written approval of the Institute. Examples of these adjustments include:

1. Budget revisions among direct cost categories that individually or cumulatively exceed five percent of the approved original budget or the most recently approved revised budget. See section X.I.2.d.

For continuation and ongoing support grants, funds from the original award may be used during the new grant period and funds awarded through a continuation or ongoing support grant may be used to cover project-related expenditures incurred during the original award period, with the prior written approval of the Institute.

2. A change in the scope of work to be performed or the objectives of the project (see D. below in this section).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see E. below).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see F. and G. below).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section IX.A.2.).

8. A change in or temporary absence of the person responsible for managing and reporting on the grant's finances.

9. A change in the name of the grantee organization.

10. A transfer or contracting out of grant-supported activities (see H. below).

11. A transfer of the grant to another recipient.

12. Preagreement costs (see section X.I.2.a.).

13. The purchase of automated data processing equipment and software (see section X.I.2.b.).

14. Consultant rates (see section X.I.2.c.).

15. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Requests for Grant Adjustments

All grantees and subgrantees must promptly notify their SJI program managers, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help the Institute's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the Executive Director or his designee. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by the Institute. A grantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification of the SJI program manager.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan should accompany a request for a no-cost extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section X.L.2.).

F. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/subgrantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by the Institute.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, the Institute must be notified immediately. In such cases, if the grantee/subgrantee wishes to terminate the project, the Institute will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to the Institute for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by the Institute.

H. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by the Institute. All such arrangements must be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval of the Institute at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not

affect the grantee's overall responsibility for the direction of the project and accountability to the Institute.

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David I. Tevelin,
Executive Director.

Appendix A—Recommendations to Grant Writers

Over the past 14 years, Institute staff have reviewed approximately 3,800 concept papers and 1,700 applications. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this Guideline.

The Institute suggests that applicants make certain that they address the questions and issues set forth below when preparing a concept paper or application. Concept papers and applications should, however, be presented in the formats specified in sections VI. and VII. of the Guideline, respectively.

1. What is the subject or problem you wish to address?

Describe the subject or problem and how it affects the courts and the public. Discuss how your approach will improve the situation or advance the state of the art or knowledge, and explain why it is the most appropriate approach to take. When statistics or research findings are cited to support a statement or position, the source of the citation should be referenced in a footnote or a reference list.

2. What do you want to do?

Explain the goal(s) of the project in simple, straightforward terms. The goals should describe the intended consequences or expected overall effect of the proposed project (*e.g.*, to enable judges to sentence drug-abusing offenders more effectively, or to dispose of civil cases within 24 months), rather than the tasks or activities to be conducted (*e.g.*, hold three training sessions, or install a new computer system).

To the greatest extent possible, an applicant should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance a paper, nor does a clever but uninformative title.

3. How will you do it?

Describe the methodology carefully so that what you propose to do and how you would do it are clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks, and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, provide the additional information. A description of project tasks also will help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

4. How will you know it works?

Include an evaluation component that will determine whether the proposed training, procedure, service, or technology accomplished the objectives it was designed to meet. Concept papers and applications should present the criteria that will be used to evaluate the project's effectiveness; identify program elements which will require further modification; and describe how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

The Institute has also prepared a more thorough list of recommendations to grant writers regarding the development of project evaluation plans. Those recommendations are available from the Institute upon request.

5. How will others find out about it?

Include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, or the distribution of key materials. A statement that a report or research findings ''will be made available to'' the field is not sufficient. The specific means of distribution or dissemination as well as the types of recipients should be identified. Reproduction and dissemination costs are allowable budget items.

6. What are the specific costs involved?

The budget in both concept papers and applications should be presented clearly. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be identified separately. The components of ''Other'' or ''Miscellaneous'' items should be specified in the application budget narrative, and should not include set-asides for undefined contingencies.

7. What, if any, match is being offered?

Courts and other units of State and local government (not including publicly-supported institutions of higher education) are required by the State Justice Institute Act to contribute a match (cash, non-cash, or both) of at least 50 percent of the grant funds requested from the Institute. All other applicants also are encouraged to provide a matching contribution to assist in meeting the costs of a project.

The match requirement works as follows: If, for example, the total cost of a project is anticipated to be $150,000, a State or local court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as match.

Cash match includes funds directly contributed to the project by the applicant, or by other public or private sources. It does not include income generated from tuition fees or the sale of project products. Non-cash match refers to in-kind contributions by the applicant, or other public or private sources. This includes, for example, the monetary value of time contributed by existing personnel or members of an advisory committee (but not the time spent by participants in an educational program attending program sessions). When match is offered, the nature of the match (cash or in-kind) should be explained and, at the application stage, the tasks and line items for which costs will be covered wholly or in part by match should be specified.

8. Which of the two budget forms should be used?

Section VII.A.1.c. of the SJI Grant Guideline encourages use of the spreadsheet format of Form C1 if the application requests $100,000 or more. Form C1 also works well for projects with discrete tasks, regardless of the dollar value of the project. Form C, the tabular format, is preferred for projects lacking a number of discrete tasks, or for projects requiring less than $100,000 of Institute funding. Generally, use the form that best lends itself to representing most accurately the budget estimates for the project.

9. How much detail should be included in the budget narrative?

The budget narrative of an application should provide the basis for computing all project-related costs, as indicated in VII.A.4. of the Guideline. To avoid common shortcomings of application budget narratives, applicants should include the following information:

Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries

for the designated personnel (*e.g.,* Project Director, 50% for one year, annual salary of $50,000 = $25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work-year should be shown.

Estimates for supplies and expenses supported by a complete description of the supplies to be used, the nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (*e.g.,* 100 reports × 75 pages each × .05/page = $375.00). Supply and expense estimates offered simply as ''based on experience'' are not sufficient.

In order to expedite Institute review of the budget, make a final comparison of the amounts listed in the budget narrative with those listed on the budget form. In the rush to complete all parts of the application on time, there may be many last-minute changes; unfortunately, when there are discrepancies between the budget narrative and the budget form or the amount listed on the application cover sheet, it is not possible for the Institute to verify the amount of the request. A final check of the numbers on the form against those in the narrative will preclude such confusion.

10. What travel regulations apply to the budget estimates?

Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Institute or the Federal Government (a copy of the Institute's travel policy is available upon request). The budget narrative should state which policies apply to the project.

The budget narrative also should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed and explained separately. It is preferable for the budget to be based on the actual costs of traveling to and from the project or meeting sites. If the points of origin or destination are not known at the time the budget is prepared, an average airfare may be used to estimate the travel costs. For example, if it is anticipated that a project advisory committee will include members from around the country, a reasonable airfare from a central point to the meeting site, or the average of airfares from each coast to the meeting site may be used. Applicants should arrange travel so as to be able to take advantage of advance-purchase price discounts whenever possible.

11. May grant funds be used to purchase equipment?

Generally, grant funds may be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. The budget narrative must list the equipment to be purchased and explain why the equipment is necessary to the success of the project. Written prior approval is required when the amount of computer hardware to be purchased or leased exceeds $10,000, or the software to be purchased exceeds $3,000.

12. To what extent may indirect costs be included in the budget estimates?

It is the policy of the Institute that all costs should be budgeted directly; however, if an indirect cost rate has been approved by a Federal agency within the last two years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application.

If an applicant does not have an approved rate agreement and cannot budget directly for all costs, an indirect cost rate proposal should be prepared in accordance with X.I.4. of the Guideline, based on the applicant's audited financial statements for the prior fiscal year. (Applicants lacking an audit should budget all project costs directly.)

13. What meeting costs may be covered with grant funds?

SJI grant funds may cover the reasonable cost of meeting rooms, necessary audio-visual equipment, meeting supplies, and working meals.

14. Does the budget truly reflect all costs required to complete the project?

After preparing the program narrative portion of the application, applicants may find it helpful to list all the major tasks or activities required by the proposed project, including the preparation of products, and note the individual expenses, including personnel time, related to each. This will help to ensure that, for all tasks described in the application (*e.g.,* development of a videotape, research site visits, distribution of a final report), the related costs appear in the budget and are explained correctly in the budget narrative.

Appendix B—Questions Frequently Asked by Grantees

The Institute's staff works with grantees to help assure the smooth operation of the project and compliance with the Guideline. On the basis of monitoring more than 1,000 grants, the Institute staff offers the following suggestions to aid grantees in meeting the administrative and substantive requirements of their grants.

1. After the grant has been awarded, when are the first quarterly reports due?

Quarterly Progress Reports and Financial Status Reports must be submitted within 30 days after the end of every calendar quarter—*i.e.,* no later than January 30, April 30, July 30, and October 30—regardless of the project's start date. The reporting periods covered by each quarterly report end 30 days before the respective deadline for the report. When an award period begins December 1, for example, the first quarterly progress report describing project activities between December 1 and December 31 will be due on January 30. A financial status report should be submitted even if funds have not been obligated or expended.

By documenting what has happened over the past three months, quarterly progress reports provide an opportunity for project staff and Institute staff to resolve any questions before they become problems, and make any necessary changes in the project time schedule, budget allocations, etc. The quarterly progress report should describe project activities, their relationship to the approved timeline, and any problems encountered and how they were resolved, and outline the tasks scheduled for the coming quarter. It is helpful to attach copies of relevant memos, draft products, or other requested information. An original and one copy of a quarterly progress report and attachments should be submitted to the Institute.

Additional quarterly progress report or financial status report forms may be obtained from the grantee's Program Manager at SJI, or photocopies may be made from the supply received with the award.

2. Do reporting requirements differ for continuation and ongoing support grants?

Recipients of continuation or ongoing support grants are required to submit quarterly progress and financial status reports on the same schedule and with the same information as recipients of grants for single new projects.

A continuation grant and each yearly grant under an ongoing support award should be considered as a separate phase of the project. The reports should be numbered on a grant rather than project basis. Thus, the first quarterly report filed under a continuation grant or a yearly increment of an ongoing support award should be designated as number one, the second as number two, and so on, through the final progress and financial status reports due within 90 days after the end of the grant period.

3. What information about project activities should be communicated to SJI?

In general, grantees should provide prior notice of critical project events such as advisory board meetings or training sessions so that the Institute Program Manager can attend, if possible. If methodological, schedule, staff, budget allocations, or other significant changes become necessary, the grantee should contact the Program Manager prior to implementing any of these changes, so that possible questions may be addressed in advance. Questions concerning the financial requirements, quarterly financial reporting, or payment requests should be addressed to the Institute's Grants Financial Manager listed in the award letter.

It is helpful to include the grant number assigned to the award on all correspondence to the Institute.

4. Why are special conditions attached to the award document?

In some instances, a list of special conditions is attached to the award document. Special conditions may be imposed to establish a schedule for reporting certain key information, assure that the Institute has an opportunity to offer suggestions at critical stages of the project, and provide reminders of some (but not necessarily all) of the requirements contained in the Grant Guideline. Accordingly, it is important for grantees to check the special conditions carefully and discuss with their Program Managers any questions or problems they may have with the conditions. Most concerns about timing, response time, and

the level of detail required can be resolved in advance through a telephone conversation. The Institute's primary concern is to work with grantees to assure that their projects accomplish their objectives, not to enforce rigid bureaucratic requirements. However, if a grantee fails to comply with a special condition or with other grant requirements, the Institute may, after proper notice, suspend payment of grant funds or terminate the grant.

Sections IX., X., and XI. of the Grant Guideline contain the Institute's administrative and financial requirements. Institute Finance Division staff is always available to answer questions and provide assistance regarding these provisions.

5. What is a Grant Adjustment?

A Grant Adjustment is the Institute's form for acknowledging the satisfaction of special conditions, or approving changes in grant activities, schedule, staffing, sites, or budget allocations requested by the project director. It also may be used to correct errors in grant documents or deobligate funds from the grant.

6. What schedule should be followed in submitting requests for reimbursements or advance payments?

Requests for reimbursements or advance payments may be made at any time after the project start date and before the end of the 90-day close-out period. However, the Institute follows the U.S. Treasury's policy limiting advances to the minimum amount required to meet immediate cash needs. Given normal processing time, grantees should not seek to draw down funds for periods greater than 30 days from the date of the request.

7. Do procedures for submitting requests for reimbursement or advance payment differ for continuation or ongoing support grants?

The basic procedures are the same for any grant. A continuation grant or the yearly grant under an ongoing support award should be considered as a separate phase of the project. Payment requests should be numbered on a grant rather than a project basis. The first request for funds from a continuation grant or a yearly increment under an ongoing support award should be designated as number one, the second as number two, and so on through the final payment request for that grant.

8. If things change during the grant period, can funds be reallocated from one budget category to another?

The Institute recognizes that some flexibility is required in implementing a project design and budget. Thus, grantees may shift funds among direct cost budget categories. When any one reallocation or the cumulative total of reallocations is expected to exceed five percent of the approved project budget, a grantee must specify the proposed changes, explain the reasons for the changes, and request Institute approval.

The same standard applies to continuation and ongoing support grants. In addition, prior written Institute approval is required to shift leftover funds from the original award to cover activities to be conducted under the renewal award, or to use renewal grant monies to cover costs incurred during the original grant period.

9. What is the 90-day close-out period?

Following the last day of the grant, a 90-day period is provided to allow for all grant-related bills to be received and posted, and grant funds drawn down to cover these expenses. No obligations of grant funds may be incurred during this period. The last day on which an expenditure of grant funds can be obligated is the end date of the grant period. Similarly, the 90-day period is not intended as an opportunity to finish and disseminate grant products. This should occur before the end of the grant period.

During the 90 days following the end of the award period, all monies that have been obligated should be expended. All payment requests must be received by the end of the 90-day ''close-out-period.'' Any unexpended monies held by the grantee that remain after the 90-day follow-up period must be returned to the Institute. Any funds remaining in the grant that have not been drawn down by the grantee will be deobligated.

10. Are funds granted by SJI ''Federal'' funds?

The State Justice Institute Act provides that, except for purposes unrelated to this question, ''the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.'' 42 U.S.C.10704(c)(1). Because SJI receives appropriations from Congress, some grantee auditors have reported SJI grants funds as ''Other Federal Assistance.'' This classification is acceptable to SJI but is not required.

11. If SJI is not a Federal Agency, do OMB circulars apply with respect to audits?

Unless they are inconsistent with the express provisions of the SJI Grant Guideline, Office of Management and Budget (OMB) Circulars A–110, A–21, A–87, A–88, A–102, A–122, A–128 and A–133 are incorporated into the Grant Guideline by reference. Because the Institute's enabling legislation specifically requires the Institute to ''conduct, or require each recipient to provide for, an annual fiscal audit'' (see 42 U.S.C. 10711(c)(1)), the Grant Guideline sets forth options for grantees to comply with this statutory requirement. (See Section X.K.)

SJI will accept audits conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128 or A–133 to satisfy the annual fiscal audit requirement. Grantees that are required to undertake these audits in conjunction with Federal grants may include SJI funds as part of the audit even if the receipt of SJI funds would not require such audits. This approach gives grantees an option to fold SJI funds into the governmental audit rather than to undertake a separate audit to satisfy SJI's Guideline requirements.

In sum, educational and nonprofit organizations that receive payments from the Institute that are sufficient to meet the applicability thresholds of OMB Circular A–133 must have their annual audit conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States rather than with generally accepted auditing standards. Grantees in this category that receive amounts below the minimum threshold referenced in Circular A–133 must also submit an annual audit to SJI, but they would have the option to conduct an audit of the entire grantee organization in accordance with generally accepted auditing standards; include SJI funds in an audit of Federal funds conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128 or A–133; or conduct an audit of only the SJI funds in accordance with generally accepted auditing standards. (See Guideline section X.K.) Circulars may be obtained from OMB by calling 202–395–3080 or visiting the OMB website at www.whitehouse.gov/OMB.

12. Does SJI have a CFDA number?

Auditors often request that a grantee provide the Institute's Catalog of Federal Domestic Assistance (CFDA) number for guidance in conducting an audit in accordance with Government Accounting Standards.

Because SJI is not a Federal agency, it has not been issued such a number, and there are no additional compliance tests to satisfy under the Institute's audit requirements beyond those of a standard governmental audit.

Moreover, because SJI is not a Federal agency, SJI funds should not be aggregated with Federal funds to determine if the applicability threshold of Circular A–133 has been reached. For example, if in fiscal year 1999 grantee ''X'' received $10,000 in Federal funds from a Department of Justice (DOJ) grant program and $20,000 in grant funds from SJI, the minimum A–133 threshold would not be met. The same distinction would preclude an auditor from considering the additional SJI funds in determining what Federal requirements apply to the DOJ funds.

Grantees who are required to satisfy either the Single Audit Act, OMB Circulars A–128 or A–133, and who include SJI grant funds in those audits, need to remember that because of its status as a private non-profit corporation, SJI is not on routing lists of cognizant Federal agencies. Therefore, the grantee needs to submit a copy of the audit report prepared for such a cognizant Federal agency directly to SJI. The Institute's audit requirements may be found in section X.K. of the Grant Guideline.

Appendix C—List of State Contacts Regarding Administration of Institute Grants to State and Local Courts

Mr. Frank Gregory, Administrative Director, Administrative Office of the Courts, 300 Dexter Avenue, Montgomery, AL 36104, (334) 242–0300

Ms. Stephanie J. Cole, Administrative Director of the Courts, Alaska Court System, 303 K Street, Anchorage, AK 99501, (907) 264–0547

Mr. Eliu F. Paopao, Court Administrator, High Court of American Samoa, P.O. Box 309, Pago Pago, AS 96799, 011 (684) 633–1150

Mr. David K. Byers, Administrative Director of the Courts, Supreme Court of Arizona, 1501 West Washington Street, Suite 411, Phoenix, AZ 85007, (602) 542–9301

Mr. James D. Gingerich, Director, Administrative Office of the Courts, Supreme Court of Arkansas, Justice Building, Little Rock, AR 72201, (501) 682–9400

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102, (415) 865–4200

Honorable Gerald (Jerry) A. Marroney, State Court Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, Suite 300, Denver, CO 80203, (303) 837–3668

Honorable Robert C. Leuba, Chief Court Administrator, Supreme Court of Connecticut, 231 Capitol Avenue, Hartford, CT 06106, (860) 566–4461

Dennis B. Jones, Director, Administrative Office of the Courts, Carvel State Office Building, 11th Floor, 820 N. French Street, Wilmington, DE 19801, (302) 577–2480

Ms. Anne B. Wicks, Acting Executive Officer, District of Columbia Courts, 500 Indiana Avenue, N.W., Suite 1500, Washington, D.C. 20001, (202) 879–1700

Mr. Kenneth R. Palmer, State Courts Administrator, Florida Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399–1900, (850) 922–5081

Mr. Jay Martin, Interim Director, Administrative Office of the Courts, 47 Trinity Avenue, Suite 414, Atlanta, GA 30334, (404) 656–5171

Mr. Daniel J. Tydingco, Executive Officer, Supreme Court of Guam, Guam Judicial Center, Suite 300, 120 West O'Brien Drive, Hagatna, Guam 96910–5174, 011 (671) 475–3278

Mr. Michael F. Broderick, Administrative Director of the Courts, The Judiciary, State of Hawaii, 417 S. King Street, Room 206, Honolulu, HI 96813, (808) 539–4900

Ms. Patricia Tobias, Administrative Director of the Courts, Supreme Court Building, 451 West State Street (Zip Code 83702), Post Office Box 83720, Boise, ID 83720–0101, (208) 334–2246

Mr. Joseph A. Schillaci, Director, Administrative Office of the Illinois Courts, 222 N. LaSalle Street, 13th Floor, Chicago, IL 60601, (312) 793–3250

Ms. Lilia G. Judson, Executive Director, Division of State Court Administration, Indiana Supreme Court, 115 W. Washington, Suite 1080, Indianapolis, IN 46204–3417, (317) 232–2542

Mr. William J. O'Brien, State Court Administrator, Supreme Court of Iowa, State House, Des Moines, IA 50319, (515) 281–5241

Dr. Howard P. Schwartz, Judicial Administrator, Kansas Judicial Center, 301 West Tenth Street, Topeka, KS 66612, (785) 296–4873

Ms. Cicely Jaracz Lambert, Director, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601–9230, (502) 573–2350

Dr. Hugh M. Collins, Judicial Administrator, Supreme Court of Louisiana, 1555 Poydras Street, Suite 1540, New Orleans, LA 70112–3701, (504) 568–5747

Mr. James T. Glessner, State Court Administrator, Administrative Office of the Courts, P.O. Box 4820, 62 Elm Street, Portland, ME 04112–4820, (207) 822–0792

Mr. Frank Broccolina, State Court Administrator, Administrative Office of the Courts, Maryland Judicial Center, 580 Taylor Avenue, Annapolis, MD 21401, (410) 260–1290

Honorable Barbara A. Dortch-Okara, Chief Justice for Administration and Management, Administrative Office of the Trial Courts, Two Center Plaza, Fifth Floor, Boston, MA 02108, (617) 742–8575

Mr. John D. Ferry, Jr., State Court Administrator 309 N. Washington Square, Lansing, MI 48909, (517) 373–2222

Ms. Sue K. Dosal, State Court Administrator, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, MN 55155, (651) 296–2474

Mr. Rick D. Patt, Acting Director, Administrative Office of the Courts, Supreme Court of Mississippi, P.O. Box 117, Jackson, MS 39205, (601) 354–7408

Mr. Michael L. Buenger, State Court Administrator, Supreme Court of Missouri, P.O. Box 104480, Jefferson City, MO 65110, (573) 751–3585

Mr. Patrick A. Chenovick, State Court Administrator, Office of the Court Administrator, Supreme Court of Montana, Justice Building, Room 315, 215 North Sanders, Post Office Box 203002, Helena, MT 59620–3002, (406) 444–2621

Mr. Joseph C. Steele, State Court Administrator, Administrative Office of the Courts/Probation, State Capitol Building, Room 1220, Post Office Box 98910, Lincoln, NE 68509–8910, (404) 471–3730

Ms. Karen Kavanau, State Court Administrator, Administrative Office of the Courts, Supreme Court Building, 201 South Carson Street, Suite 250, Carson City, NV 89701–4702, (775) 684–1717

Mr. Donald Goodnow, Director, Administrative Office of the Courts, Two Noble Drive, Concord, NH 03301, (603) 271–2521

Honorable Richard J. Williams, Acting Administrative Director, Administrative Office of the Courts, Post Office Box 037 RJH Justice Complex 25 Market Street, Trenton, NJ 08625, (609) 292–1747

Mr. John M. Greacen, Director, Administrative Office of the Courts 237 Don Gaspar, Room 25, Sante Fe, NM 87501–2178, (505) 827–4800

Honorable Jonathan Lippman, Chief Administrative Judge, New York State Unified Court System, Office of Court Administration, 25 Beaver Street, New York, NY 10004, (212) 428–2100

Honorable Thomas W. Ross, Administrative Director of the Courts, North Carolina Administrative Office of the Courts, 2 East Morgan Street (Zip Code 27601), Post Office Box 2448, Raleigh, NC 27602, (919) 733–7107

Mr. Keithe E. Nelson, State Court Administrator, Supreme Court of North Dakota, State Capitol Building, 600 East Boulevard Avenue, Dept. 180, Bismarck, ND 58505–0530, (701) 328–4216

Ms. Margarita M. Palacios, Director of Court, Supreme Court of the Commonwealth of the Northern Mariana Islands, P.O. Box 2165 CK, Saipan, MP 96950, (670) 235–9800

Mr. Steven C. Hollon, Administrative Director, Supreme Court of Ohio, Rhodes Office Tower, 30 East Broad Street, Columbus, OH 43266–0419, (614) 466–2653

Mr. Howard W. Conyers, Administrative Director of the Courts, 1925 N. Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521–2450

Ms. Kingsley W. Click, State Court Administrator, Office of the State Court Administrator, Supreme Court Building, Salem, OR 97310, (503) 986–5900

Mr. Zygmont A. Pines, Acting Court Administrator, Administrative Office of Pennsylvania Courts, Supreme Court of Pennsylvania 1515 Market Street, Suite 1414, Philadelphia, PA 19102, (215) 560–6337

Ms. Mercedes M. Bauermeister, Administrative Director of the Courts, General Court of Justice, Office of Court Administration, 6 Vela Street, Post Office Box 190917, Hato Rey, PR 00919, (787) 763–3358

Dr. Robert C. Harrall, State Court Administrator, Supreme Court of Rhode Island, 250 Benefit Street, Providence, RI 02903, (401) 277–3263

Ms. Rosalyn Woodson Frierson, Director, South Carolina Court Administration, 1015 Sumter Street, Suite 200, Columbia, SC 29201, (803) 734–1800

Mr. Daniel Schenk, Acting State Court Administrator, Unified Judicial System, 500 East Capitol Avenue, Pierre, SD 57501, (605) 773–3474

Ms. Cornelia A. Clark, Director, Administrative Office of the Courts, Tennessee Supreme Court, 511 Union Street, Suite 600, Nashville, TN 37243–0607, (615) 741–2687

Mr. Jerry L. Benedict, Administrative Director, Office of Court Administration, Tom C. Clark State Courts Building, Post Office Box 12066 (Zip Code 78711–2066), 205 West 14th Street, Suite 600, Austin, TX 78701, (512) 463–1625

Mr. Daniel Becker, State Court Administrator, 450 South State, Post Office Box 140241, Salt Lake City, UT 84114–0241, (801) 578–3806

Mr. Lee Suskin, Court Administrator, Supreme Court of Vermont, 109 State Street, Montpelier, VT 05609–0701, (802) 828–3278

Ms. Glenda L. Lake, Territorial Court of the Virgin Islands, P.O. Box 70, Charlotte Amalie, St. Thomas, Virgin Islands 00804, (340) 774–6680

Mr. Robert N. Baldwin, State Court Administrator, Supreme Court of Virginia, 100 North Ninth Street, 3rd Floor, Richmond, VA 23219, (804) 786–6455

Ms. Mary Campbell McQueen, State Court Administrator, Supreme Court of Washington, Temple of Justice, P.O. Box 41174, Olympia, WA 98504–1174, (360) 357–2121

Mr. James M. Albert, Administrative Director, West Virginia Supreme Court of Appeals, E–100, State Capitol Bldg., 1900 Kanawha Blvd. East, Charleston, WV 25305–0833, (304) 558–0145

Mr. J. Denis Moran, Director of State Courts, Room LL2, 119 Martin Luther King Jr. Blvd. (Zip Code 53703), Post Office Box 1688, Madison, WI 53702, (608) 266–6828

Ms. Holly A. Hansen, State Court Administrator, Supreme Court of Wyoming, Supreme Court Building, 2301

Capital Avenue, Cheyenne, WY 82002, (307) 777–7480

Appendix D—SJI Libraries: Designated Sites and Contacts

Alabama

Supreme Court Library

Mr. Timothy A. Lewis, State Law Librarian, Alabama Supreme Court Building, 300 Dexter Avenue, Montgomery, AL 36104, (334) 242–4347

Alaska

Anchorage Law Library

Ms. Cynthia S. Fellows, State Law Librarian, Alaska Court Libraries, 820 W. Fourth Ave., Anchorage, AK 99501, (907) 264–0583

Arizona

State Law Library

Ms. Gladys A. Wells, Collection Dev., Research Division, AZ Dept. of Library, Archives, and Public Records, State Law Library, 1501 W. Washington, Phoenix, AZ 85007, (602) 542–4035

Arkansas

Administrative Office of the Courts

Mr. James D. Gingerich, Director, Administrative Office of the Courts, Supreme Court of Arkansas, Justice Building, 625 Marshall Street, Little Rock, AR 72201–1078, (501) 682–9400

California

Administrative Office of the Courts

Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102, (415) 865–4200

Colorado

Supreme Court Library

Ms. Lois Calvert, Supreme Court Law Librarian, Colorado Supreme Court Library, Colorado State Judicial Building, 2 East 14th Avenue, Denver, CO 80203, (303) 837–3720

Connecticut

State Library

Ms. Denise D. Jernigan, State Librarian, Connecticut State Library, 231 Capital Avenue, Hartford, CT 06106, (860) 566–2516

Delaware

Administrative Office of the Courts

Mr. Dennis B. Jones, Director, Administrative Office of the Courts, Carvel State Office Building, 820 N. French, 11th Floor, Box 8911, Wilmington, DE 19801, (302) 577–2480

District of Columbia

Executive Office, District of Columbia Courts

Ms. Anne B. Wicks, Acting Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue NW., Room 1500, Washington, DC 20001, (202) 879–1700

Florida

Administrative Office of the Courts

Mr. Kenneth R. Palmer, State Courts Administrator, Florida State Courts System, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399–1900, (850) 922–5081

Georgia

Administrative Office of the Courts

Mr. Jay Martin, Interim Director, Administrative Office of the Courts, 47 Trinity Avenue Suite 414, Atlanta, GA 30334

Hawaii

Supreme Court Library

Ms. Ann S. Koto, State Law Librarian, The Supreme Court Law Library, 417 South King Street, Honolulu, HI 96813, (808) 539–4965

Idaho

AOC Judicial Education Library/State Law Library

Ms. Beth Peterson, State Law Librarian, Idaho State Law Library, 451 West State Street, Boise, ID 83720, (208) 334–3316

Illinois

Supreme Court Library

Ms. Brenda I. Larison, State Law Librarian, Supreme Court Library, Supreme Court Building, 200 E. Capitol, Springfield, IL 62701–1791, (217) 782–2424

Indiana

Supreme Court Library

Mr. Dennis Lager, Supreme Court Librarian, Supreme Court Library, State House, Room 316, Indianapolis, IN 46204, (317) 232–2557

Iowa

Administrative Office of the Court

Dr. Jerry K. Beatty, Executive Director Education, Office of the State Court Administrator, 700 3rd. St. Upper Level, Des Moines, IA 50309, (515) 281–8279

Kansas

Supreme Court Library

Mr. Fred Knecht, Law Librarian, Kansas Supreme Court Library, 301 West 10th Street, Topeka, KS 66612, (913) 296–3257

Kentucky

State Law Library

Ms. Marge Jones, State Law Librarian, State Law Library, State Capital Room 200–A, 700 Capital Avenue, Frankfort, KY 40601, (502) 564–4848

Louisiana

State Law Library

Ms. Carol D. Billings, Director, Louisiana Law Library, Supreme Court of Louisiana, 301 Loyola Avenue, Room 301, New Orleans, LA 70112, (504) 568–5705

Maine

State Law and Legislative Reference Library

Ms. Lynn E. Randall, State Law Librarian, State Law & Legislative Reference Library, State House Station 43, Augusta, ME 04333, (207) 287–1600

Maryland

State Law Library

Mr. Michael S. Miller, Director, Maryland State Law Library, Court of Appeal Building, 361 Rowe Blvd., Annapolis, MD 21401, (410) 260–1430

Massachusetts

Middlesex Law Library

Ms. Sandra Lindheimer, Library Director, Middlesex Law Library, Superior Court House, 40 Thorndike Street, Cambridge, MA 02141, (617) 494–4148

Michigan

Michigan Judicial Institute

Mr. Kevin J. Bowling, Director, Michigan Judicial Institute, P.O. Box 30205, 222 Washington Square North Suite 220, Lansing, MI 48909–7705, (517) 334–7805 Ext 112

Minnesota

State Law Library (Minnesota Judicial Center)

Mr. Marvin R. Anderson, State Law Librarian, Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, MN 55155, (612) 297–2084

Mississippi

Mississippi Judicial College

Mr. Leslie G. Johnson, Executive Director, Mississippi Judicial College, University of Mississippi, P.O. Box 8850, University, MS 38677, (662) 915–5955

Montana

State Law Library

Ms. Judith Meadows, State Law Librarian, State Law Library of Montana, Justice Building, 215 North Sanders, Helena, MT 59620, (406) 444–3660

Nebraska

Administrative Office of the Courts

Mr. Joseph C. Steele, State Court Administrator, Administrative Office of the Courts/Probation, State Capitol Building, Room 1220, Lincoln, NE 68509, (402) 471–3730

Nevada

National Judicial College

Ms. Clara Kelly, Law Librarian, National Judicial College, Judicial College Building, University of Nevada, Reno, NV 89550, (702) 784–6747

New Jersey

New Jersey State Library

Ms. Marjorie Garwig, Supervising Law Librarian, NJ State Law Library, 185 West State St., P.O. Box 520, Trenton, NJ 08625, (609) 292–6230

New Mexico

Supreme Court Library

Mr. Thaddeus Bejnar, Librarian, New Mexico Supreme Court Library, P.O. Drawer L, Santa Fe, NM 87504, (505) 827–4850

New York

Supreme Court Library

Ms. Colleen Stella, Principal Law Librarian, New York State Supreme Court Law Library, Onondaga County Court House, 401 Montgomery Street, Syracuse, NY 13202, (315) 435–2063

North Carolina

Supreme Court Library

Mr. Thomas P. Davis, Librarian, NC State Law Library 2 East Morgan Street, P.O. Box 28006, Raleigh, NC 27601, (919) 733–3425

North Dakota

Supreme Court Library

Ms. Marcella Kramer, Assistant Law Librarian, Supreme Court Law Library, 600 East Boulevard Ave., 2nd Floor, Judicial Wing, Bismarck, ND 58505–0530, (701) 328–2229

Northern Mariana Islands

Supreme Court of the Northern Mariana Islands

Hon. Miguel Sablan Demapan, Chief Justice, Supreme Court of the Northern Mariana Islands, P.O. Box 2165 C.K., Saipan, MP 96950, (670) 236–9700

Ohio

Supreme Court Library

Mr. Paul S. Fu, Law Librarian, Supreme Court Law Library, Supreme Court of Ohio, 30 East Broad Street, Columbus, OH 43266–0419, (614) 466–2044

Oklahoma

Administrative Office of the Courts

Mr. Howard W. Conyers, Administrative Director of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521–2450

Oregon

Administrative Office of the Courts

Ms. Kingsley W. Click, State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, OR 97310, (503) 986–5900

Pennsylvania

State Library of Pennsylvania

Ms. Kathy Hale, Collection Management, State Library of Pennsylvania, Room G–48 Forum Building, P.O. Box 1601, Harrisburg, PA 17105–1601, (717) 787–5718,

Puerto Rico

Office of Court Administration

Mr. Alfredo Rivera-Mendoza, Director, Office of Court Administration, P.O. Box 917, Hato Rey, PR 00919

Rhode Island

Roger Williams Law School Library

Ms. Gail Winson, Director of the Library, Roger Williams University, School of Law Library 10 Metacom Avenue, Bristol, RI 02809, (401) 254–4546

South Carolina

Coleman Karesh Law Library (University of South Carolina School of Law)

Mr. Steve Hinckley, Library Director, Coleman Karesh Law Library, U.S.C. Law Center, University of South Carolina, Columbia, SC 29208, (803) 777–5944

South Dakota

State Law Library

Librarian, Supreme Court of South Dakota, 500 East Capitol, Pierre, SD 57501, (605) 773–4898

Tennessee

Tennessee State Law Library

Hon. Cornelia A. Clark, State Court Administrator, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37243–0607, (615) 741–2687

Texas

State Law Library

Ms. Kay Schleuter, Director, State Law Library, P.O. Box 12367, Austin, TX 78711, (512) 463–1722

US Virgin Islands

Library of the Territorial Court of the Virgin Islands (St. Thomas)

Ms. Glenda L. Lake, Court Administrator, Territorial Court of the Virgin Islands, PO Box 70, Charlotte Amalie, St. Thomas, VI 00804

Utah

Utah State Judicial Administration Library

Ms. Debbie Christiansen, Librarian, Administrative Office of the Courts Library, 450 South State, PO Box 140241, Salt Lake City, UT 84114–0241, (801) 578–3832

Vermont

Supreme Court of Vermont

Mr. Paul J. Donovan, Law Librarian, Department of Libraries, 109 State Street, Montpelier, VT 05609, (802) 828–3268

Virginia

Administrative Office of the Courts

Mr. Robert N. Baldwin, State Court Administrator, Supreme Court of Virginia, 100 North Ninth Street, Third Floor, Richmond, VA 23219, (804) 786–6455

Washington

Washington State Law Library

Ms. Deborah Norwood, State Law Librarian, Washington State Law Library, Temple of Justice, P.O. Box 40751, Olympia, WA 98504–0751, (360) 357–2136

West Virginia

Administrative Office of the Courts

Law Librarian, West Virginia Supreme Court of Appeals, State Capitol, Capitol E–404, 1900 Kanawha, Charleston, WV 25305–0830, (304) 558–2607

Wisconsin

State Law Library

Ms. Jane Colwin, Director of Public Services, State Law Library, 310 East State Capitol, P.O. Box 7881, Madison, WI 53707, (608) 261–2340

Wyoming

Wyoming State Law Library

Ms. Kathleen B. Carlson, Law Librarian, Wyoming State Law Library, Supreme Court Building 2301 Capitol Avenue, Cheyenne, WY 82002, (307) 777–7509

National

American Judicature Society

Ms. Clara Wells, Information and Library Services, American Judicature Society, 180 North Michigan Avenue, Room 600, Chicago, IL 60601–7401, (312) 558–6900

National Center for State Courts

Ms. Peggy Rogers, Acquisitions/Serials Librarian, National Center for State Courts, P.O. Box 8798, 300 Newport Avenue, Williamsburg, VA 23187–8798, (757) 259–1857

JERITT

Dr. Maureen Conner, Executive Director, JERITT Project, Suite 330 Nisbet, 1407 S. Harrison, East Lansing, MI 48824–5239, (517) 353–8603, (517) 432–3965 (fax) e-mail: connerm@msu.edu, website: http://jeritt.msu.edu

Appendix E—Illustrative List of Model Curricula

The following list includes examples of model SJI-supported curricula that State judicial educators may wish to adapt for presentation in education programs for judges and other court personnel with the assistance of a Curriculum Adaptation Grant. *Please refer to* section VII.E. *for information on submitting a letter application for a Curriculum Adaptation Grant.* A list of all SJI-supported education projects is available on the SJI website (http://www.statejustice.org/). Please also check with the JERITT project (517/353–8603) or and with your State SJI-designated library (see Appendix D) for information on other SJI-supported curricula that may be appropriate for in-State adaptation.

Alternative Dispute Resolution

Judicial Settlement Manual (National Judicial College: SJI–89–089)

Improving the Quality of Dispute Resolution (Ohio State University College of Law: SJI–93–277)

Comprehensive ADR Curriculum for Judges (American Bar Association: SJI–95–002)

Domestic Violence and Custody Mediation (American Bar Association: SJI–96–038)

Court Coordination

Bankruptcy Issues for State Trial Court Judges (American Bankruptcy Institute: SJI–91–027)

Intermediate Sanctions Handbook: Experiences and Tools for Policymakers (Center for Effective Public Policy: IAA–88-NIC–001)

Regional Conference Cookbook: A Practical Guide to Planning and Presenting a Regional Conference on State-Federal Judicial Relationships (U.S. Court of Appeals for the 9th Circuit: SJI–92–087)

Bankruptcy Issues and Domestic Relations Cases (American Bankruptcy Institute: SJI–96–175)

Court Management

Managing Trials Effectively: A Program for State Trial Judges (National Center for State Courts/National Judicial College: SJI–87–066/067, SJI–89–054/055, SJI–91–025/026)
Caseflow Management Principles and Practices (Institute for Court Management/National Center for State Courts: SJI–87–056)
A Manual for Workshops on Processing Felony Dispositions in Limited Jurisdiction Courts (National Center for State Courts: SJI–90–052)
Managerial Budgeting in the Courts; Performance Appraisal in the Courts; Managing Change in the Courts; Court Automation Design; Case Management for Trial Judges; Trial Court Performance Standards (Institute for Court Management/National Center for State Courts: SJI–91–043)
Strengthening Rural Courts of Limited Jurisdiction and Team Training for Judges and Clerks (Rural Justice Center: SJI–90–014, SJI–91–082)
Interbranch Relations Workshop (Ohio Judicial Conference: SJI–92–079)
Integrating Trial Management and Caseflow Management (Justice Management Institute: SJI–93–214)
Leading Organizational Change (California Administrative Office of the Courts: SJI–94–068)
Privacy Issues in Computerized Court Record Keeping: An Instructional Guide for Judges and Judicial Educators (National Judicial College: SJI–94–015)
Managing Mass Tort Cases (National Judicial College: SJI–94–142)
Employment Responsibilities of State Court Judges (National Judicial College: SJI–95–025)
Dealing with the Common Law Courts: A Model Curriculum for Judges and Court Staff (Institute for Court Management/National Center for State Courts: SJI–96–159)
Caseflow Management (Justice Management Institute: SJI–98–041)

Courts and Communities

A National Program for Reporting on the Courts and the Law (American Judicature Society: SJI–88–014)
Victim Rights and the Judiciary: A Training and Implementation Project (National Organization for Victim Assistance: SJI–89–083)
National Guardianship Monitoring Project: Trainer and Trainee's Manual (American Association of Retired Persons: SJI–91–013)
Access to Justice: The Impartial Jury and the Justice System and When Implementing the Court-Related Needs of Older People and Persons with Disabilities: An Instructional Guide (National Judicial College: SJI–91–054)
You Are the Court System: A Focus on Customer Service (Alaska Court System: SJI–94–048)
Serving the Public: A Curriculum for Court Employees (American Judicature Society: SJI–96–040)
Courts and Their Communities: Local Planning and the Renewal of Public Trust and Confidence: A California Statewide Conference (California Administrative Office of the Courts: SJI–98–008)
Public Trust and Confidence in the Courts (Mid-Atlantic Association for Court Management: SJI–98–208)
Trial Court Judicial Leadership Program: Judges and Court Administrators Serving the Courts and Community (National Center for State Courts: SJI–98–268)
ACA National Conference: Public Trust and Confidence (Arizona Courts Association: SJI–99–063)

Criminal Process

Search Warrants: A Curriculum Guide for Magistrates (American Bar Association Criminal Justice Section: SJI–88–035)

Diversity, Values, and Attitudes

Troubled Families, Troubled Judges (Brandeis University: SJI–89–071)
The Crucial Nature of Attitudes and Values in Judicial Education (National Council of Juvenile and Family Court Judges: SJI–90–058)
Enhancing Diversity in the Court and Community (Institute for Court Management/National Center for State Courts: SJI–91–043)
Cultural Diversity Awareness in Nebraska Courts from Native American Alternatives to Incarceration Project (Nebraska Urban Indian Health Coalition: SJI–93–028)
Race Fairness and Cultural Awareness Faculty Development Workshop (National Judicial College: SJI–93–063)
A Videotape Training Program in Ethics and Professional Conduct for Nonjudicial Court Personnel and The Ethics Fieldbook: Tool For Trainers (American Judicature Society: SJI–93–068)
Court Interpreter Training Course for Spanish Interpreters (International Institute of Buffalo: SJI–93–075)
Doing Justice: Improving Equality Before the Law Through Literature-Based Seminars for Judges and Court Personnel (Brandeis University: SJI–94–019)
Multi-Cultural Training for Judges and Court Personnel (St. Petersburg Junior College: SJI–95–006)
Ethical Standards for Judicial Settlement: Developing a Judicial Education Module (American Judicature Society: SJI–95–082)
Code of Ethics for the Court Employees of California (California Administrative Office of the Courts: SJI 95–245)
Workplace Sexual Harassment Awareness and Prevention (California Administrative Office of the Courts: SJI 96–089)
Just Us On Justice: A Dialogue on Diversity Issues Facing Virginia Courts (Virginia Supreme Court: SJI–96–150)
When Bias Compounds: Insuring Equal Treatment for Women of Color in the Courts (National Judicial Education Program: SJI 96–161)
When Judges Speak Up: Ethics, the Public, and the Media (American judicature Society: SJI–96–152)

Family Violence and Gender-Related Violent Crime

National Judicial Response to Domestic Violence: Civil and Criminal Curricula (Family Violence Prevention Fund: SJI–87–061, SJI–89–070, SJI–91–055)
Domestic Violence: A Curriculum for Rural Courts (Rural Justice Center: SJI–88–081)
Judicial Training Materials on Spousal Support; Judicial Training Materials on Child Custody and Visitation (Women Judges' Fund for Justice: SJI–89–062)
Judicial Response to Stranger and Nonstranger Rape and Sexual Assault (National Judicial Education Program: SJI–92–003)
Domestic Violence & Children: Resolving Custody and Visitation Disputes (Family Violence Prevention Fund: SJI–93–255)
Adjudicating Allegations of Child Sexual Abuse When Custody Is In Dispute (National Judicial Education Program: SJI 95–019)
Handling Cases of Elder Abuse: Interdisciplinary Curricula for Judges and Court Staff (American Bar Association: SJI–93–274)

Health and Science

Environmental Law Resource Handbook (University of New Mexico Institute for Public Law: SJI–92–162)
A Judge's Deskbook on the Basic Philosophies and Methods of Science: Model Curriculum (University of Nevada, Reno: SJI–97–030)

Judicial Education for Appellate Court Judges

Career Writing Program for Appellate Judges (American Academy of Judicial Education: SJI–88–086)
Civil and Criminal Procedural Innovations for Appellate Courts (National Center for State Courts: SJI–94–002)

Judicial Education Faculty, and Program Development

The Leadership Institute in Judicial Education and The Advanced Leadership Institute in Judicial Education (University of Memphis: SJI–91–021)
''Faculty Development Instructional Program'' from Curriculum Review (National Judicial College: SJI–91–039)
Resource Manual and Training for Judicial Education Mentors (National Association of State Judicial Educators: SJI–95–233)
Institute for Faculty Excellence in Judicial Education, (National Council of Juvenile and Family Court Judges: SJI–96–042)

Orientation, Mentoring, and Continuing Professional Education of Judges and Court Personnel

Legal Institute for Special and Limited Jurisdiction Judges (National Judicial College: SJI–89–043, SJI–91–040)
Pre-Bench Training for New Judges (American Judicature Society: SJI–90–028)
A Unified Orientation and Mentoring Program for New Judges of All Arizona Trial Courts (Arizona Supreme Court: SJI–90–078)
Court Organization and Structure (Institute for Court Management/National Center for State Courts: SJI–91–043)

Judicial Review of Administrative Agency Decisions (National Judicial College: SJI–91–080)
New Employee Orientation Facilitators Guide (Minnesota Supreme Court: SJI–92–155)
Magistrates Correspondence Course (Alaska Court System: SJI–92–156)
Computer-Assisted Instruction for Court Employees (Utah Administrative Office of the Courts: SJI–94–012)
Bench Trial Skills and Demeanor: An Interactive Manual (National Judicial College: SJI 94–058)
Ethical Issues in the Election of Judges (National Judicial College: SJI–94–142)
Professional Development for Court Managers: Educational Criteria in the 21st Century (National Association for Court Management: SJI–96–148)
Innovative Approaches to Improving Competencies of General Jurisdiction Judges (National Judicial College: SJI–98–001)

Juveniles and Families in Court

Fundamental Skills Training Curriculum for Juvenile Probation Officers (National Council of Juvenile and Family Court Judges: SJI–90–017)
Child Support Across State Lines: The Uniform Interstate Family Support Act from Uniform Interstate Family Support Act: Development and Delivery of a Judicial Training Curriculum (ABA Center on Children and the Law: SJI 94–321)

Strategic and Futures Planning

Minding the Courts into the Twentieth Century (Michigan Judicial Institute: SJI–89–029)
An Approach to Long-Range Strategic Planning in the Courts (Center for Public Policy Studies: SJI–91–045)

Substance Abuse

Effective Treatment for Drug-Involved Offenders: A Review & Synthesis for Judges and Court Personnel (Education Development Center, Inc.: SJI–90–051)
Good Times, Bad Times: Drugs, Youth, and the Judiciary (Professional Development and Training Center, Inc.: SJI–91–095)
Gaining Momentum: A Model Curriculum for Drug Courts (Florida Office of the State Courts Administrator: SJI–94–291)
Judicial Response to Substance Abuse: Children, Adolescents, and Families (National Council of Juvenile and Family Court Judges: SJI–95–030)

BILLING CODE 6820–SC–P

Appendix F

(Form S1)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

This application does not serve as a registration for the course. Please contact the education provider.

APPLICANT INFORMATION:

1. Applicant Name: _____
(Last) (First) (M)

2. Position: _____

3. Name of Court: _____

4. Address: _____
Street/P.O. Box

_____
City State Zip Code

5. Telephone No. _____ 6. Congressional District: _____

PROGRAM INFORMATION:

7. Course Name: _____

8. Course Dates: _____

9. Course Provider: _____

10. Location Offered: _____

ESTIMATED EXPENSES: (Please note, scholarships are limited to tuition and transportation expenses to and from the site of the course up to a maximum of $1,500.)

Tuition: $_____ Transportation: $_____
(Airfare, train fare, or, if you plan to drive, an amount equal to the approximate distance and mileage rate)

Amount Requested: $_____

SJI

1650 King Street, Suite 600, Alexandria, Virginia 22314 (703) 684-6100

ADDITIONAL INFORMATION: Please attach a current resume or professional summary, and answer the following questions. (You may attach additional pages if necessary.)

1. How will taking this course benefit you, your court, and the State's courts generally?

2. Is there any education or training currently available through your State on this topic?

3. How will you apply what you have learned? Please include any plans you may have to develop/teach a course on this topic in your jurisdiction/State, provide in-service training, or otherwise disseminate what you have learned to colleagues.

4. Are State or local funds available to support your attendance at the proposed course? If so, what amount(s) will be provided?

5. How long have you served as a judge or court manager?

6. How long do you anticipate serving as a judge or court manager, assuming reelection or reappointment?

7. What continuing professional education programs have you attended in the past year? Please indicate which were mandatory (M) and which were non-mandatory (V).

STATEMENT OF APPLICANT'S COMMITMENT

If a scholarship is awarded, I will submit an evaluation of the educational program to the State Justice Institute and to the Chief Justice of my State.

_____ _____

Signature Date

Please return this form and Form S-2 to: State Justice Institute, 1650 King Street, Suite 600, Alexandria Virginia 22314

(Form S2)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

CONCURRENCE

I, _____,
Name of Chief Justice (or Chief Justice's Designee)

have reviewed the application for a scholarship to attend the program entitled

_____,

prepared by _____,
Name of Applicant

and concur in its submission to the State Justice Institute. The applicant's participation in the program would benefit the State; the applicant's absence to attend the program would not present an undue hardship to the court; and receipt of a scholarship would not diminish the amount of funds made available by the State for judicial education.

_____
Signature

_____
Name

_____
Title

_____
Date

Appendix G

(Form E)

STATE JUSTICE INSTITUTE

LINE-ITEM BUDGET FORM

For Concept Papers, Curriculum Adaptation & Technical Assistance Grant Requests

Category	SJI Funds	Cash Match	In-Kind Match
Personnel	$_____	$_____	$_____
Fringe Benefits	$_____	$_____	$_____
Consultant/Contractual	$_____	$_____	$_____
Travel	$_____	$_____	$_____
Equipment	$_____	$_____	$_____
Supplies	$_____	$_____	$_____
Telephone	$_____	$_____	$_____
Postage	$_____	$_____	$_____
Printing/Photocopying	$_____	$_____	$_____
Audit	$_____	$_____	$_____
Other	$_____	$_____	$_____
Indirect Costs (%)	$_____	$_____	$_____
TOTAL	$_____	$_____	$_____

PROJECT TOTAL $_____

Financial assistance has been or will be sought for this project from the following other sources:

_____

_____

* Concept papers requesting an accelerated award, Curriculum Adaptation grant requests, and Technical Assistance grant requests should be accompanied by a budget narrative explaining the basis for each line-item listed in the proposed budget.

Appendix H

(Form B)

STATE JUSTICE INSTITUTE

Certificate of State Approval

The _____
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled _____

prepared by _____
Name of Applicant

approves its submission to the State Justice Institute, and

[ ] agrees to receive and administer and be accountable for all funds awarded by the Institute pursuant to the application.

[ ] designates _____
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by the Institute pursuant to the application.

_____ _____
Signature *Date*

_____
Name

_____
Title

INSTRUCTIONS

The State Justice Act requires that:

Each application for funding by a State or local court shall be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such courts. 42 U.S.C. 10705(b)(4).

FORM B should be signed by the Chief Judge or Chief Justice of the State Supreme Court, or by the director of the designated agency or chair of the designated council. If the designated agency or council differs from the designee listed in Appendix I to the State Justice Institute grant Guideline, evidence of the new or additional designation should be attached.

The term "State Supreme Court' refers to the court of last resort of a State. "Designated agency or council" refers to the office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer and be accountable for those funds.

[FR Doc. 00–26071 Filed 10–12–00; 8:45]
BILLING CODE 6820–SC–C

Federal Register

Friday,
October 13, 2000

Part III

Department of Housing and Urban Development

24 CFR Part 200, et al.
Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 200, 236, 880, 881 and 883

[Docket No. FR–4532–F–01]

RIN 2502–AH46

Increased Distributions to Owners of Certain HUD-Assisted Multifamily Rental Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule adds an exception to current limits on distributions to owners for HUD-assisted multifamily rental projects. HUD may now permit increased distributions for owners of projects with section 8 project-based assistance and below-market rents, if such increases are necessary to ensure continued participation of the owners in the section 8 program.

EFFECTIVE DATE: November 13, 2000.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grants Administration, Department of Housing and Urban Development, 451 7th St. SW, Washington DC 20410, 202–708–2866. (This not a toll-free number.) For hearing- and speech-impaired persons, these numbers may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 1999, the Department issued Notice H 99–15, *Emergency Initiative to Preserve Below-Market Project-Based Section 8 Multifamily Housing Stock.* The Notice identified a class of HUD-assisted multifamily projects that were most at risk of ''opting-out'' of section 8 project-based assistance when contracts expired, and provided inducements for the owners of at-risk projects to renew the expiring contracts.

Most importantly, the Notice provided for ''marking up'' of rent levels for certain projects at risk of opting out, as permitted by section 524 of the Multifamily Affordable Housing Reform and Affordability Act of 1997 (MAHRA), to comparable market rents (or 150% of Fair Market Rent, if lower). Section 524 was recently amended by Public Law 106–74 to mandate marking up in certain circumstances, and the Department is addressing those amendments in a separate rulemaking proceeding involving 24 CFR part 402.

Notice H 99–15 also announced that HUD would waive regulations to permit owners of the at-risk projects to take distributions in excess of the limits stated in regulations. This waiver approach is continued for FY 2000 by HUD Notice H 99–36 issued on December 29, 1999. Limits on distributions are not set by statute and are not directly affected by the recent legislation on ''marking up''. However, the Department expects to continue to permit increased distributions along the lines of Notices H 99–15 and H 99–36 in connection with ''marking up'' under amended section 524 of MAHRA. Because this will become a permanent policy, it would be inappropriate to continue to rely indefinitely on the use of waivers of relevant regulatory restrictions. This final rule makes continued reliance on waivers unnecessary.

Changes to Parts 236, 880, 881, and 883 Made in This Rule

Notice H 99–15 refers to five regulatory provisions of title 24 that limit distributions to project owners: §§ 221.532(a) (1995), 236.50(a)(2) (1995), 880.205(b), 881.205(b), and 883.306(b). This rule adds language to the latter four provisions to authorize HUD to allow distributions of surplus cash, in excess of the amounts usually permitted by such provisions, for project owners who participate in a HUD-approved initiative or program to preserve assisted housing stock with below-market rates, such as the Emergency Initiative begun by Notice H 99–15. Consistent with the regulation waivers that HUD has already granted, the increased distributions will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Any increased limits on distributions, or changes in those limits, will be announced in a widely-distributed HUD issuance such as a HUD Notice (which will also be available on HUD's Internet website), but the limits will not be required to be published in the **Federal Register**. The new language also clarifies that any excess rental charges that a section 236 project owner is authorized to retain under section 236(g) of the National Housing Act (which was amended after Notice 99–15 was issued) are not considered distributions.

For part 236, we have clarified the language of the ''savings provision'' of § 236.1(c), which preserves language predating a 1996 regulatory ''streamlining'' effort. No substantive change is intended. In addition, we added a new § 236.2 that is substantively the same as the additions to §§ 880.205, 881.205, and 883.306 described above.

Changes to Part 200 Made in This Rule

Although the waiver mentioned § 221.532(a) (1995), that provision is not amended by this final rule because it is no longer in effect as such. Section 221.532(a) was removed by a streamlining rule published on April 1, 1996, without any express savings provision. In lieu of matters that formerly appeared in subpart C of part 221 (including specific limits on distributions), § 221.501 now refers the reader to subpart A of part 200. That subpart is a restatement of eligibility requirements (including continued general authority for mortgagor supervision by HUD) for FHA multifamily and health care mortgage insurance programs. Current § 200.105 contains general regulatory authority for HUD's mortgagor supervision policies and permits regulation to be by a regulatory agreement or other means prescribed by the Secretary. This general authority is supplemented by § 200.106, which specifically permits HUD to regulate as limited dividend mortgagors projects receiving government ''assistance'' as defined in regulations implementing the Department of Housing and Urban Development Reform Act of 1990 (as explained below, there is no longer any such definition and correction is needed). Section 200.106 permits HUD to continue to impose additional regulation for mortgagors of assisted projects beyond those applicable to all multifamily mortgagors.

The preamble to the streamlining rule made it clear that the replacement of certain part 221 provisions with those now in part 200 was not intended to affect substantive policy. Because the focus of current subpart A is on the eligibility requirements for origination of new mortgages, however, subpart A lacks some of the previous specifics on certain matters of mortgagor regulation covered in former subpart C that continue to be relevant after the mortgage origination is completed.

We are taking this opportunity to amend part 200 in several respects. Most importantly, the final rule adds language (new § 200.106(b)) that is similar to the language added to the other four sections amended by the final rule. The previous language of § 200.106 is now designated as § 200.106(a) and is revised in several respects. First, the reference in § 200.106 to the definition of ''assistance'' is brought up to date. It appears to have been intended as a

reference to a defined term that formerly appeared in 24 CFR parts 4 and 12 before those parts were streamlined and combined in 1996 into the current 24 CFR part 4. Part 4 now uses several different definitions to encompass the concept formerly conveyed by the single defined term ''assistance''. Of these definitions, we have chosen to reference in § 200.106 the defined phrase ''assistance within the jurisdiction of the Department to any housing project'' from § 4.3. That phrase includes existing section 221 projects held by limited distribution mortgagors.

Second, we have clarified several points in what is now redesignated as § 200.106(a). The revised language expressly recognizes that regulation of limited distribution mortgagors for assisted projects may be by regulation or otherwise and is in addition to any regulation of mortgagors under § 200.105. This approach makes it clear that § 201.106 is consistent with § 201.105. Further, the revised language expressly includes regulation of the amount of the permissible distribution as an example of permissible regulation. Prior to streamlining, this and other matters especially applicable to assisted projects were spelled out in regulations, but they are now continued in force by HUD by virtue of the more general language of §§ 200.105 and 200.106.

On the technical corrections level, we have deleted from the redesignated § 200.106(a) a confusing reference to the Low-Income Housing Tax-Credit program. Existing § 200.105(b) is also revised to correct errors.

Pre-emption

Public Law 106–74 also added a new section 524(f) to MAHRA that preempts State and local laws and regulations that limit or restrict project distributions to an amount less than that provided for under regulations of the Secretary. The preemption is limited to projects which have section 8 contracts renewed under section 524 of MAHRA and which have distributions of surplus funds accruing after October 20, 1999. Preemption does not apply to State-financed projects. An owner may elect to waive the preemption. Each section of the regulations that is amended as discussed above to permit increased distributions is also covered by the statutory preemption, both with respect to distribution limits expressly set forth in regulations and to any increased amounts permitted by HUD pursuant to this final rule.

Justification for Final Rulemaking

It is the general practice of the Department to provide a 60-day public comment period on all rules in accordance with 24 CFR part 10. However, a prior public comment procedure may be omitted under § 10.1 if the Department determines that is impracticable, unnecessary, or contrary to the public interest.

The Department has determined that prior public comment for these provisions regarding increased limits on distributions is unnecessary because these provisions do not adversely affect the interests of any person. Most of the rule simply permits HUD to continue existing practices that provide for the preservation of certain below-market projects as affordable housing resources. It is also unnecessary to seek public comment on the preemption language of the rule because this language simply sets forth a statutory provision with some interpretation of its effect. As such, that language is an interpretative rule. HUD's rulemaking procedures do not require a notice and comment procedure for interpretive rules (see 24 CFR 10.1). Additionally, the rule makes certain technical corrections and clarifications to existing regulations that do not have any substantive effect.

Findings and Certifications

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 implementing section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street, SW, Room 10276, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. The final rule codifies long-established existing practices that provide for the preservation of certain below-market projects as affordable housing resources. The rule also includes a statutorily required provision on preemption and makes certain technical corrections and clarifications to existing regulations that do not have any substantive effect.

Executive Order 13132, Federalism

This final rule does not have Federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule does not impose a Federal mandate that will result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number is 14.134.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

24 CFR Part 236

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 880

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 881

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, chapter II of title 24 of the Code of Federal Regulations is amended as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

1. The authority citation for part 200 is revised to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

2. Section 200.105 is amended by revising paragraph (b) to read as follows:

§ 200.105 Mortgagor supervision.

* * * * *

(b) The Commissioner may delegate to the mortgagee or other party the Commissioner's authority, in whole or in part, in accordance with the terms, conditions and standards established by the Commissioner in any executed Regulatory Agreement or other instrument granting the Commissioner supervision of the mortgagor.

3. Section 200.106 is revised to read as follows:

§ 200.106 Projects with limited distribution mortgagors and program assistance.

(a) *Regulation as limited distribution mortgagors.* In addition to regulation under § 200.105, limited distribution mortgagors for projects receiving ''assistance within the jurisdiction of the Department'' (as defined in § 4.3 of this title) may be regulated by the Commissioner as to additional matters, by regulation or otherwise, including as to the amount of the permissible distribution to the mortgagor.

(b) *Increased distributions.* The Commissioner may permit increased distributions of surplus cash, in excess of the amounts the Commissioner otherwise permits for limited distribution mortgagors, to a limited distribution mortgagor who participates in a HUD-approved initiative or program to preserve housing stock with below-market rents as affordable housing. The increased distribution will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Funds that the mortgagor is authorized to retain under section 236(g)(2) of the National Housing Act are not considered distributions to the mortgagor.

(c) *Pre-emption.* Any State or local law or regulation that restricts distributions to an amount lower than permitted by the Commissioner under authority of this section is preempted to the extent provided in section 524(f) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

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

Authority: 12 U.S.C. 1715b and 1715z-1; 42 U.S.C. 3535(d).

5. Section 236.1(c) is revised to read as follows:

§ 236.1 Applicability, cross-reference and savings clause.

* * * * *

(c) *Savings provision.* Any mortgage approved by the Commissioner for insurance pursuant to sections 236(j) or 236(n) of the National Housing Act is governed by subpart A of this part as in effect immediately before May 1, 1996, contained in the April 1, 1995 edition of 24 CFR, parts 220 to 499, and by subparts B through E of this part, except as otherwise provided in this subpart.

6. A new § 236.2 is added to read as follows:

§ 236.2 Increased distributions to certain limited distribution mortgagors.

(a) *Increased distributions.* The Commissioner may permit increased distributions of surplus cash in excess of the amounts otherwise permitted by subpart A of this part to limited distribution mortgagors who participate in a HUD-approved initiative or program to preserve below-market housing stock. The increased distributions will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Funds that the mortgagor is authorized to retain under section 236(g)(2) of the National Housing Act are not considered distributions to the mortgagor.

(b) *Pre-emption.* Any State or local law or regulation that restricts distributions to an amount lower than permitted by subpart A of this part as in effect immediately before May 1, 1996, contained in the April 1, 1995 edition of 24 CFR, parts 220 to 499, or permitted by the Commissioner under this section is preempted to the extent provided by section 524(f) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

7. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

8. Section 880.205 is amended by adding new paragraphs (h) and (i) to read as follows:

§ 880.205 Limitation on distributions.

* * * * *

(h) HUD may permit increased distributions of surplus cash, in excess of the amounts otherwise permitted, to profit-motivated owners who participate in a HUD-approved initiative or program to preserve below-market housing stock. The increased distributions will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Funds that the owner is authorized to retain under section 236(g)(2) of the National Housing Act are not considered distributions to the owner.

(i) Any State or local law or regulation that restricts distributions to an amount lower than permitted by this section or permitted by the Commissioner under this paragraph (i) is preempted to the extent provided by section 524(f) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

9. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

10. Section 881.205 is amended by adding new paragraphs (h) and (i) to read as follows:

§ 881.205 Limitation on distributions.

* * * * *

(h) HUD may permit increased distributions of surplus cash, in excess of the amounts otherwise permitted, to profit-motivated owners who participate in a HUD-approved initiative or program to preserve below-market housing stock. The increased distributions will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Funds that the owner is authorized to retain under section 236(g)(2) of the National Housing Act are not considered distributions to the owner.

(i) Any State or local law or regulation that restricts distributions to an amount lower than permitted by this section or permitted by the Commissioner under this paragraph (i) is preempted to the extent provided by section 524(f) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

11. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

12. Section 883.306 is amended by adding new paragraph (g) and (h) to read as follows:

§ 883.205 Limitation on distributions.

* * * * *

(g) HUD may permit increased distributions of surplus, in excess of the amounts otherwise permitted, to profit-motivated owners who participate in a HUD-approved initiative or program to preserve below-market housing stock. The increased distributions will be limited to a maximum amount based on market rents and calculated according to HUD instructions. Funds that the owner is authorized to retain under section 236(g)(2) of the National Housing Act are not considered distributions to the owner.

(h) Any State or local law or regulation that restricts distributions to an amount lower than permitted by this section or permitted by the Commissioner under this paragraph (h) is preempted as provided by section 524(f) of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

Dated: July 7, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 00–26247 Filed 10–12–00; 8:45 am]

BILLING CODE 4210–27–P

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COMMERCE DEPARTMENT
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Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
South Atlantic snapper-grouper; published 9-13-00
West Coast States and Western Pacific fisheries—
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Admiralty and Maritime Law Division; name change from Admiralty Division, etc.; published 10-13-00

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Wisconsin; published 9-13-00
Superfund progrsm:
National oil and hazardous substances contingency plan—
National priorities list update; published 8-14-00
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Sodium Stearoyl Lactylate; published 10-13-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Federal Housing Enterprise Oversight Office
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INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Black-footed ferrets; nonessential experimental population establishment in north-central South Dakota; published 10-13-00

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Well control and production safety training; lessee and contractor employees; published 8-14-00

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Airbus; published 9-8-00
Empresa Brasileira de Aeronautica S.A.; published 9-28-00

TREASURY DEPARTMENT
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AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Plant-related quarantine, foreign:
Fruits and vegetables; comments due by 10-20-00; published 8-21-00

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Acquisition regulations:
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Practice and procedure:
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Motor vehicle inspection/maintenance program requirements; onboard diagnostic check; correction; comments due by 10-20-00; published 9-29-00
Air quality implementation plans; approval and promulgation; various States:
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Montana; comments due by 10-16-00; published 9-6-00
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 999/P.L. 106–284

Beaches Environmental Assessment and Coastal Health Act of 2000 (Oct. 10, 2000; 114 Stat. 870)

H.R. 2647/P.L. 106–285

To amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes. (Oct. 10, 2000; 114 Stat. 878)

H.R. 4444/P.L. 106–286

To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's

Republic of China. (Oct. 10, 2000; 114 Stat. 880)

H.R. 4700/P.L. 106–287

To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact. (Oct. 10, 2000; 114 Stat. 909)

H.J. Res. 72/P.L. 106–288

Granting the consent of the Congress to the Red River Boundary Compact. (Oct. 10, 2000; 114 Stat. 919)

S. 1295/P.L. 106–289

To designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office''. (Oct. 10, 2000; 114 Stat. 920)

S. 1324/P.L. 106–290

To expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes. (Oct. 10, 2000; 114 Stat. 921)

H.R. 4578/P.L. 106–291

Department of the Interior and Related Agencies Appropriations Act, 2001 (Oct. 11, 2000; 114 Stat. 922)

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